



Law & Justice Commission
of Pakistan

NEWSLETTER

July to December, 2018

LAW AND JUSTICE COMMISSION
OF PAKISTAN

Supreme Court of Pakistan, Islamabad



The Prime Minister of Pakistan expresses concern over climate change and environmental hazards



The Supreme Court of Pakistan comes forward for water secure Pakistan;
The President of Pakistan also addresses during the workshop



The Chief Justice of Pakistan vows to reform policing through people friendly legislative framework



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Supreme Court of Pakistan, Constitution Avenue, Islamabad



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Law & Justice Commission of Pakistan: an introduction

The Law and Justice Commission of Pakistan (LJCP) is a Federal Government institution established under the Law and Justice Commission of Pakistan Ordinance 1979, mandated for the systematic development and reform of laws, and to provide for matters connected therewith or incidental thereto, with the core statutory function to suggest legislative reforms.

The Secretariat since its inception has been working on legislative reforms and has suggested various remarkable reforms, arranging the codification and unification of laws in order to eliminate multiplicity of laws on same subjects, and removing the anomalies in the laws.

LJCP is a research organization and is also entrusted with the responsibility of introducing reforms in administration of justice. Moreover, the Secretariat of LJCP works as a bridge between the executive and the judiciary in a multidimensional manner.

The Hon'ble Chief Justice of Pakistan is the Chairman of Law and Justice Commission of Pakistan. Since, 31st December 2016, the Hon'ble Chief Justice of Pakistan, Mr. Justice Mian Saqib Nisar is the Chairman of the Commission.

Composition of Commission



Law & Justice Commission of Pakistan



Hon'ble Chief Justice of Pakistan
Mr. Justice Mian Saqib Nisar
Chairman LJCP



Ex-Officio Members



Mr. Anwar Mansoor
The Attorney-General
for Pakistan



**Hon'ble Mr. Justice
Sheikh Najam-ul-Hassan**
Chief Justice
Federal Shariat Court



**Hon'ble Mr. Justice
Ahmed Ali M. Sheikh**
Chief Justice
High Court of Sindh



**Hon'ble Mr. Justice
Waqar Ahmad Seth**
Chief Justice
Peshawar High Court



**Hon'ble Mr. Justice
Muhammad Anwar Khan Kasi**
Chief Justice
Islamabad High Court



**Hon'ble Ms. Justice
Syeda Tahira Safdar**
Chief Justice
High Court of Balochistan



**Hon'ble Mr. Justice
Muhammad Anwar Ul Haq**
Chief Justice
Lahore High Court



**Hon'ble Mr. Justice (R)
Abdul Shakoor Paracha**
Secretary
Ministry of Law & Justice



Ms. Khawar Mumtaz
Chairperson
National Commission
on the Status of Women



Notified Members



**Hon'ble Mr. Justice (R)
Mian Shakirullah Jan**
Former Judge,
Supreme Court of Pakistan



**Hon'ble Mr. Justice (R)
Khilji Arif Hussain**
Former Judge,
Supreme Court of Pakistan



Mian Abdul Rauf
Advocate
Supreme Court of Pakistan



**Hon'ble Mr. Justice (R)
Sair Ali**
Former Judge
Supreme Court of Pakistan



Syed Ayaz Zahoor
Advocate
Supreme Court of Pakistan



Dr. M. Raheem Awan
Secretary
Law & Justice Commission
of Pakistan



Free legal aid to support the deserving litigants for access to justice: LJCP Secretariat offers its expertise for drafting of “The Legal Aid & Access to Justice Authority Law”

The Ministry of Human Rights requested for provision of expertise in legal drafting to finalize its proposed law under the title “The Legal Aid & Access to Justice Authority Act, 2018”. The purpose of enactment is to constitute a Legal Aid & Access to Justice Authority for provision of legal aid to the deserving litigants in criminal matters; the Authority would work to improve the standards of legal aid and simplification of procedure for free legal aid with a view to bring efficiency and transparency in the system. It would also play its role in addressing concerns and

as an oversight on due process of law. The Secretariat of LJCP has extended its expertise in the process of drafting of law, finalized the proposed law and then shared the same with the Ministry of Human Rights and Ministry of Law & Justice.



National Assembly's Standing Committee discusses Status of Law Reform Proposals of LJCP: Appreciates the efforts of LJCP Secretariat in consistently reviewing laws as per changing needs of society



The meeting of National Assembly's Standing Committee on Law and Justice was held on 10th July, 2018 at Parliament House, Islamabad. The Secretary, LJCP Dr. Muhammad Raheem Awan gave a detailed presentation explaining the activities of the LJCP Secretariat Research Wing, NJPMC, AJDF, PJs and NJAC. He also briefed the Committee about the various ongoing activities of the Secretariat and implementation status of law reform reports and commented that the legal reform process was deeply linked to the overall progress of the country.

The Secretary LJCP urged that there was need to consider the reports with a view to improve the administration of justice. After having detailed briefing, the Standing Committee appreciated the performance of LJCP Secretariat and assured that all the non- implemented reports on different subjects would be considered in separate meetings of the Committee in the presence of relevant stakeholders for effective discussion and further recommendations.

