PART III

Other Notifications, Orders, etc.

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 8th June, 2020

No. F. 22(29)/2020-Legis.—The following Bill has been introduced in the National Assembly on 8th June, 2020.

N.A. BILL NO. 53 OF 2020

A

BILL

_to make provisions for the establishment of Pakistan single window_

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

1015 (1—32)

_Price: Rs. 40.00_

[5723(2020)/Ex. Gaz.]
WHEREAS Pakistan has ratified the agreement on Trade Facilitation of the World Trade Organization which inter alia stipulates the establishment of a national single window for managing a country’s external trade;

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

It is hereby enacted as follows:—

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

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

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

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

   (a) “Agreement on Trade Facilitation” means the Trade Facilitation Agreement (TFA) of the World Trade Organisation as ratified by Pakistan;

   (b) “Board of Directors” means the Board of Directors of the operating entity established under the Companies Act, 2017 (XIX of 2017);

   (c) “Chairperson” means the Chairperson of the Governing Council established under this Act;

   (d) “electronic” includes electrical, digital, magnetic, optical, biometric, electro-chemical, wireless or electro-magnetic technology;

   (e) “electronic document” includes documents, records, information, communications or transactions in electronic form;

   (f) “electronic signature” means any letters, numbers, symbols, images, characters or any combination thereof in electronic form, applied to, incorporated in or associated with an electronic
document, with the intention of authenticating or approving the same, in order to establish authenticity or integrity or both;

(g) “Governing Council” means the Pakistan Single Window Governing Council established under section 4;

(h) “information” includes text, message, data, voice, sound, database, video, signals, software, computer programs, codes including object code and source code;

(i) “lead agency” means the organization responsible for or appointed under section 5 for implementation of Pakistan single window;

(j) “member” means a member of the Governing Council including its Chairperson;

(k) “memorandum of understanding” means the memorandum of understanding signed by and between the Governing Council with the lead agency and its operating entity, or any OGAs;

(l) “operating entity” means an entity created by the lead agency under section 6;

(m) “Pakistan single window” means an information and communication technology based facility that allows persons or entities involved in trade and transport to lodge standardised information and documents with a single-entry point to fulfil import, export and transit-related regulatory requirements in Pakistan without being required to submit the same data element more than once;

(n) “other government agencies” hereinafter referred to as OGAs means any of the regulatory authorities including their sub-ordinate entities as listed in the schedule whether referred to jointly or severally;

(o) “prescribed” means prescribed by rules or regulations made under this Act;

(p) “registration” means issuance of a unique user identifier to any person or entity to access the Pakistan single window system, in the prescribed manner;

(q) “risk management system” means the systematic application of trade controls and management procedures on goods, means of
transport and passengers including at pre-arrival, clearance or post clearance stage for identifying, analysing, evaluating, monitoring, reviewing and treating the risks associated with them and includes priority accorded to compliant, persons, entities or organisations using the Pakistan single window system;

(r) “rules” means the rules made under this Act;

(s) “secretariat” means the secretariat to the Governing Council established under section 4;

(t) “secretary to the Governing Council” means the secretary to the Governing Council;

(u) “selectivity criteria” means the risk parameters determined by the risk management committee constituted in prescribed manner, for meaningful application of risk management system;

(v) “system” means an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing information or any part thereof;

(w) “trade bodies” means any of the recognized and registered chambers of commerce and industry, representatives thereof, registered professional associations, trade unions and others;

(x) “trade controls” means measures applied by the officers of Pakistan customs service or other Government agencies through the Pakistan single window system to manage risks and ensure compliance with the laws, regulations and rules for the time being in force; and

(y) “un-authorized access” means access to an information system or data which is not available for access by general public, without authorization or in violation of the terms and conditions of the authorization.

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

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

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

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

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

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

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


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

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

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

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

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

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

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

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

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

(10) The head of the lead agency shall—

(a) act as the ex-officio secretary to the Governing Council;

(b) convene meetings of the Governing Council, with the prior approval of the Chairperson, after giving a notice to the members of the Governing Council;

(c) head the secretariat to the Governing Council; and

(d) maintain records of the proceedings of the Governing Council and timely communicate the same to the relevant OGAs, Pakistan customs, any government departments, individuals and entities concerned.
5. **Lead agency.**—(1) Unless the Federal Government may determine otherwise, the Pakistan customs shall be the lead agency for the purposes of this Act.

