PART III

Other Notifications, Orders, etc.

SENATE SECRETARIAT

Islamabad, the 4th March, 2019

No. F. 24(04)/2019-Legis.—The following Bills were introduced in the Senate on 4th March, 2019:—

SENATE BILL No. IV OF 2019

A

BILL

to give power to make the vaccination for universal immunization of children compulsory and to protect the health workers designated for immunization programs

WHEREAS it is expedient to give power to make the vaccination for universal immunization of children compulsory and to provide for the security of persons employed as health workers for performing vaccinations;

(1)

Price: Rs. 80.00

[376(2019)/Ex. Gaz.]
It is hereby enacted as follows:

1. **Short title, extent and commencement.**—(1) This Act may be called the Islamabad Compulsory Vaccination and Protection of Health Workers Act, 2019.

   (2) It extends to Islamabad Capital Territory.

   (3) It shall come into force at once.

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

   (a) “child” means an individual of an age prescribed by Expanded Program on Immunization (EPI) department, Government of Pakistan;

   (b) “designated Medical Officer” means the Medical Officer designated by the Federal Government;

   (c) “designated vaccine preventable disease” means any one of the infectious diseases included in Expanded Programme of Immunization’s Schedule for which vaccination shall be mandatory, including but not limited to vaccine preventable diseases and any other vaccine prescribed by the Federal Government;

   (d) “Expanded Program on Immunization” means a program to provide safe, effective and cost-effective vaccination against vaccine preventable diseases;

   (e) “Federal Government” means Ministry concerned for Health services;

   (f) “health facility” means a hospital, rural health center, basic health unit, family welfare centers, mother and child healthcare centers, reproductive health centers or a clinic or any other place designated by Federal Government where vaccination services are available or administered to children of prescribed age;

   (g) “Health Worker” means a person authorized by the Federal Government to administer vaccine of a designated vaccine preventable diseases to child and includes a doctor, vaccinator, trained volunteer for immunization or vaccination program, a
member of an outreach team or other person whose duty is to assist or help the health worker;

(h) “outreach team” means a team of health workers which moves around to different places and administer vaccines to children of prescribed age group;

(i) “parent” means a Father or Mother or as otherwise an individual who, in law, has custody, guardianship or access rights in regards to a child and who may have corollary obligations to financially support a minor, typically by way of child support;

(j) “prescribed” means prescribed by the rules or regulations made under the Act;

(k) “Union Council” means the local government which is required by law to maintain child birth record of the local area;

(l) “unprotected child” means a child who has not been vaccinated or who has not, within a period of five years, been successfully re-vaccinated and who has not been certified under this Act to be insusceptible to vaccination;

(m) “vaccination” means administration of quality antigenic material to stimulate an individual’s immune system to develop adaptive immunity to a designated vaccine preventable disease;

(n) “vaccination circle” means a local area or one of the parts into which a local area has been divided under this Act for the performance of vaccination; and

(o) “Vaccinator” means any person appointed under the Act to perform the operation of vaccination or any private person authorized by the Government to perform the same operation:

3. **Compulsory vaccination.**—(1) Subject to sub-section (2), the parent, as the case may be, of every unprotected child shall complete its primary vaccination before the child attains the age of six months and thereafter shall cause the child to complete the prescribed program of vaccination in relation to each of designated vaccine preventable diseases.

(2) The provisions of sub-section (1) shall not apply to the parent who, in relation to a vaccine of a designated vaccine preventable disease, has obtained a statement of medical exemption in the Form - I specified in the Schedule from a designated Medical Officer and, where the designated Medical Officer has
specified an effective time period for exemption, only during the effective time period of exemption and to the extent of the designated vaccine preventable diseases.

(3) Subject to this section, a health worker or an outreach team shall administer vaccine against designated vaccine preventable disease to a child living within the area allocated to the health worker or outreach team.

(4) The designated Medical Officer or in-charge of an outreach team shall issue a certificate of vaccination of a designated vaccine preventable disease to the parent of the child to whom vaccine has been administered in the Form as prescribed by the Federal Government:

Provided that whenever the residence of an unprotected child is changed the parent of such child shall, within one month of such change of residence, communicate the same to the Medical Officer of Health, or any other person authorized by him in this behalf, of the place from which the residence was changed and shall furnish full particulars of the new residence of the child.

4. Health facilities.—(1) The Federal Government shall establish, maintain or declare health facilities adequately equipped to maintain vaccine preservation (cold chain) and administer vaccination to all children of prescribed age group and shall form outreach teams for administering vaccination to all children of prescribed age group so identified by the local area administration.

(2) The in-charge of a health facility shall display at prominent place information about vaccination, and special vaccination campaigns and programs.

(3) No fee is to be charged by public health workers and outreach team at a health facility designated by the Federal Government.

5. Issuance of Birth certificate and Form B.—A Union Council and the National Database Registration Authority may not issue a birth certificate if information of vaccination of the child is not available with it.

6. Certain persons to ensure vaccination.—After admission, an incharge of a primary or elementary school or Madrassah may ensure that the parent has provided a certified copy of the prescribed Vaccination Certificate that states that the child has been administered requisite vaccine of a designated vaccine preventable disease.

7. Vaccination during travel.—The Federal Government may, by general or special order, direct the outreach teams to administer vaccination of a designated vaccine preventable disease to children of prescribed age group at the airports, Railway stations, bus terminals or at entry and exit points of the Islamabad Capital Territory.
8. **Vaccination report.**—(1) Every health facility shall, on monthly basis, maintain a record of vaccination in the area allocated to the health facility in the prescribed, manner by designated Medical Officers and Health Workers of the health facility.

(2) It shall be the duty of every Medical Officer in-charge of a health facility to keep the vaccination record open at all times to inspection by a member of the designated authority or local area administration.

9. **Public servant.**—(1) Every designated Medical Officer, Health Worker or any other person authorized under the Act or Rules shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

(2) Every designated Medical Officer or Health Worker shall, in addition to other duties imposed on him under the provisions of this Act or the Rules prescribed therein, ascertain that all unprotected children in the area have obtained primary vaccination or re-vaccination as the case may be, and if it comes to knowledge of designated Medical Officer or Health Worker through their own inspection or secondary information or complaint that a parent has willfully or otherwise omitted to have a child vaccinated with the requisite vaccinations as heretofore mandatory required under this Act, he shall serve the parent with a notice requiring the child to be vaccinated at a time and place specified in such notice.

10. **Appeal.**—Any person aggrieved from an order passed by a designated Medical Officer, Health Worker, Union Council may, within thirty days, prefer an appeal to the concerned reporting officer.

11. **Protection of Health Workers.**—(1) Every person shall facilitate a Health Worker while performing functions under this Act.

(2) The Federal Government shall make arrangements wherever necessary for the protection and security of Health Workers in performance of their functions under the Act.

12. **Offences and penalties.**—(1) A person who:—

(a) violates the provisions of sub-section (1) of section 3;

(b) does not comply with the provisions of sub-section (4) of section 3;

(c) fails without just cause, to comply with an order under sub-section (2) of section 9;
(d) violates any of the Rules made under the Act;

(e) fails to comply with the provisions of section 6; and

(f) fails without just cause to comply with an order under sections 3 and 6 after having been convicted before for the same or having neglected to obey a similar order for the same child shall be liable to be punished as follows:

(i) in case of an offence under paragraph (a) with simple fine that may extend up to one thousand Rupees or imprisonment of one month or both;

(ii) in the case of offences under paragraphs (b), (c) and (d) with a fine that may extend up to ten thousand Rupees;

(iii) in case of offence under paragraph (e) with fine of one thousand Rupees and in case of second or subsequent offence of the same nature, shall be liable to punishment of fine which shall not be less than one thousand Rupees or more than twenty five thousand Rupees; and

(iv) in the case of an offence under paragraph (f) with a term of simple imprisonment which may extend up to one month or a fine not less than twenty five thousand Rupees.

(2) If a person propagates through a written or spoken word against vaccination, intimidates or obstructs a designated Medical Officer or Health Worker in the performance of the functions under this Act shall be liable to punishment of imprisonment which may extend to six months or fine which shall not be less than twenty five thousand Rupees or more than one hundred thousand Rupees or both.

13. **Cognizance of offences.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898):

(a) An offence under section 12 shall be cognizable on the complaint of the Executive District Officer (Health) or any other officer designated by Executive District Officer (Health) and shall be bailable; and

(b) A court shall not take cognizance of an offence under sub-section (2) of section 12 except on a complaint in writing by the Executive District Officer (Health) or any officer designated by Executive District Officer (Health).
14. Summary trial.—A Magistrate of class one shall summarily try an
offence under this Act in accordance with the provisions of Chapter XXII of the
Code of Criminal Procedure, 1898 (Act V of 1898) relating to the summary trials
and may pass any sentence under section 12.

15. Compounding of offence.—(1) Subject to sub-section (2), the
Federal Government or an officer specifically authorized in this behalf by the
Federal Government may, at any stage, compound an offence under this Act
subject to the deposit of administrative penalty which shall not be less than one
thousand Rupees.

(2) The offence under this Act shall not be compounding if the
accused had been previously convicted under the Act or his previous offence had
been compounded by the Federal Government or the officer authorized by the
Federal Government.

16. In addition to other laws.—The provision of this Act shall be in
addition to and not in derogation of any other law.

17. Power to make Rules.—The Federal Government may, by
notification in the official Gazette, make Rules for carrying out the purposes of
this Act.

18. Repeal.—The West Pakistan Vaccination Ordinance, 1958 (XXVII
of 1958), to the extent of its application to Islamabad Capital Territory, is hereby
repealed.

SCHEDULE

FORM I
Statement of Medical Exemption
[See sub-section (2) of section 3]

HEALTH DEPARTMENT, ISLAMABAD CAPITAL TERRITORY
ADMINISTRATION

I, -------------------------------Designated Medical Officer do hereby
certify that in my opinion -------------------------------(Name of the child),
son/daughter of -------------age of -----------------, resident of ----------------
-----------------------------------------------is in a state unfit for administration of
vaccine of the -------------------------------(designated vaccine preventable
disease) and the such unfitness shall continue during the following period:

(a) During the current vaccination session.
(b) From ---------------- to -------------------
STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan, 1973, guarantees the right to the life for every citizen of the country. Right to life has been recognized as a fundamental right and the state is duty-bound to provide safeguards and an enabling environment that allows an individual to lead a secure and healthful life. Protection from diseases that cause death and disability is therefore an obligation of the State.

