

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON THE LAW AND JUSTICE COMMISSION OF PAKISTAN (AMENDMENT) BILL, 2013

I, the Chairman of the Standing Committee on Law, Justice and Human Rights, have the honor to present, this report on the Bill further to amend the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979) [The Law and Justice Commission of Pakistan (Amendment) Bill, 2013] referred to the Committee on the 8th November, 2013.

2. The Committee comprises the following members: -

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|--|-------------------|
| 1. Chaudhry Mahmood Bashir Virk | Chairman |
| 2. Justice (Retd) Iftikhar Ahmad Cheema | Member |
| 3. Chaudhary Muhammad Ashraf | Member |
| 4. Rai Mansab Ali Khan | Member |
| 5. Mr. Moshin Shah Nawaz Ranjha | Member |
| 6. Mr. Muhammad Moeen Wattoo | Member |
| 7. Mr. Muhammad Raza Hayat Harraj | Member |
| 8. Sardar Muhammad Amjad Farooq Khan Khosa | Member |
| 9. Ms. Ayesha Raza Farooq | Member |
| 10. Ms. Kiran Haider | Member |
| 11. Mr. Muhammad Ayaz Soomro | Member |
| 12. Syed Naveed Qamar | Member |
| 13. Ms. Alizeh Iqbal Haider | Member |
| 14. Engr. Ali Muhammad Khan Advocate | Member |
| 15. Ms. Munaza Hassan | Member |
| 16. Mr. S.A. Iqbal Quadri | Member |
| 17. Moulana Muhammad Khan Sherani | Member |
| 18. Ms. Aisha | Member |
| 19. Syed Ayaz Ali Shah Sheerazi | Member |
| 20. Minister for Law, Justice and Human Rights | Ex-officio Member |

3. The Committee in its meeting held on 26th December, 2013 considered the Bill in detail and proposed the following amendments, therein:-

Clause 2

- (a) that in clause 2, in paragraph (a), in sub paragraph (ii),
- (i) after the word "Chairman", the words "in consultation with the Chief Justice of concerned High Court" shall be inserted;
- (ii) after the word and comma "jurists,", the words and comma "persons of repute and integrity from civil society," shall be inserted.

Clause 3

- (b) that in clause 3, in the proposed sub-section (6), the following proviso shall be added, namely;-

"Provided that the notification of any such Memorandum of Understanding shall be carried out with the approval of concerned Ministry of Federal Government."

4. The Bill as introduced in the National Assembly is at Annex "A" and the Bill as reported by the Standing Committee is at Annex "B". The Committee in majority recommended that the Bill as reported by the Committee may be passed by the Assembly. The Note of dissent submitted by Engr. Ali Muhammad Khan Advocate, MNA is at Annex-"C".

Sd/-

Karamat Hussain Niazi

Secretary

Islamabad, 27th January, 2014

Sd/-

Chaudhry Mahmood Bashir Virk
Chairman

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

further to amend the Law and Justice Commission of Pakistan Ordinance, 1979

WHEREAS it is expedient further to amend the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** – (1) This Act may be called the Law and Justice Commission of Pakistan (Amendment) Act, 2013.
 - (2) It shall come into force at once.

2. **Amendment of section 3, Ordinance XIV of 1979.**-- In the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979), hereinafter referred to as the said Ordinance, in section 3,--
 - (a) in sub-section (1), --
 - (i) for clause (c), the following shall be substituted, namely:--

“(c) the Chief Justices of the High Courts, Members, *ex-officio*,”; and
 - (ii) for clause (g), the following shall be substituted, namely:--

“(g) four members, one from each Province, to be appointed by the Federal Government on the recommendation of Chairman from amongst the persons who are or have been holders of a judicial or administrative office, eminent lawyers or jurists, members of the Council of Islamic Ideology or teachers of law in a university or college,”; and
 - (b) sub-section (2), shall be omitted.

3. **Amendment of section 6, Ordinance XIV of 1979.**--- In the said Ordinance, in section 6, after sub-section (5), the following new sub-section, shall be added, namely:--

“(6) The Commission may, with the approval of the Federal Government, enter into a Memorandum of Understanding with the Law Commission of any country or, as the case may be, with any legal or human rights body or organization of any country to--

 - (i) collaborate, cooperate and participate through consultation in carrying out legal research in connection with their respective functions;

- (ii) facilitate one another in the collection of data and materials in conducting legal research;
- (iii) have bilateral and reciprocal exchange of reports, research material and other publications;
- (iv) facilitate visits, training and exchange of delegates, members and officers of the respective Commissions or, as the case may be, the respective law or human rights body or organization; and
- (v) mutually agree, on case by case basis, on financial arrangements for holding meetings undertaking exchange visits and other activities as envisaged in the Memorandum of Understanding.”