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

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

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

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

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

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

(3) Government officers from Pakistan customs, OGAs or any other relevant government ministry or division or associated departments, organization or entity may be seconded to the operating entity through a competitive process to be carried out in the manner as may be prescribed by regulations by the lead agency to support implementation, operations and enhancement of Pakistan single window:
Provided that during the period of their secondment with the operating entity, the government officers shall be entitled to a special Pakistan single window allowance, in addition to the regular government pay and admissible allowances, as notified by the lead agency in consultation with the operating entity:

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

(4) The operating entity may enter into partnerships or itself develop or acquire fully or partly the requisite software, hardware, system code, data, infrastructure or anything ancillary thereto to effectively run the Pakistan single window but such software, hardware, system code, data, infrastructure or anything ancillary thereto, shall at all times be accessible to and remain the property of the Federal Government, unless otherwise agreed in writing by the Governing Council.

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

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

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

(3) The secretariat on behalf of the Governing Council may open accounts with the State Bank of Pakistan or with any scheduled bank in Pakistan and the accounts of the Governing Council shall be audited every year by the Auditor-General of Pakistan.
(4) Subject to the provisions of financial laws and regulations for the time being in force and as the Federal Government may prescribe by rules, accounts of the Governing Council may be expended for the purposes which shall include, but not limited to, the following, namely:—

(a) paying any expenditure lawfully incurred by it including the allowances of the Chairperson, the members, secretary or any other person, as notified by the Governing Council, hired for any activity or function under this Act;

(b) paying for expenditure incurred on marketing, publicity, seminars and conferences;

(c) paying rent, purchasing or hiring equipment and any other materials, acquiring land, erecting buildings and conducting other work and undertakings in the performance of its functions or the exercise of its powers under this Act; and

(d) paying any other expenses, costs or expenditure properly incurred or accepted by the Governing Council in the performance of its functions or the exercise of its powers.

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

(a) such sums as the Federal Government may allocate to the lead agency, from time to time, in the annual budget;

(b) grants from the Federal Government to the lead agency;

(c) income generated from levy of fee and service charges as provided in sub-section (2);

(d) income generated from sales of products, services and investments; and

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

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

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

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

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

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

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

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

Provided that no order shall be passed for refusal, suspension or cancellation of registration unless a reasonable opportunity of being heard is given to the registered person or applicant, as the case may be.
(3) Access to the Pakistan single window system shall be granted only through the use of a unique user identifier and shall be subject to such conditions or restrictions as may be prescribed by regulations.

(4) Any electronic exchange of information, declaration, documents or record, transaction, accounts, offer or acceptance of an offer, notice, order, payment, authentication, authorization or information required, delivered or provided by any of the OGAs or Pakistan customs, authorized or registered users or any other entity, organization or department shall be deemed to have been provided, required, delivered or done in accordance with the law for the time being in force if and when communicated electronically through the Pakistan single window or its allied systems and shall be admissible as an evidence in any court of law, tribunal or before an inquiry commission or any quasi-judicial authority etc.

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

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

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

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

12. Electronic documents non-discrimination vis-à-vis paper documents.—(1) Any law, for the time being in force, and requiring documents to be created, retained, authenticated, notarised, duplicated, submitted, delivered or evidenced shall be deemed to have been complied with if such documents are available and retrievable in the electronic form.
(2) Any permit, licence, authorization or approval required under any law to be issued shall be deemed to have been lawfully issued if the same is issued in electronic form.

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

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

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Offences</th>
<th>Punishments</th>
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<tbody>
<tr>
<td>1.</td>
<td>Un-authorised access to information, data or personal details of registered user of Pakistan single window system or systems connected or ancillary thereto,</td>
<td>Imprisonment which may extend up to six months or with fine which may extend to one hundred thousand rupees or with both.</td>
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<tr>
<td>2.</td>
<td>Un-authorised copy, transmission or cause to transmit any data, information or detail in relations to Pakistan single window system or systems connected or ancillary thereto,</td>
<td>Imprisonment which may extend up to six months or with fine which may extend to one hundred thousand rupees or with both.</td>
</tr>
<tr>
<td>3.</td>
<td>Un-authorized interference, or attempt to interfere, damage or attempt to damage any part or whole of the Pakistan single window system or data or systems connected to or ancillary thereto,</td>
<td>Imprisonment which may extend to three years or fine which may extend to five hundred thousand rupees or with both.</td>
</tr>
</tbody>
</table>
4. Use of any information system, device, data, to make any illegal claim or title or cause any person to part with property or to enter into any express or implied contract or intent to commit fraud by any input, alteration, deletion or suppression of data, resulting in un-authentic data with the intent that such data be considered or acted upon for legal purpose, as if it were authentic in relations to Pakistan single window system or Systems connected or ancillary thereto,

| Imprisonment which may extend to four years or fine which may extend to one million rupees or with both. |