According to Article 35 of the Constitution, it is the responsibility of the state to protect the marriage, the family, the mother and the child. Immunization has been recognized the world over as the most efficient and cost-effective strategy to control and prevent disease.

In Pakistan, one out of the ten children die before they reach their fifth birthday. A large percentage of these children die of diseases that can be prevented through vaccination.

Vaccination coverage in the country remains abysmally low despite a Government run vaccination program that was established in 1978 to provide free of cost vaccination services against fatal and disability causing infectious diseases. The country is not on track to reach either MDG4 or its national immunization targets. Currently only 54% of children receive a full course of the vaccines included in Pakistan’s EPI schedule while in many regions, coverage is even lower. Only sixteen percent of children in Balochistan Province receive any EPI vaccination with some districts reporting zero percent coverage of the third vaccination as per schedule. Pakistan also remains one of three countries with endemic polio, reporting highest number of cases worldwide.

Each year Billions of Rupees in investment is made into the program besides Millions of Dollars in aid from international donors. Pakistan has an annual birth cohort of 5.7 million children, and it has been the largest recipient of
international support to-date with over US $842 million committed till 2019. A large percentage of children are not being covered by the vaccination program, with the result that there is colossal loss of the huge financial investment into the program.

A child is the most vulnerable segment of the society who requires protection and care by the family and the State. It is the right of every child to be protected against fatal diseases. It is alarming that around forty-six percent of children in the country remain deprived of their right to immunization in the country.

Access to immunization is the right of every child and duty of the State to ensure the services reach every child. Any hindrance caused to provision of immunization services causes grievous harm to a child and exposes him or her to highly infectious diseases that cause death or disability.

Pakistan has been facing a peculiar situation where organized and targeted attacks against vaccination teams are rampant. Killings and kidnappings of doctors, paramedics, vaccinators and volunteers associated with Polio Eradication Program were taking place sporadically between 2002 to 2014. However, violence against Health Workers administrating vaccines reached a crescendo. July 2012 onwards when targeted attacks began in different cities of the country.

In the period between July 2012 and February 2015, eighty polio workers and those protecting them have been killed whereas fifty-four received serious injuries. Such brazen attacks against Health Workers finds no precedent anywhere in the world.

Concurrently, negative propaganda against vaccination led to a regime of fear both among the recipients of the service and the Health Workers with the result that polio vaccination remained suspended in parts of the country for extended period causing permanent irreversible disability to hundreds of children.

According to experts, denial of vaccination or inability to vaccinate a child not only exposes the child to a serious risk of contracting infectious diseases but also puts the other children in the community at risk. An unvaccinated child is therefore akin to a ticking bomb.

The intent of this bill is to establish immunization as a norm in the society through making the caregivers, health providers and heads of learning institutions of children, responsible to ensure that a child is fully protected against all diseases being covered under the country’s immunization program and other interventions launched by the Government in view of the incidence or prevalence of a particular disease.
The bill also aims to safeguard the society against propaganda that not only misleads parents and their influencers causing irreversible lifelong disability or disease to a child besides inciting violence against Health Workers.

The bill makes immunization compulsory for every child by involving a range of persuasive measures including pre-conditions to issuance of NADRA B form and admission to schools which will be granted provisionally to those not in possession of the certificate of vaccination.

Offences and penalties have also been prescribed with provisions for cognizance, summary trial and composition/compounding. This law will be in addition to other laws on the subject and Federal Government will be able to make Rules for detailed explanatory provisions for achieving the purposes of this law. Hence this Bill.

SENATOR
AYESHA RAZA FAROOQ,
Member-In-Charge.

SENATE BILL NO. V OF 2019

A

BILL

to repeal and enact the Law relating to the Postal Services

WHEREAS it is expedient to consolidate the law relating to the Postal Services;

It is hereby enacted as follows:—

CHAPTER-1

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Post Office Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.
2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “Agency Functions” means the functions performed by Pakistan Post office as an Agent on behalf of Federal, Provincial Government and autonomous/corporate entities;

(b) “Chairman” means Chairman of the Pakistan Postal Services Management Board established under Pakistan Postal Services Management Board Ordinance, 2002 (Ordinance No. CXXVI of 2002).

(c) “Controlling Ministry” means the industry under which the Pakistan Post Office functions as an attached Department;

(d) “Director General” means the Director General, Pakistan Post Office;

(e) “Franchise Post Office” means a post office to provide certain postal facilities as may be prescribed which are provided through association of private sector;

(f) “in course of transmission by post” and “delivery”

(i) a postal article shall be deemed to be in course of transmission by post from the time of its being delivered to a post office to the time of its being delivered to the addressee or of its being returned to the sender or otherwise disposed of under Chapter VII:

(ii) the delivery of a postal article of any description to a postman or other person authorized to receive postal articles of that description for the pot shall be deemed to be a delivery to a post office;

(iii) the delivery of a postal article at the house or office of the addressee, or to the addressee or his servant or agent or other person considered to be authorized to receive the article according to the usual manner of delivering postal articles to the addressee, shall be deemed to be delivery to the addressee;

(iv) The Director General may require the provision of a receptacle at or close to the gate or on the ground floor of a building to receive unregistered postal articles addressed to
the inmates and a postal article put in that receptacle shall be deemed to have been delivered to the addressee:

Provided that where no such receptacle is available at or close to the gate or ground floor of a building, postal article shall be brought back for delivery at the post office counter.

(g) “Inland” used in relation to a postal article, means—

(i) posted in Pakistan and addressed to any place in Pakistan or to any place for which a post office is established by the Federal Government beyond the limits of Pakistan; or

(ii) Posted at any post office established by the Federal Government beyond the limits of Pakistan and addressed to any place for which any such post office is established or to any place in Pakistan:

Provided that the expression “inland” shall not apply to any class of postal articles which may be specified in this behalf by the Federal Government by notification in the official Gazette, when posted in or at or addressed to any places or post offices which may be described in such notification;

(h) “letter” means any written communication or communication produced by mechanical, electronical or other means either print or type including postcard, aerogramme, documents, return business correspondence, bill and statements contained in an open or closed envelope sent by a sender to an addressee and falling within weight category of 500 grams but does not include newspapers, small packets and parcels;

(i) “mail bag” includes a bag, box, parcel or any other envelope or covering in which postal articles in course of transmission by post are conveyed, whether it does or does not contain any such article;

(j) “mail ship” means a ship employed for carrying mails, pursuant to contract or continuing arrangement, by the Controlling Ministry or the Government of any foreign country;

(k) “Officer of the Post Office” includes any person employed in any business of the Post Office or on behalf of the Post Office;
(l) “Postage” means the duty chargeable for the transmission by post of postal articles;

(m) “postage stamp” means any stamp provided by the Controlling Ministry for denoting postage or other fees or sums payable in respect of postal articles under this Act, and includes adhesive postage stamps and stamps printed, embossed, impressed or otherwise indicated on any envelope, wrapper, postcard or other article;

(n) “Post office” means the department established for the purpose of carrying the provisions of this Act into effect and presided over by the Director General which includes every house, building, room, carriage or place used for the purposes of the Post Office either for the Departmental Post Office or for the Extra Departmental Post Office, and every letter-box provided by the Post Office for the reception of postal articles;

(o) “Postal article” includes a letter, aerogramme, postcard, newspaper, printed paper or small packet, parcel and every article or thing transmissible by post through any means including electronic system and express post articles;

(p) “Post Master General” includes a Deputy Post Master General or other officer exercising the powers of a Post Master General;

(q) “Public Private Partnership” means a commercial transaction between an Implementation Agency and a Private Party in terms of which the Private Party performs an Implementing Agency’s functions on behalf of it;

(r) “Returned Letter Office” means the office responsible for the disposal of un-delivered postal articles;

(s) “Secretary” means the Secretary General, Principal Secretary, Secretary or Acting Secretary to the Government of Pakistan in charge of a Division or a Ministry, and where there is no Secretary, the Additional Secretary or Joint Secretary in charge of the Division or the Ministry;

(t) “Universal Service Obligation” means the obligation of the Federal Government to provide, through the Pakistan Post Office, basic postal services at reasonable access, affordable price and with specified service parameters throughout country.
CHAPTER II

PRIVILEGE AND PROTECTION OF THE GOVERNMENT

3. Exclusive privilege of conveying letters reserved to the Government.—(1) Wherever within Pakistan posts or postal communications are established by the Federal Government, the Pakistan Post Office shall have the exclusive privilege of conveying by post, from one place to another, all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, dispatching and delivering all letters, except in the following cases, that is to say:—

(a) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;

(b) letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose; and

(c) letters solely concerning goods or property sent by sea or by land or by air to be delivered with goods or property which the letters concern, without hire reward or other profit or advantage for receiving, carrying or delivering them:

Provided that nothing in the section shall authorize any person or group of persons or any firm, private sector postal operator/courier or agency to make a collection of letters exempted as aforesaid for the purpose of sending them otherwise than by post:

Provided further that the Federal Government may make rules to exempt any government organization to convey correspondence concerning solely the matters of such organization on conditions agreed to between the Post Office and such organization:

Provided further that the Controlling Ministry may make rules whereby private company (ies) may be allowed to convey “letters” on the condition of payment to the Pakistan Post Office a certain portion of their revenue so earned as may be prescribed.

(2) For the purposes of this section and section 5, the expression “letters” includes aerogrammes and postcards.
4. Certain persons expressly forbidden to convey letters.—Wherever within Pakistan posts or postal communications are established by the Federal Government, the following persons are expressly forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them, although they obtain no hire, reward or other profit or advantage for so doing, that is to say:—

(a) common carriers of passengers or goods, and their servants or agents, except as regards letters solely concerning goods in their carts or carriages;

(b) owners and masters of vessels sailing or passing on any river or canal in Pakistan, or between any ports or places in Pakistan, and their servants or agents, except as regards letters solely concerning goods on board, and except as regards postal articles received for conveyance under Chapter VII; and

(c) owners, pilots and other members of the crew of aircraft flying from or to any airports in Pakistan.