4. **Amendment of section 6-B, Ordinance XIV of 1979**,-- In the said Ordinance, in section 6-B, in clause (d), after the word “Federal”, the words “and Provincial” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Amendments in the Law and Justice Commission of Pakistan Ordinance, 1979 were considered by the Commission in its meeting dated 4th June, 2011. The Commission examined the existing sub-section (2) of section 3 which provides qualifications for appointment of a member of the Commission and resolved that this sub-section is in conflict with the qualification of a member as provided in clause (g) of sub-section (1) of section 3. Therefore, it was recommended that the qualification for appointment of Members provided in clause (g) of sub-section (1) of section 3 shall be omitted and in its place the qualification contained in sub-section (2) of section 3 may be substituted and sub-section (2) of section 3 of the Ordinance be repealed.

2. The Commission also recommended to amend section 3 (1) (c) to include the Chief Justice of the Islamabad High Court as *ex-officio* member of the Law and Justice Commission of Pakistan, since after establishment of Islamabad High Court it is imperative to include Chief Justice of Islamabad High Court as Member, Law and Justice Commission of Pakistan. It was further recommended that a new sub-section (6) to section 6 of the Ordinance, 1979 shall be added to authorize the Commission to collaborate and sign Memorandum of Understanding (MoU) with any foreign Law Commission as it will provide an opportunity for conducting research.

3. Clause (d) of 6-B states that 4.5% of the annual income would be spent on the activities of the Federal Judicial Academy which are not covered under its budgetary allocation. The AJDF Rules 2002 specify that the money available under this window can be spent to promote the efficiency of the courts by improving skills of the Judicial Officers through pre and in service training programs. The Commission recommended to amend clause (d) of Section 6-B in order to enhance the scope of this section enabling the Provincial Judicial Academies to access funds from the said window for spending on activities not covered under their regular budget.

SHAIKH AFTAB AHMED

Minister of State for
Parliamentary Affairs
Member-in-charge

[AS REPORTED BY THE STANDING COMMITTEE]

A
BILL

further to amend the Law and Justice Commission of Pakistan Ordinance, 1979

WHEREAS it is expedient further to amend the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

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 - (2) It shall come into force at once.
2. **Amendment of section 3, Ordinance XIV of 1979.**-- In the Law and Justice Commission of Pakistan Ordinance, 1979 (XIV of 1979), hereinafter referred to as the said Ordinance, in section 3,--
 - (a) in sub-section (1), --
 - (i) for clause (c), the following shall be substituted, namely:--

“(c) the Chief Justices of the High Courts, Members, *ex-officio*.”; and
 - (ii) for clause (g), the following shall be substituted, namely:--

“(g) four members, one from each Province, to be appointed by the Federal Government on the recommendation of Chairman **in consultation with the Chief Justice of concerned High Court** from amongst the persons who are or have been holders of a judicial or administrative office, eminent lawyers or jurists, **persons of repute and integrity from civil society**, members of the Council of Islamic Ideology or teachers of law in a university or college.”; and
 - (b) sub-section (2), shall be omitted.
3. **Amendment of section 6, Ordinance XIV of 1979.**--- In the said Ordinance, in section 6, after sub-section (5), the following new sub-section, shall be added, namely:--

“(6) The Commission may, with the approval of the Federal Government, enter into a Memorandum of Understanding with the Law Commission of any country or, as the case may be, with any legal or human rights body or organization of any country to--

 - (i) collaborate, cooperate and participate through consultation in carrying out legal research in connection with their respective functions;
 - (ii) facilitate one another in the collection of data and materials in conducting legal research;

- (iii) have bilateral and reciprocal exchange of reports, research material and other publications;
- (iv) facilitate visits, training and exchange of delegates, members and officers of the respective Commissions or, as the case may be, the respective law or human rights body or organization; and
- (v) mutually agree, on case by case basis, on financial arrangements for holding meetings undertaking exchange visits and other activities as envisaged in the Memorandum of Understanding:

Provided that the notification of any such Memorandum of Understanding shall be carried out with the approval of concerned Ministry of Federal Government.”

4. **Amendment of section 6-B, Ordinance XIV of 1979.-** In the said Ordinance, in section 6-B, in clause (d), after the word “Federal”, the words “and Provincial” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Amendments in the Law and Justice Commission of Pakistan Ordinance, 1979 were considered by the Commission in its meeting dated 4th June, 2011. The Commission examined the existing sub-section (2) of section 3 which provides qualifications for appointment of a member of the Commission and resolved that this sub-section is in conflict with the qualification of a member as provided in clause (g) of sub-section (1) of section 3. Therefore, it was recommended that the qualification for appointment of Members provided in clause (g) of sub-section (1) of section 3 shall be omitted and in its place the qualification contained in sub-section (2) of section 3 may be substituted and sub-section (2) of section 3 of the Ordinance be repealed.

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SHAIKH AFTAB AHMED

Minister of State for
Parliamentary Affairs
Member-in-charge

Note of Dissent

The Honorable Chairman,
Standing Committee on
Law, Justice and Human Rights,
National Assembly,
Islamabad.

Subject: The Law and Justice Commission of Pakistan (Amendment) Bill, 2013.

Honorable Sir,

I, oppose the amendment in clause (6) of the Law and Justice Commission of Pakistan (Amendment) Bill, 2013.

Sd/-
(Engr. Ali Muhammad Khan Advocate)
Member National Assembly

Islamabad.
Dated: 26-12-2013