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ORDINANCE NO.VIII OF 2015

AN

ORDINANCE

*to ensure publication of the text of the laws of Pakistan free from errors of
reproduction, updating and printing*

WHEREAS it is expedient to provide for publication of the text of the laws of Pakistan free from errors of reproduction, updating and printing and to deal with ancillary matters;

AND WHEREAS the Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa and Punjab have passed Resolutions under Article 144 of the Constitution to the effect that Parliament may be law regulate the issue;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title, extent, commencement and application.**— (1) This Ordinance may be called the Publication of Laws of Pakistan (Regulation) Ordinance, 2015.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) This Ordinance shall not apply to publication of laws of Pakistan by the Federal Government, a Provincial Government, any House of *Majlis-e-Shoora* (Parliament) or a Provincial Assembly, but the Governments and Legislatures shall maintain internal checks in order to ensure accuracy of the laws published by them.

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

(a) “Cell” means the Laws of Pakistan Cell to be established under section 6;

(b) “Director” means the Director of the Cell;

(c) “law of Pakistan” means a law passed under the Constitution of the Islamic Republic of Pakistan, or by or under the authority of *Majlis-e-Shoora* (Parliament) or any of the Provincial Assemblies, which is published in the Gazette of Pakistan or Gazette of any Province and includes principal and subordinate legislation and any other statutory instrument which is published in the Gazette of Pakistan or Gazette of any Province;

(d) “prescribed” means prescribed by rules made under this Ordinance;

(e) “public sector organization” means a concerned ministry, division, department, attached department, statutory body or an autonomous body of the Federal Government, a department, statutory body, an attached department or autonomous body of a Provincial Government and a local government and Supreme Court of Pakistan, Federal Shariat

Court or a High Court to the extent of Rules and Orders published under the authority of the Supreme Court, Federal Shariat Court or a High Court;

- (f) "publisher" means a person who is publishing or who, intends to publish any law of Pakistan in the form of a book, booklet, pamphlet, journal, or in any electronic form; and
- (g) "reviewer" means a person who reviews a law of Pakistan under this Ordinance.

3. **Registration of publishers.**—(1) A publisher shall not publish any law of Pakistan unless,—

- (a) he is registered with the Cell;
- (b) his proposed publication is reviewed by the Cell; and
- (c) the Cell has certified that his proposed publication is accurate and updated till the date of issuance of certificate.

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

4. **Exemption from registration.**—A public sector organization and a Legislature shall be exempt from registration under this Ordinance but the head of the public sector organization or the Secretary of the Senate or the National Assembly or a Provincial Assembly, as the case may be, or any officer authorized by the head of the public sector organization, Senate, National Assembly or a Provincial Assembly, shall execute and publish a certificate of accuracy of the contents of a law of Pakistan published by the public sector organization or a Legislature and the certificate shall contain the date when the law of Pakistan is last updated.

5. **Publication of authentic versions of laws of Pakistan.**— (1) The Federal Government shall, to the extent of Federal laws, maintain an updated and accurate version of the laws of Pakistan which shall, besides other purposes, be used to determine the accuracy of the material submitted by a publisher for review under this Ordinance.

(2) Each Provincial Government shall, to the extent of Provincial laws of the respective Province, maintain an updated and accurate version of the laws of Pakistan which shall, besides other purposes, be used to determine the accuracy of the material submitted by a publisher for review under this Ordinance.

(3) The Federal Government and each Provincial Government shall secure the safe custody of the Gazettes of Pakistan and Gazettes of the respective Province

containing laws of Pakistan concerning the Federation or the Province and the publications of the updated and accurate versions of the respective laws of Pakistan.

6. **Cell.**—(1) The Federal Government shall, by notification in the official Gazette, establish a Cell to be known as Laws of Pakistan Cell.

(2) The Federal Government shall establish as many offices of the Cell throughout Pakistan, as may be necessary for efficient working of the Cell.

7. **Functions of the Cell.**—The Cell shall,—

- (a) register publishers of laws of Pakistan;
- (b) regulate the publication of the standard translation of laws of Pakistan;
- (c) review every proposed publication of a law of Pakistan;
- (d) issue certificate of accuracy to the effect that the contents of the law of Pakistan submitted by a publisher are authentic, accurate and updated till date of such certification;
- (e) seize any unauthorized publication of a law of Pakistan which contains errors and destroy the same if, in the opinion of the Cell, the errors cannot be rectified;
- (f) impose fines as provided in section 19;
- (g) initiate prosecution under this Ordinance; and
- (h) perform any other function which is incidental to above functions or as may be prescribed.

8. **Review of publications.**—(1) The Cell shall, on payment of a prescribed fee, review a proposed publication of a law of Pakistan submitted by a registered publisher and subject to rules, the Cell shall, within the maximum period of sixty working days from the date of submission of publication or payment of fee, whichever is later, complete the review, correct errors and issue certificate of accuracy of the publication as on a specified date.