5. Exemption from liability for loss, misdelivery, delay or damage.—Pakistan Post Office shall not incur any liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may in express terms be undertaken by the Pakistan Post Office as hereinafter provided; and no officer of the Post office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his willful act or default.

CHAPTER III

POSTAGE

6. Power to declare rates of foreign postage.—(1) Where arrangements are in force with any foreign country, for the transmission by post of postal articles between Pakistan and such country, the Controlling Ministry may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles, and may make rules as to the scale of weight, terms and conditions subject to which the rates so declared shall be charged.

(2) Unless and until such declaration as aforesaid is made, the existing rates and regulations shall continue in force.
7. **Liability for payment of postage.**—(1) The addressee of a postal article on which postage or any other sum chargeable under this Act is due, shall be bound to pay the postage or sum so chargeable on his accepting delivery of the postal article, unless he forthwith returns it unopened:

Provided that, if any such postal article appears to the satisfaction of the Post Master General to have been maliciously sent for the purpose of annoying the addressee, he may remit the postage.

(2) If any postal article on which postage or any other sum chargeable under this Act is due, is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the postage or sum due thereon under this Act.

8. **Recovery of postage and other sums due in respect of postal articles.**—If any person refuses to pay any postage or other sum due from him under this Act in respect of any postal article, the sum so due may, on application made by an officer of the Post Office authorized in this behalf by the written order of the Post Master General, be recovered for the use of the Post Office from the person so refusing, as if it were a fine imposed under this Act by any Magistrate having jurisdiction where that person may for the time being be resident; and the Post Master General may further direct that any other postal article, not being on Pakistan State service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

9. **Customs-duty paid by the Post Office to be recoverable as postage.**—When a postal article, on which any duty of customs is payable, has been received by post from any place beyond the limits of Pakistan and the duty has been paid by the postal authorities at any customs-port or elsewhere, the amount of the duty shall be recoverable as if it were postage due under this Act.

10. **Post Office marks prima facie evidence of certain facts denoted.**—In every proceeding for the recovery of any postage or other sum alleged to be due under this Act in respect of a postal article.—

   (a) the production of the postal article, having thereon the official mark of the Post Office denoting that the article has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so denoted; and

   (b) the person from whom the postal article purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.
11. **Official mark to be evidence of amount of postage.**—The official mark on a postal article denoting that any postage or other sum is due in respect thereof to the Post Office of Pakistan or to the Post Office of any Foreign country, shall be *prima facie* evidence that the sum denoted as aforesaid is so due.

**CHAPTER IV**

**POSTAGE STAMPS**

12. **Provision of postage stamps and power to make rules as to them.**—(1) The Controlling Ministry shall cause postage stamps to be provided of such kinds and denoting such values as it may think necessary for the purposes of this Act.

(2) The Controlling Ministry may make rules as to the supply, sale and use of postage stamps.

(3) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) fix the price at which postage stamps shall be sold;

(b) declare the classes of postal articles in respect of which postage stamps shall be used for the payment of postage or other sums chargeable under this Act;

(c) prescribe the conditions with regard to perforation, defacement and all other matters subject to which postage stamps may be accepted or refused in payment of postage or other sums;

(d) regulate the custody, supply and sale of postage stamps;

(e) declare the persons by whom and the terms and conditions subject to which postage stamps may be sold; and

(f) prescribe the duties and remuneration of persons selling postage stamps.

13. **Postage stamps to be deemed to be stamps for the purpose of revenue.**—(1) Postage stamps provided under section 16 shall be deemed to be stamps issued by Government for the purpose of revenue within the meaning of the Pakistan Penal Code, and, subject to the other provisions of this Act, shall be used for the prepayment of postage or other sums chargeable under this Act in
respect of postal articles, except where the Controlling Ministry directs that prepayment shall be made in some other way.

(2) Where the Controlling Ministry has directed that prepayment of postage or other sums chargeable under this Act in respect of postal articles may be made by prepaying the value denoted by the impressions of stamping machines issued under its authority, the impression of any such machine shall likewise be deemed to be a stamp issued by Government for the purpose of revenue, within the meaning of the Pakistan Penal Code.

CHAPTER V

CONDITIONS OF TRANSMISSION OF POSTAL ARTICLES

14. Redelivery to sender or delivery to another addressee at the request of the sender of postal article in course of transmission by post.—(1) The Director General may by rule, provide for the redelivery to the sender, or delivery to another addressee at the request of the sender without reference to the consent of the addressee and subject to such condition (if any) as may be deemed fit, of any postal article in course of transmission by post.

(2) Save as provided by any rules that may be made under sub-section (1), the sender shall not be entitled to recall a postal article in course of transmission by post or to ask for its delivery to another addressee.

15. Transmission by post of anything injurious prohibited.—(1) Except as otherwise provided by rule and subject to such conditions as may be prescribed thereby, no person shall send by post any explosive, dangerous, filthy, noxious or deleterious substance, any sharp instrument not properly protected, or any living creature which is either noxious or likely to injure postal articles in course of transmission by post or a person of the Post Office.

(2) No person shall send by post any article or thing which is likely to injure postal articles in course of transmission by post or any officer of the Post Office.

16. Transmission by post of anything indecent, etc., prohibited.—No person shall send by post—

(a) any indecent or obscene printing, painting, photograph, lithograph, engraving, book or card, or any other indecent or obscene article; or

(b) any postal article having thereon, or on the cover thereof, any words, marks or designs of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character.
17. **Power to postpone dispatch or delivery of certain postal articles.**—(1) Where the dispatch or delivery from a post office of letters would be delayed by the dispatch or delivery therefrom at the same time of printed papers or small packets and parcels, or any of them, such packets or parcels, or any of them, may, subject to such rules as the Director General may make in this behalf, be detained in the Post Office so long as may be necessary.

(2) Where separate parcel posts are established, parcels may be forwarded and conveyed by them, being detained, if necessary, in the Post Office for that purpose.

18. **Power to deal with postal articles posted in contravention of Act.**—(1) Any postal article sent by post in contravention of any of the provisions of this Act may be detained and either returned to the sender or forwarded to destination, in each case charged with such additional postage (if any) as the Director General may, by rule, direct.

(2) Any officer in charge of a post office or authorized by the Post Master General in this behalf may open or unfasten any newspaper or any printed paper, small packet or parcel, in course of transmission by post, which he suspects to have been sent by post in contravention of section 20, clause (a) or of section 21 or any of the provisions of this Act relating to postage.

Notwithstanding anything in sub-section (1)—

(a) any postal article sent by post in contravention of the provisions of section 19 may, under the authority of the Post Master General, if necessary, be opened and destroyed; and

(b) any postal article sent by post in contravention of the provisions of section 20 may be disposed of in such manner as the Director General may by rule direct.

19. **Power to deal with postal articles containing goods contraband or liable to duty.**—Except as otherwise provided in this Act, where a postal article suspected to contain any goods of which the import by post or the transmission by post is prohibited by or under any enactment for the time being in force, or anything liable to duty, is received for delivery at a post office, the officer in charge of the post office shall send a notice in writing to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office, and shall in the presence of the addressee or his agent, or if the addressee or his agent fails to attend as aforesaid then in his absence, open and examine the postal article:
Provided that if the Director General so directs in the case of any post office or class of post offices, the officer in charge of the post office shall call in two respectable persons as witnesses before he opens a postal article in the absence of the addressee or his agent:

Provided further that in all cases a postal article, after being opened under this section, shall be delivered to the addressee, unless it is required for the purpose of any further proceeding under this or any other law or enactment for the time being in force, and that the opening of the postal article and the circumstances connected therewith shall be immediately reported to the Post Master General.

20. Power to deliver such articles to Customs authority.—The Controlling Ministry may, by general or special order, empower any officer of the Post Office, specified in such order, to deliver any postal article, received from beyond the limits of Pakistan and suspected to contain anything liable to duty, to such Customs authority as may be specified in the said order, and such Customs authority shall deal with such article in accordance with the provisions of the Customs Act, 1969 or of any other law for the time being in force.

21. Power to intercept notified goods during transmission by post.—Where a notification has been published under section 16 of the Customs Act, 1969, in respect of any goods of any specified description, or where the import or export into or from Pakistan of goods of any specified description has been prohibited or restricted by or under any other enactment for the time being in force, any officer of the Post Office empowered in this behalf by the Controlling Ministry may search, or cause search to be made, for any such goods in course of transmission by post, and shall deliver all postal articles reasonably believed or found to contain such goods to such officer as the Federal Board of Revenue may appoint in this behalf, and such goods may be disposed of in such manner as the Federal Board of Revenue may direct. In carrying out any such search, such officer of the Post Office may open or unfasten, or cause to be opened or unfastened, any newspaper or any printed papers or small packet in course of transmission by post.

22. Power to intercept postal articles for public good.—(1) On the occurrence of any public emergency, or in the interest of the public safety or tranquility, the Ministry of Interior or Minister of Interior or the Home Department of Province, or any officer specially authorized in this behalf Ministry of Interior or Minister of Interior or the Home Department of Province, may, by order in writing, direct that any postal article or class or description of postal articles in course of transmission by post shall be intercepted or detained, or shall be disposed of in such manner as the authority issuing the order may direct.
(2) If any doubt arises as to the existence of a public emergency, or as to whether any act done under sub-section (1) was in the interest of the public safety or tranquility, a certificate Ministry of Interior or, as the case may be, of the Home Department of Province shall be conclusive proof on the point.

23. **Power to deal with postal articles from abroad bearing fictitious or previously used stamps.**—(1) Where a postal article is received by post from anyplace,

(a) bearing a fictitious postage stamps, that is to say, any facsimile or imitation or representation of a postage stamp; or

(b) purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal article, the officer in charge of the post office at which the postal article is received, shall send a notice to the addressee inviting him to attend, either in person or by agent, within a specified time at the post office to receive delivery of the postal article.

(2) If the addressee or his agent attends at the post office within the time specified in the notice and consents to make known to the officer in charge of the post office the name and address of the sender of the postal article and to redeliver to the officer aforesaid the portion of the postal article which bears the address and the fictitious or previously used postage stamp, on if the postal article is inseparable from the stamp, the entire postal article, the postal article shall be delivered to the addressee or his agent.

