

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

*To provide for the establishment of Pakistan Private Courier Services
Regulatory Authority of Pakistan.*

WHEREAS it is expedient to provide for the establishment of Pakistan Private Courier Regulatory Authority of Pakistan and for the matters connected therewith and incidental thereto.

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called "The Pakistan Private Courier Regulatory Authority Bill, 2015".

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Act" means the Pakistan Private Courier Services Regulatory Authority Act.

(b) "Authority" means the Pakistan Private Courier Services Regulatory Authority under Section 3.

(c) "Chairperson" means the chairperson of the Authority.

(d) "Member" means the member of the Authority.

(e) "Civil Servants" means the civil servants as defined in Civil Servants Act, 1973 of Pakistan.

(f) "Person" includes any individual or legal entity.

(g) "Secretary" means the Secretary of the Authority.

3. Authority.- (1) With effect from such date as the Federal Government may, by notification appoint, there shall be established, for the purposes of this Act, an Authority to be called The Pakistan Private Courier Regulatory Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name; sue or be sued.

(3) The Head office of the Authority shall be at Islamabad.

(4) The Authority shall consist of the following persons, namely:-

(a) a Chairperson, to be appointed by the Federal Government by notification, from amongst persons who is or has held a post, not below that of the Additional Secretary to the Government of Pakistan or any other post under the Federal Government carrying a scale of pay

which is not less than that of the Additional Secretary to the Government of Pakistan, for a period of three years and has practical knowledge and experience in the postal service administration;

(b) one member, to be appointed by the Federal Government by a notification, from amongst persons who is or has held the post, not below that of the Additional Secretary to the Government of Pakistan or any other post under the Federal Government carrying a scale of pay which is not less than that of Additional Secretary to the Government of Pakistan, for a period of three years and has practical knowledge and experience in the central civil or general services and administration;

(c) one member, to be appointed by the Federal Government by a notification, from amongst persons who is or has held the post, not below that of the Additional Secretary to the Government of Pakistan or any other post under the Federal Government carrying a scale of pay which is not less than that of the Additional Secretary to the Government of Pakistan, for a period of three years and has professional knowledge and experience in trade and commerce.

4. Terms and Conditions.- Term of office, conditions of service, etc., of Chairperson and members of Authority.-

(1) Before appointing any person as the Chairperson or member of the Authority, the Federal Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as Chairperson or a member, as the case may be.

(2) The Chairperson and members of the Authority shall hold office for a term of three years from the date on which they enter upon their offices or until they attain the age of sixty years, whichever is earlier.

(3) Every person on his selection as the Chairperson or a member of the Authority shall have to seek retirement from service before joining as Chairperson or member, as the case may be.

(4) The salary and allowances payable to and other terms and conditions of service of the chairperson and members of the Authority shall be such as may be prescribed.

(5) Notwithstanding anything contained in sub-section (2), the Chairperson or a member of the Authority may-

(a) relinquish his office by giving to the Federal Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7.

(6) The Chairperson or any member of the Authority ceasing to hold office as such, shall-

(a) be ineligible for further employment under Federal Government or any Provincial Government: or

(b) not accept any commercial employment, for a period of two years from the date he ceases to hold such office.

Explanation.- For the purpose of this section, "commercial employment" means employment in any capacity under, or in agency of, a person engaged in trading, commercial, industrial or financial business in the field relating to mail or courier business including setting practice either independently or as partner of a firm or as a Director of a company or an Adviser or a Consultant in any field relating to the mail or courier business.

5. Powers and Functions of Chairperson.- (1) The Chairperson of the Authority shall have powers of general superintendence and directions in the conduct of affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority as may be prescribed.

(2) When the Chairperson of the Authority is unable to discharge his functions owing to absence, illness or any other cause, the senior-most member shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

6. Removal of Chairperson.- (1) The Federal Government may remove from office such Chairperson or member of the Authority, who-

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has been convicted of any offence which, in the opinion of the Federal Government, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside duties of his office; or

(d) is, in the opinion of the Federal Government, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a member, as the case may be; or

(f) has so abused his position as to render his continuation in office prejudicial to the public interest.

(2) No person shall be removed under clauses (c) to (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

7. Meetings.- The Authority shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings, including quorum at such meetings, as may be prescribed.

8. Validation.- No act or proceeding of the Authority shall be invalid merely by reason of-

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a Chairperson or member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

9. Powers to make Regulations.-(1) The Federal Government shall provide the Authority with such officers and other employees as it considers necessary for the efficient discharge of functions under the provisions of this Act.

(2) The salary and allowances payable to and the other conditions of service of the officers and other employees of the Authority appointed under sub-section (a) shall be such as may be prescribed.

10. Functions.- The functions of the authority shall be –

(a) make recommendations, which may not be binding on the Federal Government, on a request from registered service providers or department of Posts, on the following matters, namely:-

(i) suspension or cancellation of registration for non-compliance of terms and conditions of registration;

(ii) measures to promote competition and efficiency in carrying on any service relating to carriage and delivery of postal articles and letters;

(iii) technological improvements in services provided by the registered service providers/ Department of Posts;

(iv) kinds of equipment to be used by the registered service providers and department of Posts;

(v) standards and quality of service to be provided by the registered service providers and department of Posts;

(vi) compliance of terms and conditions by registered service providers;

(vii) rates at which mail services within Pakistan and outside shall be provided;

(b) fix terms and conditions of inter-connectivity between the registered service providers and the department of Posts;

(c) regulate arrangements amongst registered service providers of sharing with the Department of Posts their revenue derived from providing mail related services.

(d) conduct periodical survey of services provided by the registered service providers;

(e) protect interests of consumers of mail services;

- (f) lay down and ensure time period for providing local and long distance mail service by registered service providers and the department of Posts;
- (g) maintain records of mutual agreements between registered service providers;
- (h) make available the records maintained under clause (g) for inspection to public on payment of such fee and on compliance of such conditions as may be prescribed;
- (i) ensure effective compliance of universal service obligation;
- (j) perform such other administrative and financial functions as may be entrusted to it by the Federal Government and which are incidental thereto;
- (k) carry out inspection of records of the registered service providers; and
- (l) call for information, statement and record from the registered service providers and the Department of Posts.

12. Status of employees.- Chairperson, members and other officers and employees of the Authority shall be deemed to be Civil servants within the meaning of Civil Servants Act, 1973.

STATEMENT OF OBJECTS AND REASONS

Currently, private courier services are operating without a regulatory framework. The law would provide an institutional mechanism for regulating the courier industry. The need for a regulatory mechanism was felt after increasing terrorist activities, including dispatch of contraband and other anti-state material. The Interior Ministry had expressed concern through a letter to the Postal Services Ministry, asking it to take necessary measures to check such activities. Similarly, the government is also considering to make legislation to regulate sale and purchase of explosives, including acid. The sources said the use of explosives in large quantities during recent terrorist attacks in the country prompted the government to introduce the legislation, which would help keep a check on unauthorized sale and purchase of explosive.

Sd/-
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