5. Use, make, supply, retain, obtain device, system or software for offences under section 13 of this Act,

| Imprisonment which may extend to six months or with fine which may extend to one hundred thousand rupees or with both. |

6. Obtain, sell, process, use or Transmit another person’s Unique User Identifier or make an attempt thereof without authorization

| Imprisonment which may extend to four years and fine which may extend to one million rupees or with both. |

7. Tamper with or attempt to tamper with, alter, re-programme any Pakistan single window system or system connected or ancillary thereto for un-authorised use,

| Imprisonment which may extend to four years and fine which may extend up to one million rupees or with both and any devices or systems used in offence shall be liable to confiscation. |

8. Write, offer, make available, distribute or transmit a malicious code or abet in the same, with intent to cause harm to Pakistan single window system or data resulting in or intending to result in corruption, destruction, alteration, suppression, theft or loss to the Pakistan single window system or data, or any attempt thereof,

| Imprisonment for a term which may extend to four years and fine which may extend to five million rupees or with both. |

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

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

14. **Other laws to apply.**—(1) Subject to sub-section (2) of section 13, the provisions of the Customs Act, 1969 (IV of 1969), the Electronic Transactions Ordinance, 2002 (LI of 2002) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016), to the extent not inconsistent with the provisions of this Act, shall mutatis mutandis apply to electronic submission of documents, data retention or storage, copyrights, legal recognition and presumption, certification, notarisation, registration, offences etc. in as much as they are relevant to the stated intent, objectives and operations under this Act and shall be deemed to have been so applied from the commencement of this Act.

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

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

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

17. **Dispute resolution.**—(1) Subject to section 13, the Governing Council may, by notification in the official Gazette, specify the procedure for resolving any disputes that may arise during the course of implementation of this Act or for any actions taken or intended to be taken under this Act or rules made thereunder and the Governing Council may appoint a committee from among its members for this purpose on case to case basis.
(2) Any decision taken by the Governing Council in this regard shall be final and shall not be called into question by any court as long as such findings are not in conflict with the provisions of this Act.

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

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

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

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


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

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

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

23. **Removal of difficulties.**—(1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government in respect of rules and the lead agency in consultation with the Governing Council in respect of regulations, may by a notification in the official Gazette suspend any rules, regulations and notifications or provisions thereof, for removal of any difficulty in the implementation of this Act or rules or regulations made thereunder.
(2) The condition of sub-section (3) of section 21 shall apply to any notification issued under sub-section (1).

[SCHEDULE]
{See sections 2 (m) and 19}

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<td>Mercantile Marine Department</td>
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<td>25.</td>
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</table>
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27. Ministry of Defence
28. Ministry of Defence Production
29. Ministry of Foreign Affairs
30. Ministry of Interior
31. Ministry of National Health Services, Regulations and Coordination
32. Ministry of Production, Industries and Special Initiatives
33. Motor Registration and Excise Authorities
34. Narcotics Control Division
35. National Council for Conservation of Wildlife, Ministry of Climate Change
36. National Ozone Unit, Ministry of Climate Change
37. National Rifle Association of Pakistan and Gun Club Islamabad
38. National Tariff Commission
39. National and Provincial Disaster Management Authority
40. Oil and Gas Regulatory Authority (OGRA) and Hydrocarbon Development Institute of Pakistan
41. Oil Companies Advisory Committee (OCAC) and Ministry of Energy
42. Pakistan Cotton Standards Institute
43. Pakistan Council of Scientific and Industrial Research
44. Pakistan Electronic Media Regulatory Authority
45. Pakistan Engineering Council
46. Pakistan Exploration and Production Companies Advisory Committee
47. Pakistan Gems and Jewelry Development Corporation
48. Pakistan Mint
49. Pakistan Nuclear Regulatory Authority
50. Pakistan Security Printing Corporation and Security Papers Limited
51. Pakistan Standards and Quality Control Authority
52. Pakistan Stone Development Company
53. Pakistan Telecommunication Authority
STATEMENT OF OBJECTS AND REASONS