(3) If the addressee or his agent fails to attend at the post office within the time specified in the notice, or, having attended within that time, refuses to make known the name and address of the sender or to redeliver the postal article or portion thereof as required by sub-section (2), the postal article shall not be delivered to him, but shall be disposed of in such manner as the Controlling Ministry may direct.

Explanation.—For the purposes of this section, the expression “postage stamp” includes any postage stamp for denoting any rate or duty of postage of any foreign country and the impression of any stamping or franking machine provided or authorized for the like purpose by or under the authority of the Government of such country.

24. **Prohibition of transmission by post of certain newspapers.**—No newspaper printed and published in Pakistan without conforming to the rules laid down in the Press, Newspapers, News Agencies and Book Registration Ordinance, 2002 (XLVIII of 2012) shall be transmitted by post.
25. **Power to detain newspapers and other articles being transmitted by post.**—(1) Any officer of the Post Office authorized by the Post Master General in this behalf may detain any postal article in course of transmission by post which he suspects to contain—

(a)(i) any newspaper or book as defined in the Press, Newspapers, News Agencies and Book Registration Ordinance, 2002 (XLVIII of 2002); or

(ii) any document containing any treasonable or seditious matter that is to say, any matter the publication of which is punishable under section 123A or section 124A, as the case may be, of the Pakistan Penal Code; or

(b) any newspaper as defined in the Press, Newspapers, News Agencies and Book Registration Ordinance, 2002 (XL VIII of 2002) edited, printed or published otherwise than in conformity with the rules laid down in that Act; and shall deliver any postal article so detained to such officer as the Provincial Government may appoint in this behalf.

(2) Any officer detaining any postal article under the provisions of sub-section (1) shall forthwith send by post to the addressee of such article notice of the fact of such detention.

(3) The Provincial Government shall cause the contents of any postal article detained under sub-section (1) to be examined, and, if it appears to the Provincial Government that the article contained any newspaper, book or other document, of the nature described in clause (a) or clause (b) of sub-section (1), may pass such orders as to the disposal of the article and its contents as it may deem proper, and, if it does not so appear, shall release the article and its contents, unless the same be otherwise liable to seizure under any law for the time being in force:

Provided that any person interested in any article detained under the provisions of clause (a) of sub-section (1) may, within two months from the date of such detention, apply to the Provincial Government for release of the same, and the Provincial Government shall consider Such application and pass such orders thereon as it may deem to be proper:

Provided also that, if such application is rejected, the applicant may, within two months from the date of the order rejecting the application, apply to the High Court for release of the article and its contents on the ground that the article did not contain any newspaper, book or other document containing any treasonable or seditious matter.
(4) In this section “document” includes also any painting, drawing or photograph, or other visible representation.

26. **Procedure for disposal by High Court of applications for release of newspapers and articles so detained.**—Every application made under the second proviso to sub-section (3) of section 27B shall be heard and determined in the manner provided by sections 99D to 99F of the Code of Criminal Procedure, 1898.

27. **Jurisdiction barred.**—No order passed or action taken under section 27B shall be called in question in any Court otherwise than in accordance with the second proviso to sub-section (3) of that section.

CHAPTER VI

**REGISTRATION, INSURANCE AND VALUE-PAYABLE POST**

28. **Registration of postal articles.**—The sender of a postal article may, subject to the other provisions of this Act, have the article registered at the post office at which it is posted, and require a receipt therefor; and the Controlling Ministry may, by notification in the official Gazette, direct that, in addition to any postage chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the registration of postal articles.

29. **Power to make rules as to registration.**—(1) The Controlling Ministry may make rules as to the registration of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) declare in what cases registration shall be required;

(b) prescribe the manner in which the fees for registration shall be paid; and

(c) direct that twice the fee for registration shall be levied on the delivery of a postal article required to be registered on which the fee for registration has not been prepaid.

(3) Postal articles made over to the Post Office for the purpose of being registered shall be delivered, when registered, at such times and in such manner as the Director General may, by order, from time to time appoint.
30. **Insurance of postal articles.**—The Controlling Ministry may, by notification in the official Gazette, direct—

(a) that any postal article may, subject to the other provisions of this Act, be insured at the post office at which it is posted, against the risk of loss or damage in course of transmission by post, and that a receipt therefor shall be granted to the person posting it; and

(b) that, in addition to any postage and fees for registration chargeable under this Act, such further fee as may be fixed by the notification shall be paid on account of the insurance of postal articles.

31. **Power to require insurance of postal articles.**—The Controlling Ministry may, by notification in the official Gazette, declare in what cases insurance shall be required, and direct that any postal article containing anything required to be insured, which had been posted without being insured, shall be returned to the sender or shall be delivered to the addressee, subject to the payment of such special fee as may be fixed by the notification:

Provided that the levy of such special fee as aforesaid shall not impose any liability upon the Federal Government in respect of the postal article.

32. **Liability in respect of postal articles insured.**—Subject to such conditions and restrictions as the Director General may, by rule, prescribe, the Federal Government shall be liable to pay compensation, not exceeding the amount for which a postal article has been insured, to the sender thereof for the loss of the postal article or its contents, or for any damage caused to it in course of transmission by post:

Provided that the compensation so payable shall in no case exceed the value of the article lost or the amount of the damage caused.

33. **Transmission by post of value-payable postal articles.**—The Controlling Ministry may, by notification in the official Gazette, direct that, subject to the other provisions of this Act and to the payment of fees at such rates as may be fixed by the notification, a sum of money specified in writing at the time of posting by the sender of a postal article shall be recoverable on the delivery thereof from the addressee, and that the sum, so recovered, shall be paid to the sender:

Provided that Controlling Ministry shall not incur any liability in respect of the sum specified for recovery, unless and until that sum has been received from the addressee.
**Explanation.**—Postal articles sent in accordance with the provisions of this section may be described as “value-payable” postal articles.

34. **Power to give effect to arrangement with other countries.**—(1) Where arrangements are in force with any foreign country, for the transmission by post of registered, insured or value-payable postal articles between Pakistan and such country, the Controlling Ministry may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the form of declaration to be made by the senders of such postal articles as aforesaid; and

(b) the fees to be charged in respect thereof.

**CHAPTER VII**

**UNDELIVERED POSTAL ARTICLES**

35. **Power to make rules as to disposal of undelivered postal articles.**—(1) The Controlling Ministry may make rules as to the disposal of postal articles which for any reason cannot be delivered (hereinafter referred to as “undelivered postal articles”).

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) prescribe the period during which undelivered postal articles at a post office shall remain in that office; and

(b) provide for the publication of lists of undelivered postal articles or of any class of undelivered postal articles.

(3) Every undelivered postal article, after being detained at a post office for the period prescribed by rule under the foregoing provisions of this section, shall be either forwarded, free of further charge, to the post office at which it was posted, for return to the sender, or sent to the Returned Letter Office.

36. **Disposal of undelivered postal articles at office of Post Master General.**—(1) Every postal article received at the Returned Letter Office under sub-section (3) of section 37 shall be dealt with as follows:—
(a) if practicable, it shall be redirected and forwarded by post to the addressee; or if it cannot be redirected and forwarded as aforesaid, it shall be opened by some officer, appointed by the Post Master General in this behalf and bound to secrecy, in order to ascertain the name and address of the sender.

(2) If the name and address of the sender are so ascertained, it shall be returned by post to the sender, free of further charge or subject to such further charge as the Director General may, by rule, direct.

37. Final disposal of undelivered postal articles. Undelivered postal articles which cannot be disposed of under the foregoing provisions, shall be detained in the office of the Post Master General for such further period (if any), and shall be dealt with in such manner, as the Controlling Ministry may, by rule, direct:

Provided that—

(a) Letters, aerogram and postcards shall be destroyed;

(b) money or saleable property, not being of a perishable nature, found in any undelivered postal article, shall be detained for a period of one year in the Returned Letter Office, and, if on the expiration of that period no person has established his right thereto, shall, if money, be credited to the Post Office, and, if saleable property, be sold, the sale-proceeds being credited to the Post Office.

CHAPTER VIII

SHIP LETTERS

38. Duty of master of ship, departing from any port in the Provinces, etc., and not being a mail ship, to convey mail bags. The master of ship, about to depart from any port in Pakistan to any port within, or any port or place beyond, Pakistan, shall receive on board any mail bag tendered to him by any officer of the Post Office for conveyance, granting a receipt therefor in such form as the Controlling Ministry may, by rule, prescribe, and shall, without delay, deliver the same at the port or place of destination.

39. Duty of master of ship arriving at any port in the Provinces, etc., in respect of postal articles and mail bags on board. (1) The master of a ship arriving at any port in Pakistan shall, without delay, cause every postal article or mail bag on board which is directed to that port and is within the exclusive privilege conferred on the Controlling Ministry by section 3, to be
delivered either at the post office at that port or to some officer of the Post Office authorized in this behalf by the Post Master General.

(2) If there is on board any postal article or mail bag which is directed to any other place within Pakistan and is within the exclusive privilege aforesaid, the master shall, without delay, report the fact to the officer in charge of the post office at the port of arrival and act according to the directions he may receive from such officer, and the receipt of such officer shall discharge him from all further responsibility in respect of the postal article or mail bag.

40. **Duty of Airline to convey mail bags.**—Any Aircraft of any Airline about to depart from any airport in Pakistan, to any airport within or any part or place beyond Pakistan shall receive on board any mail bag tendered by any Officer of the Post office for conveyance, granting a receipt therefore in such form as the Controlling Ministry may by rule, prescribe and shall, without delay, deliver the same at the airport or place of destination.

41. **Duty of Railways to convey mail bags.**—Any Railway train of any Railways about to depart from a railway station shall receive any mail bag tendered by any officer of the post office for conveyance, granting receipt therefore in such form as the Controlling Ministry may, by rule, prescribe and shall, without delay, deliver the same at the place of destination.

42. **Duty of Public Transport Company to Convey mail bags.**—Any transport company or stage carriage plying on any route, shall receive any mail bag tendered by any officer of the Post office for conveyance, granting a receipt therefore in such form as the Controlling Ministry, may, by rule, prescribe, and shall without delay deliver the same at the place of destination.

43. **Allowance of gratuities for conveyance of postal articles.**—the Controlling Ministry may by notification, payments for conveyance of mail bags or postal articles will be made by the Post office to the carriers at most competitive rates determined as results of open tenders.

