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[~~TO BE~~ INTRODUCED IN THE SENATE]

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**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, 2018.

(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:-

(a)	a suitable and an eminent professional having rich experience in business, management, finance or economics;	<i>Chairperson</i>
(b)	two persons from Pakistan courier and logistics service providers;	<i>Members</i>
(c)	one person who shall be member Legal having excellent legal expertise in the relevant field to assist the Authority in legal matters;	<i>Member</i>
(d)	A nominee not below the rank of Joint Secretary of the Division to which subject of communications stands allocated;	<i>Member</i>
(e)	A nominee not below the rank of Joint Secretary of the Division to which subject of commerce stands allocated;	<i>Member</i>
(f)	A nominee not below the rank of Joint Secretary of the Division to which subject of ports and shipping stands allocated;	<i>Member</i>
(g)	A nominee not below the rank of Joint Secretary of the Division to which subject of railways stands allocated;	<i>Member</i>
(h)	A nominee not below the rank of Joint Secretary of the Division to which subject of finance stands allocated;	<i>Member</i>

(i)	A nominee not below the rank of Joint Secretary of the Division to which subject of law and justice stands allocated; and	<i>Member</i>
(j)	Director General or Deputy Director General of Pakistan Post Office Department.	<i>Member</i>

(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 defaulter 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 of 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 field, 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.