The Prime Minister has designated Pakistan Customs as the lead agency to establish Information and Communication Technology (ICT) based National Single Window (NSW) system. The NSW is a ‘facility that allows parties involved in trade and transport to lodge standardized information and documents with a single-entry point to fulfil all import, export, and transit-related regulatory requirements’. Implementation of NSW enables Pakistan to meet its obligations under WTO’s Trade Facilitation Agreement while improving ease of doing business in cross border trade.
2. The Steering Committee notified upon directives of the Prime Minister has already approved *Detailed Project Design Document* developed by the FBR with support from international consortium of experts. This document recommends promulgation of a new Pakistan Single Window (PSW) Act in the light of Recommendation Number 35 of United Nations Centre for Electronic Trade (UN/CEFACT) and gap analysis of existing laws. Accordingly the PSW Bill, 2020 has been drafted in consultation with all relevant stakeholders by the FBR.

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

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

DR. ABDUL HAFEEZ SHAIKH,
Adviser to the Prime Minister
on Finance & Revenue /
Minister-In-Charge.

Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 8th June, 2020 are published for information:

REPORT OF THE STANDING COMMITTEE ON PLANNING DEVELOPMENT AND SPECIAL INITIATIVES ON THE CHINA PAKISTAN ECONOMIC CORRIDOR AUTHORITY BILL, 2019

I, the Chairman of Standing Committee on Planning, Development and Special Initiatives have the honor to present this report on the Bill to provide for establishment of the China Pakistan Economic Corridor Authority [The China Pakistan Economic Corridor Authority Bill, 2019] (Ordinance No. XII of 2019) (Government Bill) referred to the Committee on 4th December, 2019.
2. The Committee comprises the following:

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<th>No.</th>
<th>Name</th>
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<tr>
<td>1</td>
<td>Mr. Junaid Akbar</td>
<td>Chairman</td>
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<td>2</td>
<td>Mr. Sher Akbar Khan</td>
<td>Member</td>
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<td>3</td>
<td>Mr. Saleh Muhammad</td>
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<td>Mr. Muhammad Sajjad</td>
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<td>Mr. Shaukat Ali</td>
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<td>Mr. Abdul Shakoor</td>
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<td>Chaudhry Salik Hussain</td>
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<td>Syed Faiz-Ul-Hassan</td>
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<td>Mr. Ahsan Iqbal Chaudhry</td>
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<td>Mr. Nawab Sher</td>
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<td>11</td>
<td>Mr. Muhammad Junaid Anwar Chaudhry</td>
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<td>12</td>
<td>Sardar Muhammad Irfan Dogar</td>
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<td>Mr. Muhammad Ibrahim Khan</td>
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<td>14</td>
<td>Syed Murtaza Mahmud</td>
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<td>15</td>
<td>Sardar Nasrullah Khan Dreshak</td>
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<td>16</td>
<td>Mr. Naveed Dero</td>
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<td>17</td>
<td>Syed Agha Rafiullah</td>
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<td>18</td>
<td>Ms. Shandana Gulzar Khan</td>
<td>Member</td>
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<td>19</td>
<td>Ms. Shaza Fatima Khawaja</td>
<td>Member</td>
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<td>20</td>
<td>Dr. Seemi Bukhari</td>
<td>Member</td>
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<tr>
<td>21</td>
<td>Mr. Asad Umar, Ex-officio Minister for Planning Development &amp; Special Initiatives</td>
<td>Member</td>
</tr>
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</table>

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meeting held on 31-12-2019 and recommends that the Bill as introduced in the National Assembly may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary.

Sd/-
(JUNAID AKBAR)
Chairman.
Standing Committee on Planning, Development and Special Initiatives.

Islamabad, the 26th Feb., 2020
Annex-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to provide for establishment of the China Pakistan Economic Corridor Authority

WHEREAS it is expedient to establish the China Pakistan Economic Corridor Authority and to provide for matters connected therewith and ancillary thereto;

AND WHEREAS it is expedient to accelerate the pace of China Pakistan Economic Corridor related activities, find new drivers of economic growth, unlock the potential of inter-linked production network and global value chains through regional and global connectivity, to develop a sound and implementable public policy by integrating advice of stakeholders in decision making process and utilization of all available resources to achieve optimal results as well as respecting individual rights and for effective and efficient management in line with the Memorandum of Understanding signed by the People’s Republic of China and Islamic Republic of Pakistan;

It is hereby enacted as follows:—

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the China Pakistan Economic Corridor Authority Act, 2020.