**CHAPTER IX**

**MONEY ORDERS**

44. **Power for remitter to recall money order or alter name of payee.**—(1) Subject to such conditions as the Controlling Ministry may, by rules made under section 43, prescribe in respect of the levy of additional rates of commission or fees or any other matters, a person remitting money through the Post Office by means of a money order may require that the amount of the order, if not paid to the payee, be repaid to him, or be paid to such person other than the original payee as he may direct.
(2) If neither the payee nor the remitter a money order can be found, and if within the period of one year from the date of the issue of the order no claim is made by such payee or remitter, the amount of such order shall not be claimable from the Government.

45. **Power to provide for the issue of postal orders.**—The Controlling Ministry may authorize the issue, in such form as may be suitable, of money order, to be called postal orders or by such other designation as may be deemed appropriate, for certain fixed amounts, and may make rules as to the rates of commission to be charged thereon and the manner in which, and conditions subject to which, they may be issued, paid and cancelled:

Provided that no such order shall be issued for an amount in excess of fifty rupees.

46. **Power to give effect to arrangements with other countries.**—(1) Where arrangements are in force with any foreign country, for the issue and payment through the Post Office of money orders between Pakistan and such country, the Controlling Ministry may make rules to give effect to such arrangements.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the manner in which, and the conditions subject to which, such orders may be issued and paid in Pakistan; and

(b) the rates of commission to be charged thereon.

47. **Recovery of money order paid to the wrong person.**—If any person, without reasonable excuse, the burden of proving which shall lie on him, neglects or refuses to refund—

(a) any amount paid to him in respect of a money order by an officer of the Post Office in excess of what ought to have been paid to him in respect thereof; or

(b) the amount of a money order paid by an officer of the Post Office to him instead of to some other person to whom it ought to have been paid, such amount shall be recoverable by an officer of the Post Office authorized by the Post Master General in this behalf from the person so neglecting or refusing as if it were an arrear of land revenue due from him.
48. **Exemption from liability in respect of money orders.**—No suit or other legal proceeding shall be instituted against the Government or any officer of the Post Office in respect of—

(a) anything done under any rules made by the Federal Government under this Chapter; or

(b) the wrong payment of a money order caused by incorrect or incomplete information given by the remitter as to the name and address of the payee provided that as regards incomplete information, there was reasonable justification for accepting the information as a sufficient description for the purpose of identifying the payee; or

(c) the payment of any money order being refused or delayed by or on account of, any accidental neglect, omission or mistake, by, or on the part of, an officer of the Post Office, or for any other cause whatsoever, other than the fraud or willful act or default of such officer; or

(d) any wrong payment of a money order after the expiration of one year from the date of the issue of the order; or

(e) any wrong payment or delay in payment of a money order beyond the limits of Pakistan by an officer of any post office not being one established by the Federal Government.

CHAPTER X

**PENALTIES AND PROCEDURE**

**Offences by Officers of the Post Office**

49. **Penalty for misconduct of person employed to carry or deliver mail bags or postal articles.**—Whoever, being engaged to carry or deliver any mail bag or any postal article in course of transmission by post,—

(a) is in a state of intoxication while so employed; or

(b) is guilty of carelessness or other misconduct, whereby the safety of any such mail bag or postal article as aforesaid is endangered; or

(c) loiters or makes delay in the conveyance or delivery of any such mail bag or postal article as aforesaid; or
(d) does not use due care and diligence safely to convey or deliver any such mail bag or postal article as afore said, shall be punishable with fine which may extend up to five thousand.

50. **Penalty for voluntary withdrawal from duty, without permission or notice, of person employed to carry or deliver mail bags or postal articles.**—Whoever, being engaged to carry or deliver any mail bag or any postal article in course of transmission by post, voluntarily withdraws from the duties of his office without permission or without having given one month’s previous notice in writing, shall be punishable with imprisonment which may extend to one month, or with fine which may extend up to twenty five thousand rupees, or with both.

51. **Penalty for making false entry in register kept by person employed to carry or deliver postal articles.**—Whoever, being employed to carry or deliver any postal article in course of transmission by post and required while so employed to keep any register, makes, or causes or suffers to be made, any false entry in the register with intent to induce the belief that he has visited a place, or delivered a postal article, which he has not visited or delivered, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend up to twenty five thousand rupees, or with both.

52. **Penalty for theft, dishonest misappropriation, secretion, destruction, or throwing away of postal articles.**—Whoever, being an officer of the Post Office, commits theft in respect of, or dishonestly misappropriates, or, for any purpose whatsoever, secretes, destroys or throws away, any postal article in course of transmission by post or anything contained therein, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be punishable with fine which may extend up to one hundred thousand rupees.

53. **Penalty for opening, detaining or delaying postal articles.**—Whoever, being an officer of the Post Office, contrary to his duty, opens or causes or suffers to be opened, any postal article in course of transmission by post, or willfully detains or delays, or causes or suffers to be detained or delayed, any such postal article, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend up to twenty five thousand rupees, or with both:

Provided that nothing in this section shall extend to the opening, detaining or delaying of any postal article under the authority of this Act or in obedience to the order in writing of the Federal Government or the direction of a competent Court.
54. **Penalty for fraud in connection with official marks and for receipt of excess postage.**—Whoever, being an officer of the Post Office,—

(a) Fraudulently puts any wrong official mark on a postal article; or

(b) fraudulently alters, removes or causes to disappear any official mark which is on a postal article; or

(c) being entrusted with the delivery of any postal article, knowingly demands or receives any sum of money in respect of the postage thereof which is not chargeable under this Act, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine which may extend upto one hundred thousand rupees.

55. **Penalty for fraudulently preparing, altering, secreting or destroying Post Office documents.**—Whoever, being an officer of the Post Office entrusted with the preparing or keeping of any document, fraudulently prepares the document incorrectly, or alters or secretes or destroys the documents, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine which may extend upto one hundred thousand rupees.

56. **Penalty for fraudulently sending unpaid postal articles.**—Whoever, being an officer of the Post Office, sends by post, or puts into any mail bag, any postal article upon which postage has not been paid or charged in the manner prescribed by this Act, intending thereby to defraud the Government of the postage on such postal article, shall be punishable with imprisonment for a term which may extend to two years, and shall also be punishable with fine which may extend upto one hundred thousand rupees.

57. **Punishment of offences committed in an Acceding State or tribal area or non-Acceding State.**—(1) Whoever, being an officer of the Post Office employed in any place in any tribal area in which posts are established by the Federal Government, or being appointed to sell postage stamps in any such place, commits therein an offence punishable under this Act, shall be punishable either in the place where the offence was committed by any Court or officer duly empowered by the Federal Government to take cognizance of offences committed in that place or in any part of Pakistan by any Court of competent jurisdiction as if the offence had been committed in that part.

(2) The provisions of section 188 of the Code of Criminal Procedure, 1898, shall not apply to any offence referred to in this section.
Other Offences

58. **Penalty for contravention of section 3.**—(1) Whoever—

(a) conveys, otherwise than by post, a letter within the exclusive privilege conferred on the Controlling Ministry by section 4; or

(b) performs any service incidental to conveying, otherwise than by post, any letter within the exclusive privilege aforesaid; or

(c) sends, or tenders or delivers in order to be sent, otherwise than by post, a letter within the exclusive privilege aforesaid; or

(d) makes a collection of letters excepted from the exclusive privilege aforesaid for the purpose of sending them otherwise than by post, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend upto fifty thousand rupees.

59. **Penalty for contravention of section 4.**—(1) Whoever, in contravention of the provisions of section 4, carries, receives, tenders or delivers letters, or collects letters, shall be punishable with fine which may extend to fifty rupees for every such letter.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder, shall, on every such subsequent conviction, be punishable with fine which may extend upto fifty thousand rupees.

60. **Penalty for breach of rules under section 12.**—Whoever, being appointed to sell postage stamps,—

(a) takes from any purchaser for any postage stamp or quantity of postage stamps a price higher than that fixed by any rule made under section 12, sub-section (3), clause (a), shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both; or

(b) commits a breach of any other rule made under section 12, shall be punishable with fine which may extend upto fifty thousand rupees.

61. **Penalty for contravention of section 15 or 16.**—(1) Whoever, in contravention of the provision of section 15 or section 16, sends or tenders or
makes over in order to be sent by post any postal article or anything, shall be
punishable with imprisonment for a term which may extend to one year, or with
fine upto fifty thousand, or with both.

(2) the detention in the Post Office of any postal article on the ground
of its having been sent in contravention of the provisions of section 15 or
section 16, shall not exempt the sender from any proceedings, which might have
been taken if the postal article had been delivered in due course of post.

62. Penalty for defiling or injuring post office letter-boxes.—
Whoever places in or against any letter-box provided by the Post Office for the
reception of postal articles any fire, match or light, any explosive, dangerous,
filthy, noxious or deleterious substance, or any fluid, or commits a nuisance in or
against any such letter-box, or does anything likely to injure any such letter-box
or its appurtenances or contents, shall be punishable with imprisonment for a
term which may extend to one year, or with fine upto twenty five thousand, or
with both.

63. Penalty for affixing without authority thing to, or painting,
tarring or disfiguring, post office or post office letter-box.—Whoever, without
due authority, affixes any placard, advertisement, notice, list, document, board or
other thing in or on, or paints, tars or in any way disfigures any office or any
letter-box provided by the Post Office for the reception of postal articles, shall be
punishable with fine which may extend to ten thousand rupees.

64. Penalty for causing damage to post office property.—
Whosoever, without due authority, causes damage to the property of the post
office, including its equipment’s or vehicles or letter boxes, shall be punishable
with imprisonment for a term which may extend to two years, or with fine equal
to the loss calculated, or with both.

65. Penalty for making false declaration.—Whoever, being required
by this Act to make a declaration in respect of any postal article to be sent by
post or the contents or value thereof, makes in his declaration any statement
which he knows, or has reason to believe, to be false, or does not believe to be
true, shall be punishable with fine which may extend to twenty thousand rupees,
and, if the false declaration is made for the purpose of defrauding the
Government, with fine which may extend to fifty thousand rupees.

