

**LEGAL APPRAISAL OF ELECTRONIC BILL OF
LADING IN PAKISTAN. CHALLENGES AND
OPPORTUNITIES**



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DEDICATION

To my beloved wife Iffat Rabia

&

My adorable sons!

Muhammad Salaar Alam

Muhammad Ammaar Alam

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ABSTRACT

A bill of lading is a centuries old pivotal legal document of carriage of goods via sea. Bill of lading (B/L) is issued by the carrier in three to six copies carrying all detailed description of the quantity and quality of cargo to the shipper in acknowledgment of taking custody of the goods/cargo to be shipped to a designated port or place against a consideration. There are four legal conventions on B/L globally which give detailed list of legal rights and duties of the parties involved in a shipping contract. B/L plays a diversified role of a receipt of cargo, evidence of contract and above all as a title document of the cargo laden on the ship. A consignee has to surrender original copy of the B/L to take delivery of the cargo from the carrier. Transmission and exchange of shipping documents in paper form costs ten to fifteen percent of the cost shipping, amounting in billions of dollars. It is ironical in this age of IT that parties and authorities involved still rely on shipping documents in the paper form. There is a realization in the stakeholders seeking ways out to switch from paper to electronic bill of lading (EBL). Being a title document of cargo, a B/L cannot be sent via any open online source rather there must be some close ends systems of sending shipping documents digitally. In this regard stakeholders have approved and given legal recognition to some platforms which provide services of sending a B/L digitally rather than in paper form. Approach of shipping industry is conventional and cautious due to high stakes involved in the shipping transactions so, slowly but gradually this transition is happening worldwide. This research work is intended to evaluate the possibility and practicability of switching from paper to electronic B/L in Pakistan, taking into consideration the pros and cons of both the versions while discussing the legal challenges and opportunities of this shifting and deliberating on all prevailing laws on B/L globally and particularly in Pakistan locating the legal gaps then coming up with concrete recommendations with respect to Pakistan.

Keywords: Electronic Bill of Lading. Shipping contracts. Legal challenges.

LIST OF ABBREVIATIONS

| | |
|------------------------|---|
| B/L | Bill of Lading |
| EBL | Electronic Bill of lading |
| IMO | International Maritime Organization |
| UNCITRAL | United Nations Commission on International Trade Law |
| UNCTAD | United Nations Conference on Trade and Development |
| ICC | International Chamber of Commerce |
| BIMCO | Baltic and International Maritime Council |
| IG P&I Club | International Group of Protection & Indemnity Club |
| BLOERO | Bill of Lading Electronic Registration Organization |
| EssDOCS | Electronic Shipping Solution Documents |
| E-Title™ | Electronic-Title™ |
| MLEC | Model Law on Electronic Commerce |
| MLES | Model Law on Electronic Signature |
| MLETR | Model Law on Electronic Transferable Records |
| EDI | Electronic Data Interchange |
| SWIFT | Society for Worldwide Interbank Financial Telecommunication |
| CMI | Comite Maritime International |
| TT Club | Through Transport Club |
| LOI | Letter of Indemnity |
| DSUA | Data bridge Service and User Agreement |
| COGSA | Carriage of Goods by Sea Act |
| PECA | Prevention of Electronic Crime Act |
| ETO | Electronic Transaction Ordinance |
| TEU | Twenty Foot-Equivalent |