(2) It extends to the whole of Pakistan.

(3) Section 1 shall come into force at once and other provisions shall come into force on such date or dates as the Prime Minister may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—
(a) “Authority” means the China Pakistan Economic Corridor Authority established under section 3;

(b) “Budget Committee” means the committee constituted by the Authority, from time to time, pursuant to section 9;

(c) “Chairperson” means the Chairperson of the Authority appointed pursuant to the provisions of this Act and includes the person when acting as the Chairperson;

(d) “Chief Executive Officer” means the Chief Executive Officer of the Authority;

(e) “Division” means the Division to which business of this Act stands allocated;

(f) “Executive Director” means executive director of the Authority appointed pursuant to the provisions of this Act;

(g) “Joint Cooperation Committee” means the Committee jointly headed by the Minister for Planning, Development and Special Initiatives of the Islamic Republic of Pakistan and the Vice-Chairperson of the National Development and Reform Commission of the People’s Republic of China;

(h) “Joint Working Group” means the working group constituted and working under the Joint Cooperation Committee;

(i) “Member” means a member of the Authority appointed pursuant to the provisions of this Act;

(j) “misconduct” means misconduct as defined in the Civil Servants Act 1973 (LXXI of 1973) and rules made thereunder;

(k) “record” includes an account, book, return, statement, report, chart, table, diagram, form, survey, image, invoice, letter, map, agreement, memorandum, plan, voucher, financial and non-financial information, and anything containing information, whether in writing, digital or in electronic form or represented or reproduced by any other means, and recording of details of electronic data processing systems and programmes to illustrate what the systems and programmes do and how they operate;

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

(m) “rules” means rules made under this Act.
CHAPTER II

INCORPORATION AND FUNCTIONS

3. **Authority.**—(1) The Federal Government shall, by notification in the official Gazette, establish an authority to be known as the China Pakistan Economic Corridor Authority.

(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 enter into contracts, acquire and hold property, both moveable and immovable, and to sue and be sued in its name.

(3) The head office of the Authority shall be at Islamabad and subject to the provisions of this Act, it may establish its offices in the provinces and such other areas thereof.

(4) The Authority shall consist of the Chairperson, Chief Executive Officer, Executive Director (Operations), Executive Director (Research) and six Members.

(5) The Chairperson, Executive Directors and the Members shall be appointed by the Prime Minister of Pakistan for a period of four years and shall be eligible for re-appointment for one similar term.

(6) The Chief Executive Officer shall be a civil servant of BS-20 or above, who shall be appointed on deputation.

(7) The qualifications, experience and terms and conditions for appointment of the Chairperson, Executive Directors and Members of the Authority shall be prescribed by rules.

(8) The Chairperson, an Executive Director or a Member may resign from his office by writing under his hand addressed to the Prime Minister. The Prime Minister may remove the Chairperson, an Executive Director or a Member from office if, on an inquiry conducted by a person or persons designated with the approval of the Prime Minister, he is found inefficient or unable to perform the functions of his office due to mental or physical disability, or to have committed misconduct.

(9) In case of a vacancy occurring due to death, resignation, retirement or removal of the Chairperson, an Executive Director or a Member, the appointment of another qualified person shall be made within a period not exceeding three months from the date of occurrence of such vacancy.
(10) The Chief Executive Officer shall act as Chairperson at any time when the post is vacant or the Chairperson is unable, for any reason, to exercise his powers or perform his duties.

(11) An officer of the Authority, so nominated by it, shall act as Secretary to the Authority. The Secretary shall be the custodian of the common seal of the Authority.

4. **Powers and functions of the Authority.**—(1) In addition to such other powers and functions as may be assigned under this Act and the rules, the Authority shall be primarily responsible for coordination, monitoring and evaluation to ensure implementation of China Pakistan Economic Corridor related activities. The Authority shall exercise its powers and perform its functions in line with the framework and memorandum of understanding signed between the Islamic Republic of Pakistan and the People’s Republic of China reproduced in the Schedule to this Act and decisions taken at meetings of the Joint Cooperation Committee:

Provided that the Federal Government may, from time to time, assign more functions and issue guidelines to the Authority:

Provided further that the existing arrangement of China Pakistan Economic Corridor related activities shall continue until the Authority is established and becomes functional and holds its first meeting.