66. Penalty for master of ship failing to comply with the provisions
of section 38, 39, 40, 41 and 42.—Whoever being the master of a ship,—

(a) fails to comply with the provisions of section 38, 39, 40, 41 and 42 or
without reasonable excuse, the burden of proving which shall lie on
him, fails to deliver any postal article or mail bag or to comply with
the directions of the officer in charge of the post office at a port of
arrival, as required by section 38, 39, 40, 41 and 42 shall be
punishable with fine which may extend to one hundred thousand
rupees.

67. **Penalty for detention of letters on board vessel arriving in
port.**—(1) Whoever, being I[the master of a ship or the pilot of an aircraft]
arriving at any port in Pakistan or the officer in charge of a railway train or a
driver of a stage carriage or any one on board such ship or aircraft, knowingly
has in his baggage or in his possession or custody, after the postal articles on
board or any of them have been sent to the post office at the port of arrival, any
postal article within the exclusive privilege conferred on the Pakistan Post Office
by section 4, shall be punishable with fine which may extend to fifty rupees for
every such postal article as aforesaid.

(2) Whoever, being such master, pilot or other person as aforesaid,
detains any such postal article as aforesaid after demand made for it by an officer
of the Post Office shall be punishable with fine which may extend to twenty five
thousand rupees for every such postal article.

68. **Penalty for detaining mails or opening mail bag.**—Whoever,
except under the authority of this Act or of any other Act for the time being in
force or in obedience to the order in writing of the Federal Government or the
direction of a competent Court, detains the mails or any postal article in course of
transmission by post, or on any pretence opens a mail bag in course of
transmission by post, shall be punishable with fine which may extend to twenty five
thousand rupees:

Provided that nothing in this section shall prevent the detention of an
officer of the Post Office carrying the mails or any postal article in course of
transmission by post, on a charge of having committed an offence declared to be
cognizable by the Code of Criminal Procedure, 1898, or any other law for the
time being in force.

69. **Penalty for retaining postal articles wrongly delivered or mail
bags.**—Whoever fraudulently retains, or willfully secretes or makes away with,
or keeps or detains, or, when required by an officer of the Post Office, neglects or
refuses to deliver up, any postal article in course of transmission by post which
ought to have been delivered to any other person, or a mail bag containing a
postal article, shall be punishable with imprisonment for a term which may extend
to two years, and shall also be punishable with fine which may extent to ten
thousand rupees.
70. **Penalty for unlawfully diverting letters.**—Whoever, not being an officer of the Post Officer willfully and maliciously, with intent to injure any person, either opens or causes to be opened any letter which ought to have been delivered, or does any act whereby the due delivery of a letter to any person is prevented or impeded, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both:

Provided that nothing in this section shall apply to a person who does any act to which the section applies, if he is a parent, or in the position of a parent or guardian, of the addressee, and the addressee is a minor or award.

**General**

71. **Penalty for abetting or attempting to commit, offences under the Act.**—Whoever abets the commission of any offence punishable under this Act or attempts to commit any offence so punishable, shall be punishable with the punishment provided for that offence.

72. **Property in cases of offences to be laid in the Post Office.**—In every prosecution for an offence in respect of a mail bag or of any postal article sent by post, it shall be sufficient, for the purpose of the charge, to describe the mail bag or postal article as being the property of the Post Office, and it shall not be necessary to prove that the mail bag or postal article was of any value.

73. **Authority for prosecutions under certain sections of the Act.**—No Court shall take cognizance of an offence punishable under any of the provisions of section 51, 53, 54, clauses (a) and (b), 55, 56, 58, 59, 61, 64, 65, 66, 67 and 68 of this Act, unless upon complaint made by order of, or under authority from, the Director General or a Post Master General.

**CHAPTER XI**

**SUPPLEMENTAL**

74. **District posts.**—(1) In particular and without prejudice to the generality of the foregoing power, such rules may declare what portions of this Act shall be applicable to district posts and to the persons employed in connection therewith.

75. **Powers to make rules for performance of agency functions by the Pakistan Post office.**—The Pakistan Post in consultation with the Controlling Ministry may under take on behalf of Federal Government or Provincial Government or any other authority established under law any function on such conditions as may agree upon between the Post Office and the Federal or
Provincial Government or any other authority established under law and make rules to carry out such functions.

76. **Power to make rules for carrying out Public Private Partnership.**—To expand the scope of provision of physical infrastructure and postal products/services in the Pakistan Post Office, and to improve the reliability and quality by introducing modern technologies and management techniques, Pakistan Post Office, keeping in view the provisions of the Public Private Partnership Authority Act, 2017, may make rules for entering into a Public Private Partnership with the approval of the Controlling Ministry.

77. **Power to make rules for establishment of Franchise Post Offices.**—With a view to complementing the existing postal facilities through participation of public and private organizations to avail their initiative and professional management skills, the Director General may make rules, for the opening of a Franchise Post Office at any convenient place on such terms and conditions, as may be prescribed.

78. **Powers to engage work charge employees to cope with the pressure of work.**—The Director General, may by general or special order, empower to engage work charge employees on payment of certain amount of remunerations to meet the shortage of staff as and when required to cope with the pressure of work for disposal of bulk postal mail articles on such terms and conditions, as may be prescribed.

79. **Powers to grant extra-remuneration to postal employees.**—The Director General may grant extra-remuneration to the postal employees on their performance based on key performance indicators, as may be prescribed.

80. **General power to make rules and provisions as to rules under Act.**—(1) In addition to the powers hereinbefore conferred, the Controlling Ministry may make rules 2 to carry out any of the purposes and objects of this Act.

(2) In making any rule under this Act, the Controlling Ministry may direct that a breach of it shall be punishable with line which may extend to five thousand rupees.

(3) All rules made by the Controlling Ministry under this Act shall be published in the official Gazette and, on such publication, shall have effect as if enacted by this Act.

81. **Delegation of powers, other than rule-making powers, to Director General.**—The Federal Government may, by notification in the official Gazette authorize, either absolutely or subject to conditions, the Director General
to exercise any of the powers conferred upon the Controlling Ministry by this Act, other than a power to make rules.

82. **Power to fix rates of inland postage.**—(1) The Controlling Ministry may, by notification in the official Gazette, fix the rates of postage and other sums to be charged in respect of postal articles sent by the inland post under this Act, and may make rules as to the scale of weights, terms and conditions subject to which the rates so fixed shall be charged:

(2) The Controlling Ministry may, by notification in the official Gazette, declare what packets may be sent by the inland post as printed papers and small packets within the meaning of this Act.

(3) The Controlling Ministry may, by notification, in the official gazette, fix the rates of postage and weight limits of postal articles on different slabs for different geographical areas of Pakistan and to offer flexible rates of postage to the bulk users of postal services, as may be prescribed.

83. **Power to make rules as to payment of postage and fees in certain cases.**—The Controlling Ministry may by rule,—

(a) require the prepayment of postage on inland postal articles or any class of inland postal articles, and prescribe the manner in which prepayment shall be made;

(b) prescribe the postage to be charged on inland postal articles when the postage is not prepaid or is insufficiently prepaid;

(c) provide for the redirection of postal articles and the transmission by post of articles so redirected, either free of charge or subject to such further charge as may be specified in the rules; and

(d) prescribe the fees to be charged for the “express delivery” of postal articles, in addition to, or instead of, any other postage chargeable thereon under this Act.

*Explanation.*—“Express delivery” means delivery by a special messenger or conveyance.

84. **Power to make rules as to registered newspapers.**—(1) The Director General may make rules providing for the registration of newspapers for transmission by inland post as registered newspapers.

(2) For the purpose of such registration, every publication, consisting wholly or in great part of political or other news, or of articles relating thereto, or
to other current topics, with or without advertisements, shall be deemed a newspaper, subject to the following conditions, namely:—

(a) that it is published in numbers at intervals of not more than thirty-one days; and

(b) that it has a *bona fide* list of subscribers.

(3) An extra or supplement to a newspaper, bearing the same date as the newspaper and transmitted therewith, shall be deemed to be part of the newspaper:

Provided that no such extra or supplement shall be so deemed unless it consists wholly or in great part of matter like that of the newspaper and has the title and date of publication of the newspaper printed at the top of each page.

*Explanation.*—Nothing in this section or in the rules thereunder shall be construed to render it compulsory to send newspapers by the inland post.

85. **Power to make rules as to transmission by post of postal articles.**—(1) The Controlling Ministry may make rules as to the transmission of articles by post.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) specify articles which may not be transmitted by post;

(b) prescribe conditions on which articles may be transmitted by post;

(c) provide for the detention and disposal of articles in course of transmission by post in contravention of rules made under clause (a) or clause (b);

(d) provide for the granting of receipts for, and the granting and obtaining of certificates of posting and delivery of postal articles and the sums to be paid, in addition to any other postage, for such receipts and certificates and regulate covers, forms, dimensions, maximum weights, and enclosures, and the use of postal articles, other than letters, for making communications.

(3) Postal articles shall be posted and delivered at such times and in such manner as the Director General may, by order, from time to time appoint.
86. **Power to make rules as to insurance.**—(1) The Controlling Ministry may make rules as to the insurance of postal articles.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) declare what classes of postal articles may be insured under section 30;

(b) fix the limit of the amount for which postal articles may be insured; and

(c) prescribe the manner in which the fees for insurance shall be paid.

Postal articles made over to the Post Office for the purpose of being insured shall be delivered, when insured, at such places and times and in such manner as the Director General may, by order, from time to time appoint.

87. **Power to make rules as to value-payable postal articles.**—(1) The Controlling Ministry may make rules as to the transmission by post of value-payable postal articles.

(2) In particular and without prejudice to the generality of the Foregoing power, such rules may—

(a) declare what classes of postal articles may be sent as value-payable postal articles;

(b) direct that no postal article shall be so sent unless the sender declares that it is sent in execution of a *bona fide* order received by him;

(c) limit the value to be recovered on the delivery of any value-payable postal article;

(d) prescribe the form of declaration to be made by the senders of value-payable postal articles, and the time and manner of the payment of fees;

(e) provide for the retention and repayment to the addressee in cases of fraud of money recovered on the delivery of any value-payable postal article; and
(f) prescribe the fees to be charged for inquiries into complaints regarding the delivery of or payment for value-payable postal articles.

(2) Postal articles shall be made over to the Post Office for the purpose of being sent as “value-payable” and shall be delivered, when so sent, at such times and in such manner as the Director General may, by order, from time to time appoint.