(2) If text of a publication of a law of Pakistan includes other material like commentary, the Cell shall only review the contents of the law of Pakistan and the certificate of accuracy shall also be construed to contain responsibility only to that extent.

(3) After review of a publication, the Cell shall retain the authenticated copy of the publication in safe custody and shall, subject to payment of remaining fee, if any, provide a copy of the authenticated copy of the publication to publisher for publication.

9. **Director.**—(1) The Federal Government shall appoint a Director of the Cell and as many Deputy Directors, Assistant Directors and other staff of the Cell as may be necessary for efficient working of the Cell, on such terms and conditions as may be prescribed.

(2) The Director and all the Deputy Directors and Assistant Directors shall be the reviewers of the laws of Pakistan for the purposes of this Ordinance and each certificate of accuracy shall bear the name and signatures of the Director as reviewer.

10. **Delegation.**—The Director may, subject to such conditions and limitations as it may impose, delegate any of his functions to any other officer of the Cell except the function to—

- (a) to sign the certificate of accuracy;
- (b) constitute a committee or fill a vacancy in a committee; and
- (c) approve annual budget, audited accounts and annual report of the Cell.

11. **Supervisory committee.**—(1) The supervisory committee shall consist of:—

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| (i) Secretary Law, Justice and Human Rights Division | <i>Chairperson</i> |
| (ii) Secretaries of Law Departments of Provinces | <i>Members</i> |
| (iii) a representative from National Book Foundation | <i>Member</i> |
| (iv) a representative from Pakistan Bar Council | <i>Member</i> |
| (v) one representative each from Provincial Bar Councils and Islamabad Bar Council | <i>Members</i> |
| (vi) a representative from Printing Corporation of Pakistan | <i>Member</i> |
| (vii) a representative from the Pakistan Publishers and Booksellers Association | <i>Member</i> |

(2) The Director shall act as Secretary of the supervisory committee.

(3) One half of the total members of the supervisory committee shall constitute the quorum for a meeting of the supervisory committee.

(4) In the absence of Chairperson, the supervisory committee shall nominate a member to preside over the meeting.

(5) Except for the purposes of hearing appeal under sub-section (1) of section 23 for which the supervisory committee may meet whenever deemed necessary, the supervisory committee shall meet at least biannually.

(6) The Supervisory Committee, on receipt of the annual report, may issue guidelines to the Cell for corrective measures on efficient working of the Cell.

12. **Annual report.**—(1) The Cell shall, within three months of the close of a financial year, submit to the Supervisory Committee an annual report.

(2) The report shall consist of—

- (a) a comprehensive statement of the work and activities of the Cell and the measures taken for accurate publication of laws of Pakistan during the preceding financial year;
- (b) future plans and projects;
- (c) the problems faced by the Cell and the recommendations to resolve those problems;
- (d) guidelines issued by the Cell for translation of laws of Pakistan; and
- (e) such other matters as may be prescribed or as the Cell may consider appropriate.

13. **Disclosure of interest.**—(1) If the Chairperson, Secretary, member, Director, or any other employee, including an adviser, consultant, agent, actuary, valuator, lawyer, and auditor or the family of such a person has, direct or indirect interest in any matter relating to financial transactions of the Cell or supervisory committee, such person shall forthwith disclose that interest and the Cell or, as the case may be, the supervisory committee, may take such action as it may consider appropriate.

(2) Any person referred to in sub-section (1), if present in a meeting of the Cell or supervisory committee, shall forthwith disclose his interest and withdraw himself from the meeting during the consideration of that matter.

14. **Recovery of dues.**—Any amount due to the Cell may be recovered as arrears of land revenue by an officer authorized for this purpose by the Cell and such officer shall exercise all powers of a collector for recovery of the amount due.

15. **Duties of publishers.**—(1) A publisher may print a law of Pakistan in off-set, photostat, photo-block or any other modern system of printing including uploading on website etc., but he shall not print it in litho process.

- (2) A publisher shall,—
- (a) not use paper prohibited by the Cell for printing the law of Pakistan;
 - (b) before submission to the Cell, get his specimen copy of the proposed publication of a law of Pakistan compared with the text of the Gazettes and official publication of laws of Pakistan, by a person holding a law degree from a recognized university or a person trained in the job of proof reading of legal publications, and have a statement recorded in writing by such a person that the contents of the laws of Pakistan reproduced in the publication do not contain any error; and
 - (c) ensure that the cover page of every edition or publication of the law of Pakistan clearly bears the name and registration number of the publisher, the batch number of the publication, the name of the printer or database operator, and the day, month and year till which it has been updated.
- (3) In addition to the duties specified in sub-section (2), the publisher shall, in case of laws of Pakistan published after the commencement of this Ordinance, print the certificate of accuracy relating to that publication at a conspicuous place.
- (4) As soon as this Ordinance is promulgated, a publisher shall recall the latest edition of his publications containing a law or laws of Pakistan, published immediately before the commencement of this Ordinance, and print the certificate of accuracy on those publications within a period of ninety days from the commencement of this Ordinance and return the publications on the same addresses from which they were received.
- (5) In case it is not possible to correct errors in any publication recalled under sub-section (4), the publisher shall destroy the same and send a copy published under sub-section (3), free of cost, on the address specified under sub-section (4).