(2) Without prejudice to generality of the foregoing, the Authority shall—

(a) interface with the People’s Republic of China for identifying new areas of cooperation projects;

(b) organize meetings of Joint Cooperation Committee and Joint Working groups;

(c) ensure inter-provincial and inter-ministerial coordination for China Pakistan Economic Corridor related activities;

(d) ensure narrative building and communication of China Pakistan Economic Corridor related activities; and

(e) conduct sectoral research for informed decision making and long term planning.
5. **Meetings of the Authority.**—(1) The Chairperson and six other persons of the Authority shall constitute the quorum for a meeting of the Authority.

(2) The decision of the Authority shall be taken by the majority of the attending members and in case of a tie the Chairperson shall have a casting vote.

(3) No act, proceeding or decision of the Authority shall be invalid by reason only of the existence of a vacancy in or defect in the constitution of the Authority.

(4) The Authority shall hold its meetings at least once in a quarter. The Chairperson shall call all meetings of the Authority. The Chairperson shall also call a meeting of the Authority, within five working days, on being requested in writing to do so by at least three persons from amongst the Chief Executive Officer, Executive Directors and Members.

(5) The Chief Executive Officer, Executive Directors and Members shall have reasonable notice of the date, time and place of a meeting of the Authority and each matter on which a decision has to be taken:

Provided that in case of any urgent issue the requirement of notice may be waived by the Chairperson.

6. **Conflict of interest.**—(1) No person shall be appointed as Chairperson, Executive Director or Member if he has any direct or indirect financial interest in, or has any connection which might reasonably be viewed as giving rise to a conflict of interest with any person involved in any China Pakistan Economic Corridor project. No person appointed as Chairperson, Executive Director or a Member shall during his term in office have or maintain any direct or indirect financial interest with any person involved in any China Pakistan Economic Corridor project. The Chairperson, Executive Directors or Members shall not, at any time during their term of office, engage themselves in any other service, business, vocation or employment with any other person.

(2) If at any time, Chairperson, Chief Executive Officer, Executive Directors or Members of the Authority, in any way, whether directly or indirectly, becomes concerned or interested in any decision, he shall declare that interest and shall not in any manner be associated with the proceedings.

(3) Every person who knowingly contravenes any of the provisions of sub-section (1) or sub-section (2) shall be guilty of misconduct.
7. **China Pakistan Economic Corridor Business Council.**— There shall be a China Pakistan Economic Corridor Business Council, to be constituted as prescribed in the rules, to advise the Authority in achieving its objectives.

8. **Recruitment of employees etc.**—The Authority may, from time to time, determine the need and employ officers, members of its staff, experts, consultants, advisors or other employees on such terms and conditions as may be prescribed by regulations.

CHAPTER-III

**BUDGET, FINANCE AND AUDIT**

9. **Budget, Finance and Audit.**—(1) The Authority, in respect of each financial year, shall prepare its own budget in accordance with prescribed procedure and shall maintain complete and accurate books of account of its annual expenses and receipts.

   (2) The budget prepared by the Authority shall be reviewed by the Budget Committee consisting of three members to be nominated by the Authority from amongst the Executive Directors and Members. The Budget Committee shall ensure that the Authority complies with all requirements of this Act, the rules and the regulations pertaining to such budget.

   (3) All investments made by the Authority shall be with the approval of the Budget Committee.

   (4) The accounts of the Authority shall be audited annually by the Auditor-General of Pakistan.

   (5) The Chief Executive Officer shall be the principal accounting officer of the Authority.

10. **China Pakistan Economic Corridor Fund.**—(1) There shall be a fund, known as the China Pakistan Economic Corridor Fund, which shall vest in the Authority and shall be utilized by the Authority to meet all expenses and charges properly incurred in connection with carrying out the purposes of this Act.

   (2) Subject to the rules and instructions issued by the Federal Government from time to time, the China Pakistan Economic Corridor Fund shall consist of—

   (a) grants obtained by the Authority;
(b) proceeds of any investments made by the Authority in utilizing any amount of the fund which is not required for immediate use;

(c) loans obtained by the Authority with the approval of the Budget Committee; and

(d) any funds allocated to the Authority with the approval of the Federal Government.

11. **Bank accounts.**—The Authority may open and maintain bank accounts at such scheduled banks as may be prescribed by rules.