(3) No suit or other legal proceeding shall be instituted against the Controlling Ministry or any officer of the Post Office in respect of anything done, or in good faith purporting to be done, under my rule made under clause (e) of sub-section (2).

88. **Power to maintain money order system and to make rules as to remittances thereby.**—(1) The Controlling Ministry may provide for the remitting of small sums of money through the Post Office by means of money orders, and may make rules as to such money orders.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(a) the limit of amount for which money orders may be issued;

(b) the period during which money orders shall remain current; and

(c) the rates of commission or the fees to be charged on money orders or in respect thereof.

89. **Repeal and Saving.**—(1) The Post Office Act, 1898 (VI of 1898), hereinafter referred to as the said Law, is hereby repealed.

(2) Notwithstanding the repeal of the said Act and without prejudice to section 24 of the General Clauses Act, 1987 (X of 1987);

(a) the Pakistan Post Office constituted under the said Law and functioning immediately before the commencement of this Act shall, discharge the functions of and be deemed to be, the Post Office established under this Act;

(b) any scheme of reciprocity settled under the said Law and subsisting immediately before the commencement of this Act shall continue in force and be deemed to be a scheme of reciprocity settled under this Act;
(c) any register of the Postal Services which was maintained immediately before the commencement of this Act under the said Law and the persons registered in such register shall be deemed to be the register maintained and persons registered therein under this Act;

(d) any qualification entered as a supplementary qualification in any register under the said Law shall be deemed to be the supplementary qualification entered in the register under this Act, notwithstanding that such qualification is not a recognized higher qualification;

(e) any regulation or bye-law made under the said Law and in force immediately before the commencement of this Act shall be deemed to be and continue in force as, a regulation made under this Act;

(f) any officer or other employee of the Pakistan Post Office appointed under the said Law shall be deemed to be an officer or employee appointed by the Post Office under this Act;

(g) all assets, rights, powers, authorities and privileges and all property, movable and immovable, and all interest therein and all debts, liabilities and obligations of the Pakistan Post constituted under the said Law and subsisting immediately before the commencement of this Act shall stand transferred to and be deemed to be assets, rights, powers, authorities, privilege, property and interest of the Post Office established under this Act; and

(h) anything done or any action taken or any proceeding commenced under any of the provisions of the said Law shall continue in force and be deemed to have been done, taken or commenced under the corresponding provision of this Act.

(3) All assets, rights, powers, authorities and privileges and all property, movable or immovable, and all interests therein and all debts, liabilities and obligation of the Post Office Act, 1898 (VI of 1898), and subsisting immediately before the commencement of this Act shall stand transferred to and be deemed to be the assets, rights powers, authorities, privileges, of the Council constituted under this Act.

STATEMENT OF OBJECTS AND REASONS

To consolidate the law relating to the Postal Services in accordance with the demands and requirements of the modern times and to bring the services of
Pakistan Post at par with international courier and logistics service providers and create a fruitful environment of market competitiveness. Moreover, it also aims at protecting the rights and interests of the consumers in terms of quality, accessibility, affordability, safety and security in line with other market competitors.

The Bill has been designed to achieve the aforesaid objectives.

SENIOR
KHUSHBAKHT SHUJAT,
Member-in-Charge.

SENATE BILL NO. VI OF 2019

A

BILL

to provide for establishment of Pakistan Courier and Logistic Authority

WHEREAS it is expedient to establish the Pakistan Courier and Logistics Regulatory Authority and to regulate by law the operations of Pakistan courier and logistics service providers and to provide for the matters connected therewith or incidental thereto.

It is enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Courier and Logistics Regulatory Authority Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) “Act” means the Pakistan Courier and Logistics Regulatory Authority Act, 2018;

(b) “code of conduct” means the code of conduct to be prescribed by the Authority under its rules for courier and logistics service providers;
(c) “cargo” means any shipment, consignment or goods intended for transmission by rail, road, ship, boat, aircraft or any other mode including operating as a cargo agent, as a freight forwarder, cargo consolidating, terminal operation and any other transport intermediary or incendiary services thereto for cargo;

(d) “Chairperson” means the Chairperson of the Pakistan Courier and Logistics Regulatory Authority;

(e) “civil servant” means civil servant as defined in the Civil Servants Act, 1973 (LXXI of 1973);

(f) “common carrier” means any person or entity who makes directly or indirectly on commercial basis arrangements for the purpose of receiving, collecting, carrying, conveying and tendering cargo and logistics service which also includes packets, parcels, shipments, consignments and goods, operating as a cargo agent, as a freight forwarder, cargo consolidation, terminal operation in Pakistan or abroad and any person who acts in Pakistan as an agent or subsidiary of a foreign courier and logistics service providing company;

(g) “company” means a company as defined in the Companies Act, 2017 (XIX of 2017);

(h) “courier and logistics service provider” means any person or entity by whatever name called, who makes directly or indirectly on commercial basis, arrangements for the purpose of receiving, collecting, carrying, conveying, tendering or delivering packets, parcels, shipments, consignments and goods in Pakistan or abroad including cargo and logistics service through any mode, operating as a cargo agent, as a freight forwarder, cargo consolidation, terminal operation and any person who acts in Pakistan as an agent or subsidiary of a foreign courier and logistics service providing company;

(i) “Director General” means the Director General appointed under section 7;

(j) “Fund” means Pakistan Courier and Logistics service Regulatory Authority Fund;

(k) “Government” means the Federal Government;
(l) “inland mail” means letters, parcels, packets or any other kind of communication sent by one post office to another in Pakistan;

(m) “letter” means a communication by one person to another including opened or closed envelopes, postcards and documents sent in writing, printed or typed;

(n) “licence” means licence granted under this Act;

(o) “licensee” means a holder of a licence under this Act;

(p) “logistics service” means service provided by any person or entity by whatever name called, who makes directly or indirectly on commercial basis, arrangements for the purpose of receiving, collecting, carrying, conveying, tendering logistics service which also includes packets, parcels, shipments, consignments and goods, operating as a cargo agent, as a freight forwarder, cargo consolidation, terminal operation in Pakistan or abroad and any person who acts in Pakistan as an agent or subsidiary of a foreign courier and logistics service providing company;

(q) “mail” includes inland, foreign and transit letters, parcels, packets or any other kind of communication sent by one post office to another in Pakistan or abroad;

(r) “member” means the member of the Pakistan Courier and Logistics Regulatory Authority including the Chairperson;

(s) “Ministry of Communications” means Ministry of Communications of the Government;

(t) “post office” shall have the same meaning as assigned to it in the Post Office Act, 1898 (VI of 1898);

(u) “regulations” means the regulations made under this Act; and

(v) “rules” means rules made under this Act.

3. **Establishment of Authority.**—(1) As soon as may be, but not later than sixty days of the commencement of this Act, the Ministry of Communications shall, by notification in the official Gazette, establish an Authority to be known as Pakistan Courier and Logistics Regulatory Authority for accomplishment of the purposes of this Act.
(2) The Authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property both moveable and immovable and shall by the its name specified in sub-section (1) sue and be sued.

(3) The Authority shall exercise powers subject to the provisions of this Act.

(4) The principal office of the Authority shall be at Islamabad and it may set up as many offices in other parts of the country as it deems necessary.

4. Composition of Authority.—(1) The Authority shall consist of the following members, namely to be appointed by the Government or a person authorised by it in this behalf:—

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>a suitable and an eminent professional having rich experience in business, management, finance or economics;</td>
</tr>
<tr>
<td>(b)</td>
<td>two persons from Pakistan courier and logistics service providers;</td>
</tr>
<tr>
<td>(c)</td>
<td>one person who shall be member Legal having excellent legal expertise in the relevant field to assist the Authority in legal matters;</td>
</tr>
<tr>
<td>(d)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of communications stands allocated;</td>
</tr>
<tr>
<td>(e)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of commerce stands allocated;</td>
</tr>
<tr>
<td>(f)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of ports and shipping stands allocated;</td>
</tr>
<tr>
<td>(g)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of railways stands allocated;</td>
</tr>
<tr>
<td>(h)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of finance stands allocated;</td>
</tr>
<tr>
<td>(i)</td>
<td>A nominee not below the rank of Joint Secretary of the Division to which subject of law and justice stands allocated; and</td>
</tr>
<tr>
<td>(j)</td>
<td>Director General or Deputy Director General of Pakistan Post Office Department.</td>
</tr>
</tbody>
</table>

(2) Director General of the Authority shall act as Secretary of the Authority.
(3) The members shall receive such fee and expenses for participation in each meeting of the Authority as may be prescribed.

(4) Term of office for private members shall be three years.

5. **Resignation, removal and vacation.**—(1) A private member may, by writing under his hand addressed to the appointing authority, resign his office or the appointing authority may remove any member from his office, if he—

   (a) fails to discharge or becomes incapable of discharging his assigned functions or duties under this Act;

   (b) has been declared insolvent by a court;

   (c) has been dismissed from the service of Pakistan; or

   (d) has been convicted of an offence involving moral turpitude.

(2) A member, other than an *ex-officio* member, shall be deemed to have vacated his office if he absents himself for three consecutive meetings of the Authority without leave.

6. **Meetings of the Authority.**—(1) Meetings of the Authority shall be convened by the Chairperson at such dates, time and venue as may be deemed appropriate. The Authority shall meet at least twice during a calendar year. The minutes of every meeting of the Authority shall be laid in its next meeting.

   (2) The Chairperson or, in his absence, any of the members elected by the members present for the purpose, shall preside over a meeting of the Authority.

   (3) One-half of the total members shall constitute a quorum for meetings of the Authority requiring a decision by the Authority.

   (4) The decisions of the Authority shall be taken by the majority votes of members present in the meeting and in case of a tie the Chairperson shall have a casting vote.

7. **Director General.**—(1) There shall be a Director General of the Authority, to be appointed by Prime Minister or a person authorized by him in this behalf, on the terms and conditions as may be prescribed.

   (2) The Director General shall be the chief executive officer of the Authority and shall discharge such duties and functions as may be assigned to him or under this Act.
(3) The Director General shall comply with all such directions as may be given to him by the Authority from time to time.