16. Disclaimer by the publisher.—Any disclaimer given by the publisher in his publication containing a law of Pakistan shall not exonerate him from the civil and criminal liability created under this Ordinance.

17. Translation of the laws of Pakistan.—(1) The Cell shall regulate the publication of translation of laws of Pakistan and issue guidelines, from time to time, for standard translation of laws of Pakistan in Urdu and other vernacular languages of Pakistan.

(2) All the provisions applicable to the laws of Pakistan under this Ordinance and the rules made thereunder shall, in so far as may be practicable, also apply to the translations of the laws of Pakistan and the publications thereof.

18. **De-registration.**—(1) The Cell may, in the prescribed manner, de-register a publisher through an order specifying reasons for the order.

(2) The Cell shall not pass an order of de-registration of a publisher unless the publisher has been served a notice and afforded an opportunity of hearing.

19. **Fines.**—(1) If a person publishes a law of Pakistan in violation of all or any of the requirements under section 15, the Cell may, subject to notice and opportunity of hearing, direct the person to pay a fine of an amount which may extend to one hundred thousand rupees.

(2) In case of recurring breach as specified in sub-section (1), the person shall be subject to a fine ranging between one hundred thousand rupees to three hundred thousand rupees.

20. **Offences.**—(1) Any person who publishes or intends to publish a law of Pakistan without registration under this Ordinance shall be punished with simple imprisonment for a term which may extend to six months and fine which may extend to one million rupees, but shall not be less than two hundred thousand rupees.

(2) Any person who publishes or intends to publish a law of Pakistan without obtaining review and certificate of accuracy under this Ordinance shall be punished with simple imprisonment for a term which may extend to three months and fine which may extend to three hundred thousand rupees.

(3) Any reviewer found negligent in his duty of review, which negligence results in publication of a law of Pakistan with errors, shall be punished with fine which may extend to one hundred thousand rupees.

(4) All published copies of the laws of Pakistan, in respect of which the offence has been committed, shall be seized by the Cell.

(5) The police shall act in aid of the Cell, as and when required by the Cell, for the purposes of this Ordinance.

21. **Offences by corporations.**—If the person guilty of an offence under section 19 is a company or other body corporate, every proprietor, director, general manager, secretary or any other office bearer of the company or body corporate shall, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence, be deemed to be guilty of such offence.

22. **Jurisdiction to try offences.**—(1) Any person may lodge a complaint with the Session Judge, in whose jurisdiction the offence has been committed, in respect of the offence committed under section 20.

(2) For any offence committed under section 20, the Session Judge shall conduct a summary trial in accordance with the provisions of Code of Criminal Procedure, 1898 (V of 1898).

23. **Appeal.**—(1) Any person aggrieved by an order made by the Cell under section 19 may, within fifteen days of the date of receipt of the order, prefer an appeal to the supervisory committee and the decision of the supervisory committee thereon shall be final.

(2) Any person aggrieved of the order or judgment of Session Court under section 20 may, within thirty days of the receipt of such order or judgment, prefer an appeal to the High Court.

24. **Bar of jurisdiction.**—A civil court shall not entertain any suit or application against any proceedings before the Cell or supervisory committee under this Ordinance.

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

26. **Removal of difficulty.**—If any difficulty arises in giving effect to any of the provisions of this Ordinance, the President may make an order, not inconsistent with the provisions of this Ordinance, for the purposes of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of Pakistan in suo moto case No. 1 of 2005 and in the order passed on 3rd March, 2015, directed that a legislation shall be enforced to regulate the publication of law books and materials and their translations, for placing a check on the sale of erroneous law books and materials to the public which sometimes lead to glaring consequences causing loss to either of the parties in litigation. Since the subject and contents of the Bill do not figure in the Federal Legislative List contained in the Fourth Schedule to the Constitution, therefore, Resolutions were sought from all the four Provincial Assemblies, through their respective Provinces, in terms of Article 144 of the Constitution. The Provincial Assemblies of Bolochistan, Khyber Pakhtunkhwa and Punjab have passed Resolutions to this effect.

2. The Bill is designed to achieve the aforesaid object.

MR. PERVAIZ RASHID
Minister-In-Charge for
Law, Justice & Human Rights