**CHAPTER-IV**

**MISCELLANEOUS**

12. **Immunity.**—Except as expressly provided in this Act, no suit prosecution or other legal proceedings shall lie against the Authority, the Chairperson, Chief Executive Officer, Executive Director, any Member, officer, member of staff, other employee, expert, consultant or advisor of the Authority in respect of anything done or intended to be done in good faith under this Act, the rules or the regulations.

13. **Chairperson, etc., not to be civil servants.**—The Chairperson, Executive Directors, Members, officers, members of staff or other employees of the Authority or experts, consultants or advisors employed, or as the case may be, hired or engaged by the Authority shall be governed by the terms and conditions of their appointment and shall not be deemed to be civil servants within the meaning of the Civil Servants Act, 1973 (Act LXXI of 1973):

Provided that if a civil servant is appointed on deputation, he shall be governed by the Civil Servants Act 1973 and the rules made thereunder.

14. **Chairperson, etc., to be public servants.**—The Chairperson, Executive Directors, Members, officers, members of staff or other employees of the Authority or experts, consultants or advisors employed, or as the case may be, hired or engaged by the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or the regulations, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

15. **Winding up of the Authority.**—No provision of any law relating to the winding up of bodies corporate shall apply to the Authority:
Provided that the Federal Government may decide to windup the Authority and transfer its assets and liabilities to the concerned Division allocated with business of this Act or to any other entity.

16. **Annual report.**—The Authority shall, within three months of the end of a financial year, submit to the Prime Minister an annual report, which shall consist of the accounts and audit reports of the Authority, a comprehensive statement of the work and activities of the Authority during the preceding financial year and its proposed activities and such other matters as may be prescribed in the rules or as the Authority may consider appropriate.

17. **Power to call for information.**—The Authority may call for any pertinent information required by it for carrying out the purposes of this Act from any person involved, directly or indirectly, in any China Pakistan Economic Corridor related activity or any matter incidental or consequential thereto. Any person called upon to provide such information shall do so within the period specified by the Authority and his failure so to do shall be punishable by the imposition of such penalty as may be prescribed by the rules.

18. **Confidential information.**—(1) Except as provided under the regulations, no person shall communicate, or allow to be communicated, any record or information obtained pursuant to this Act to a person not legally entitled to that record or information or allow any person not legally entitled to that record or information to have access to any record obtained under this Act.

(2) A person who knowingly receives any record or information obtained under this Act shall hold such record or information subject to the same restrictions under sub-section (1) as apply to the person from whom such record or information were received.

19. **Delegation of powers.**—The Authority may, by general or special order, delegate to Chief Executive Officer, Executive Director, Member or any officer of the Authority any of its powers, duties or functions under this Act subject to such conditions as it may think fit to impose.

20. **Power to make rules.**—The Prime Minister may, by notification in the official Gazette, make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

21. **Power to make regulations.**—The Authority may, with the approval of the Prime Minister and, by notification in the official Gazette, make regulations, not inconsistent with the provisions of this Act or the rules, for the purpose of carrying out out of its functions.

22. **Act to override other laws.**—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law, rule
or regulation, for the time being in force, and any such law, rule or regulation shall, to the extent of any inconsistency, cease to have any effect on the commencement of this Act.

23. **The removal of difficulties.**—In case of any difficulties in implementation of the provisions of this Act or the rules made thereunder, the Prime Minister may make an order, within one year of establishment of the Authority, to remove such difficulties.

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**STATEMENT OF OBJECTS AND REASONS**

**THE CHINA PAKISTAN ECONOMIC CORRIDOR AUTHORITY BILL, 2019**

The Bill seeks to establish China — Pakistan Economic Corridor Authority and to further accelerate the pace of China Pakistan Economic Corridor related activities. It aims to find new drivers of economic growth, unlock the potential of inter-linked production network and global value chains through regional and global connectivity. Furthermore, it would develop sound and implementable public policy by integrating advice of stakeholders in decision making process and utilization of all available resources to achieve optimal results and for effective and efficient management in line with the Memorandum of Understanding signed between the Islamic Republic of Pakistan and People’s Republic of China.

The Authority shall be primarily responsible to ensure inter-provincial and inter-ministerial coordination; organize meetings of Joint Cooperation Committee and Joint Working Groups; conduct sectoral research for informed decision making and long term planning; monitoring and evaluation and to ensure implementation beside narrative building and communication of China — Pakistan Economic Corridor and other related activities from time to time.