8. **Powers and functions of the Authority.**—(1) The Authority shall be responsible for setting objectives and policy guidelines for the Director General in accordance with the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Authority shall—

(a) regulate the operations, jurisdiction and conduct of Pakistan courier and logistics service providers to safeguard the interest of the State and public;

(b) promote and encourage development of infrastructure on modern lines and to provide awareness, education and research in the field of courier and logistics service;

(c) approve policies, plans and programmes to be executed by the Director General;

(d) prescribe rules, procedures and necessary framework for utilization of funds generated or acquired through services, donations or grants, etc;

(e) put into place administrative and institutional arrangements for implementation of rules and regulations;

(f) advise the Government on the policy issues relating to courier and logistics service;

(g) direct applicants who apply for grant of a licence to operate as courier and logistics service providers to obtain other permissions and licences where required under relevant law and rules and get undertaking from them to abide by and comply with the provisions of international treaties, agreements, protocols etc, concerning with their business and services;

(h) prescribe fees including fee for grant of a licence and renewal thereof;

(i) resolve disputes between service providers and customers through Director General;
(j) levy such charges or fees for services and facilities provided by the Authority and constituent offices;

(k) perform and carry out any other act, thing or function relating to courier and logistics service assigned to it by the Government or a person authorized by it in this behalf;

(l) engage in human resource development of its officers, employees, advisers and consultants;

(m) enter into contracts for supply of goods, services or material or for the execution of works, as may be necessary for the discharge of any of its duties and functions;

(n) carry out such other works or activities as may be deemed necessary by the Authority to make best use of its assets;

(o) prescribe criteria for grant of licence to courier and logistics service providers;

(p) prescribe the manner in which complaints and claims against courier and logistics service providers shall be processed and resolved through Director General;

(q) conduct inquiry and investigation relating to courier and logistics service providers through Director General;

(r) award fine, compensation and revoking of licence of a defaulting courier and logistics service provider through Director General; and

(s) make rules and regulations under this Act.

9. **Delegation.**—The Authority may, by order in writing, delegate to the Chairperson, members, advisers, consultants, Director General or an officer or employee of the Authority any of its powers, responsibilities or functions under this Act subject to such conditions as may be prescribed.

10. **Chairperson and Director General not to engage themselves in certain business.**—(1) The Chairperson shall not, during his term of office, engage himself in any other service, business, vocation or employment or enter into the employment of or accept any Advisory or consultancy relationship with any person or entity engaged in applying for a licence from the Authority or operating courier and logistics service or any related undertaking of such aforesaid person or entity.
(2) The Director General shall not have any direct or indirect financial interest or have any connection with any such person, entity or related undertaking as mentioned in sub-section (1), associated in any way with the licensee of a courier and logistics service provider for so long as he holds the office.

11. **Fund.**—(1) There shall be a fund to be known as Pakistan Courier and Logistics Regulatory Authority Fund which shall vest in the Authority and shall be utilized by it to meet charges from the fund in connection with its functions under this Act including payment of salary and remunerations of the Chairperson, members, advisors, consultants, officers and employees.

(2) The funds shall consist of—

(a) fees for issuance and renewal of licences;

(b) subsidy or loans obtained with the general sanction of the Government;

(c) foreign aid obtained with sanction of and on such terms and conditions as may be approved by the Government; and

(d) all other sums received by the Authority from any other source.

(3) The Authority may open and operate one or more accounts in local or foreign currency in any scheduled bank in Pakistan.

(4) The Authority may invest its funds in such investments as determined, from time to time by it.

(5) The Authority shall prepare its own budget, approve the same for each calendar year and submit to relevant Ministry of the Government well in time prior to commencement of next financial year for information.

12. **Audit and Accounts.**—(1) The Authority shall maintain its accounts in such form as may be determined by it in consultation with Controller General of Accounts.

(2) The Authority shall cause to be carried out audit of its accounts by the auditors who are chartered accounts within the meaning of the Chartered Accounts Ordinance, 1961 (X of 1961).

(3) Notwithstanding the audit provided in sub-section (2), the Auditor General shall have the power to conduct special audit accounts of the Authority if the Government directs as such.
13. **Officers, employees, consultants and advisers.**—(1) To carry out the purposes of this Act, the Authority may, from time to time, appoint officers, employees, consultants and advisers as it may deem necessary in accordance with terms and conditions as may be prescribed.

(2) The civil servants, having an adequate knowledge and experience of relevant held, will be eligible for posting in the Authority on deputation basis who shall be governed by the Civil Servants Act, 1973 (LXXI of 1973) and rules made thereunder.

14. **Annual report.**—The Authority shall compile and submit an annual report on its operations and accounts to relevant Ministry of the Government and shall also arrange for its publication and circulation to the public.

15. **Categories of courier and logistics service providers.**—The Authority shall issue licences for the following categories, namely:—

(a) international courier and logistics service providers;

(b) national courier and logistics service providers:

(c) provincial courier and logistics servie providers; and

(d) local area and specific subject courier and logistics service providers.

16. **Licence to operate.**—The Authority shall have an exclusive right to issue licences for establishment and operation of courier and logistics service under the terms and conditions to be prescribed under the rules:

Provided that this exclusive right shall be used by the Authority in conformity with the principles of fairness, transparency and equity to be applied to all applicants for grant of licences whose eligibility shall be based on prescribed criteria notified in advance and it shall be done through an open and transparent process according to rules prescribed for the purpose:

Provided further that after enactment of this Act, those persons and entities already engaged in provision of courier and logistics service, shall immediately apply for grant of licence to the Authority in the prescribed manner.

17. **Consideration of an application for grant of a licence.**—The Authority shall take decision on an application for grant of a licence within sixty working days from the date of receipt of the application.
18. **Suspension of operation.**—A courier and logistics service provider shall not cease or suspend operations except with prior approval of the Authority.

19. **Power to authorize inspection.**—(1) The Authority may authorize any of its officers or its nominees in writing to enter the premises of a courier and logistics service provider for the purpose of inspection. The inspection and search shall be made as may be prescribed.

(2) A courier and logistics service provider shall provide to such authorized officer with every assistance and facility in performance of his duties.

(3) The authorized officer shall, within forty-eight hours of the inspection, submit his inspection report to the Authority.

20. **Power to vary conditions, suspend or revoke licence.**—(1) The Authority may revoke or suspend a licence of a courier and logistics service provider on one or more or the following grounds, namely:—

(a) the licensee has failed to pay the licence or its renewal fee and charges;

(b) the licensee has failed to comply with the terms and conditions of the licence;

(c) the licensee has contravened any provision of this Act or rules made thereunder; and

(d) if the shareholders of the licensee, being a company, have transferred majority of their shares.

(2) Except for reason of necessity in the public interest, a licence shall not be cancelled under sub-section (1) unless the licensee has been given fifteen days’ notice to show the cause.

21. **Offences and penalties.**—(1) Any person who undertakes the business of providing services mentioned in this Act without a licence from the Authority shall be guilty of an offence punishable with a fine which may extend to one million Rupees.

(2) Where the violation or abetment in violation of any provision of this Act is repeated, such violation shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.
(3) The offences under this Act shall be compoundable and non cognizable.

22. Cases to be initiated on complaint.—No court shall take cognizance of any offence under this Act except on a complaint in writing by the Authority or any officer authorized by it.

23. Cognizance of offences.—No court inferior to that of a Magistrate of First Class shall try an offence punishable under this Act.

24. Offences by companies.—(1) Where any offence under this Act has been committed by a person who at the time when the offence committed was in charge of and was responsible to a company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against.

(2) Where the person guilty of an offence under this Act is a legal person or entity, every director, partner and employee of the entity, unless he proves that offence was committed without his knowledge or consent, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

25. Chairperson etc., deemed public servants.—The Chairperson, members, advisers, consultants, Director General, officers and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860) while acting or purporting to act under any provision of this Act.

26. Dues to be recovered as arrears of land revenue.—All dues including outstanding amount of licence and annual renewal fee or any other charges including fine as imposed by the Authority shall be recoverable arrears of land revenue.

27. Appeals.—Any person aggrieved by any decision or order of the Director General may within thirty days of receipt of such order prefer an appeal to the Authority:

Provided that the Director General shall supply a copy of its decision or order of revocation of licence within seven days of the decision to the licensee for making an appeal to the Authority.

28. Officers of Federal, Provincial and local governments to assist Authority.—The officers of Federal Government, Provincial Governments and local governments shall assist the Authority and its officers in the discharge of
their functions under the provisions or this Acts an rules and regulations made thereunder.

29. **Power to make rules.**—(1) The Authority may, with the approval of the Government or a person authorized by it and by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be provided for all or any of the following matters, namely:—

(a) to prescribe the forms for the licences for working, installing, operating or dealing in courier and logistics service;

(b) to prescribe the terms and conditions of licence including fee to be charged in connection with issuance of licences and related matters;

(c) to prescribe terms and conditions for appointment of Director General, advisers, consultants, officers and employees;

(d) to prescribe conditions for delegation of powers and responsibilities of the Authority; and

(e) to prescribe standards and measures for consignments to be handled by the courier and logistics service providers.

30. **Powers to make regulations.**—The Authority may make regulations not inconsistent with this Act or the rules framed thereunder to provide for or giving effect to the provisions of this Act and the efficient conduct of the affairs of the Authority.

31. **Information and data.**—The Authority may requisition in writing any information or data required by it for carrying out the purposes of this Act from any person or entity involved directly or indirectly in the provision of courier and logistics service or any matter incidental or consequential thereto.

32. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against the Authority or any other person exercising any power or performing any function under this Act or for anything which is in good faith done or purporting or intended to be done under this Act or any rules made thereunder.

33. **Savings.**—Nothing in this Act shall derogate from or affect the provisions of the Post Office Act, 1898 (VI of 1898) and the Pakistan Postal Services Management Board Ordinance, 2002 (XXVI of 2002).
34. **Removal of difficulties.**—If any difficulty arises in giving effect to any provision of this Act, the Authority may make such order, not inconsistent with provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such order shall be made after two years of the commencement of this Act.

---

**STATEMENT OF OBJECTS AND REASONS**

To protect the interest of consumers, state and courier and logistics service providers, to create fair conditions for all market operators, to organize the competition in terms of quality, accessibility, affordability, safety, security and to bring the operations of courier and logistics service providers within the ambit of law, prescribing regulatory framework as such.

**Senator KHUSHBAKHT SHUJAT,**

*Member-in-Charge.*

---

**AMJED PERVEZ,**

*Secretary.*