**MAKHDOOM KHUSRO BAKHTYAR,**

*Minister for Planning, Development and Reform.*

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**REPORT OF THE STANDING COMMITTEE ON FOREIGN AFFAIRS ON THE UNITED NATIONS (SECURITY COUNCIL) (AMENDMENT) BILL, 2020**

I, Chairman of the Standing Committee on Foreign Affairs have the honor to present this report on the Bill further to amend the United Nations
2. The Committee comprises the following:—

(1) **Malik Muhammad Ehsan Ullah Tiwana**  
*Chairman*

(2) Mr. Fazal Muhammad Khan  
*Member*

(3) Mr. Arbab Amir Ayub  
*Member*

(4) Mehar Ghulam Muhammad Lali  
*Member*

(5) Mr. Muhammad Asim Nazir  
*Member*

(6) Mr. Muhammad Ameer Sultan  
*Member*

(7) Syed Fakhar Imam  
*Member*

(8) Makhdoom Zain Hussain Qureshi  
*Member*

(9) Ms. Munaza Hassan  
*Member*

(10) Ms. Maleeka Ali Bokhari  
*Member*

(11) Dr. Ramesh Kumar Vankwani  
*Member*

(12) Mr. Ali Nawaz Shah  
*Member*

(13) Mr. Ali Zahid  
*Member*

(14) Mr. Muhammad Khan Daha  
*Member*

(15) Mr. Noor-ul-Hassan Tanvir  
*Member*

(16) Ms. Zahra Wadood Fatemi  
*Member*

(17) Ms. Maiza Hameed  
*Member*

(18) Mr. Nauman Islam Shaikh  
*Member*

(19) Ms. Hina Rabbani Khar  
*Member*

(20) Mr. Abdul Shakoor  
*Member*

(21) Minister for Foreign Affairs  
*Ex-officio Member*

3. The Committee considered the Bill as introduced in the National Assembly placed at Annexure-‘A’, in its meeting held on 26th February, 2020. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

-Sd-
(TAHIR HUSSAIN),  
*MALIK MUHAMMAD EHSAN ULLAH TIWANA*,  
*Secretary.*

-Chairman.*

Islamabad, the 11th March, 2020.
Annexure-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the United Nations (Security Council) Act, 1948

WHEREAS it is expedient further to amend the United Nations (Security Council) Act, 1948 (XIV of 1948) for the purposes hereinafter appearing;

It is hereby enacted as under:—

1. **Short title and commencement.**—(1) This Act shall be called the United Nations (Security Council) (Amendment) Act, 2020.

(2) It shall come into force at once.

2. **Amendment in section 2, Act XIV of 1948.**—In the United Nations (Security Council) Act, 1948 (XIV of 1948), hereinafter referred to as the said Act, in section 2, the expression, “and without prejudice to the generality of the foregoing power, provision may be made for the punishment of persons offending against the order” shall be omitted.

3. **Insertion of new sections, Act XIV of 1948.**—In the said Act, after section 2, amended as aforesaid, the following new sections shall be added, namely:—

   “3. **Indemnity.**—No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

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

5. **Delegation.**—The Federal Government may, by order, delegate, subject to such conditions as may be specified therein, all or any of the powers excerciseable by it under this Act”.


STATEMENT OF OBJECTS AND REASONS

SUBJECT:— United Nation Security Council Act 1948 (XIV of 1948) (Amendment) Bill 2020


The Act does not contain an indemnity clause to provide protection to the persons implementing in good faith, the orders passed under the Act. Furthermore, there is a requirement to give powers to the Federal government to make rules for carrying out the purposes of the Act. In addition, the power to issue orders under the Act need to be delegated by the Federal Government to ensure that the orders are issued in a timely manner, within a matter of a few hours, as required by the Security Council Finally the provision for punishment of persons offending against the order issue under the Act is redundant as neither the punishment nor the mechanism for it enforcement is provided under the Act. The issue is being taken up separately; through corresponding amendment in the Anti-Terrorism Act, 1997.

The bill, therefore, seeks, to amend the United Nations (Security Council) Act, 1948 (XIV of 1948) in order to ensure the effective implementation of the resolutions of the United Nations Security Council.

MAKHDOOM SHAH MAHMOOD QURESHI,
Minister for Foreign Affairs.

TAHIR HUSSAIN,
Secretary.