Police Reforms Committee report highlights the need for reform



Meeting of the Police Reforms Committee, Chaired by Hon'ble Mr. Justice Asif Saeed Khan Khosa

Police Reforms Committee has compiled its initial report “Police Reforms: Way Forward” and presented it to the Hon'ble Chief Justice of Pakistan on 6th August, 2018. His Lordship constituted a Steering Committee under the supervision of Hon'ble Mr. Justice Asif Saeed Khan Khosa, Senior Puisne Judge of the Supreme Court of Pakistan and Hon'ble Mr. Justice Manzoor Ahmad Malik, Judge Supreme Court of Pakistan to monitor the effective implementation of the recommendations of the Committee.



The Hon'ble Mr. Justice Asif Saeed Khan Khosa reiterates upon reforming police laws for public friendly policing



Meeting of the Steering Committee on Police Reforms Chaired by Hon'ble Mr. Justice Asif Saeed Khan Khosa

In its first meeting held on 29th October, 2018, the Steering Committee on Police Reforms has deliberated upon the way forward for the effective implementation of recommendations contained in the Report. The Committee suggested the following steps:

- To develop responsive external as well as internal accountability mechanism for the Police.
- To improve the standards of Investigation by creation of an Investigation Branch comprising special investigation exerts, equipped with modern investigation practices.
- ATC laws are required to be reformed and redefined in a restrictive manner so that these could be applied on cases of 'terrorism' only.
- Transparent complaint redressal mechanism be devised in Police on priority basis to lessen the burden of public complaints from Judiciary.
- Superintendent of Police be designated for handling public complaints in every district.
- SHOs to release the accused on bail in appropriate cases

Chief Justice of Pakistan expresses concern over social exclusion of transgender community

The Hon'ble Supreme Court of Pakistan in June 2018 in Human Rights Case No. 32005-P/2018 directed the LJCP Secretariat to hold the seminar on the rights and welfare of the

transgender community. Accordingly, the Secretariat has arranged various meetings with the representatives of NADRA, Provincial Social Protection Authorities, Social Welfare



Hon'ble Chief Justice of Pakistan Mr. Justice Mian Saqib Nisar and Hon'ble Mr. Justice Asif Saeed Khan Khosa during meeting of the Police Reforms Committee



Departments, and then organized a seminar in the Supreme Court of Pakistan.

Mr. Justice Khilji Arif Hussain, Former Judge Supreme Court of Pakistan chaired the plenary session of the Seminar, underscored the need for protection of rights of this suppressed class of society and stressed upon the government functionaries to adopt an inclusive policy for welfare of transgender and with a view to grant them due identity. Participants including representatives of Transgender Community discussed their issues and problems.

Hon'ble Chief Justice of Pakistan chaired the concluding session and expressed his grief on the

way the transgender community was being treated especially their social exclusion. The Hon'ble Chief Justice stated that rights to live dignified life, and to be treated equally, are natural rights of individuals including the transgender protected under the Constitution of Islamic Republic of Pakistan.

The Hon'ble Chief Justice of Pakistan assured that the Supreme Court of Pakistan is determined to protect the rights of this marginalized community and urged the Federal and provincial governments to formulate a comprehensive policy for protection, rehabilitation and mainstreaming the transgender community in the society.



Hon'ble Mr. Justice Mian Saqib Nisar, The Chief Justice of Pakistan Chairing the Concluding Session

The Hon'ble Chief Justice of Pakistan stresses upon the need to improve performance of Drug Courts

A meeting of Chairpersons of Drug Courts was convened under the chairmanship of the Hon'ble Chief Justice of Pakistan/Chairman National Judicial Policy Making Committee (NJPMC) to assess the performance of drug courts. The Hon'ble Chief Justice of Pakistan showed concern

on slow rate of disposal of cases in drug courts and directed that disposal rate be brought up to 60% in next three months through effective and efficient workload management. In this regard following directions were issued by the Chair:



- The Federal and Provincial Governments to facilitate drug courts, especially to address the issue of shortage of staff and IT related equipment.
- The Secretary LJCP to propose amendments in



drug laws for expeditious disposal of cases.

- The Additional Registrar (Administration), Supreme Court of Pakistan would chalk out the problems of drug courts and liaise with the relevant quarters for their resolution.

Justice Helpline organizes 3rd National Judicial Conference at Karachi



The Secretary LJCP participated in 3rd National Judicial Conference held on 5th September, 2018 that was organized by the Justice Helpline, Karachi at Marriot Hotel, Karachi. The Secretary LJCP addressed the participants as a Key-Note Speaker and shared his views and experiences for fair implementation of Rule of Law in the country. He remarked that the legal awareness

and legislative growth in society was central to overall growth in economy, and that the legislative reform process could cater for the changing needs of legal profession especially due to influx of e-commerce, upcoming chinese projects in the region, and the advancing technologies and scientific research in legal profession.

Creating a Water-Secure Pakistan: Organizing Committee finalizes preparation for international symposium

Preliminary meeting of Organizing Committee comprising the Hon'ble Mr. Justice Umar Ata Bandial, Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Ijaz-ul-Ahsan, Judge Supreme Court of Pakistan was held on 3rd October, 2018 with Speakers, Chairs & Co-Chairs of the International Symposium. The

participants briefed about the significance and focus of the symposium.

The meeting was attended by national and international water law and water resource management experts, academia, jurists and representatives of the federal and provincial governments.



Creating Water Secure Pakistan: LJCP Secretariat organizes international symposium to sensitize the stakeholders



A two-day International Symposium was held at Supreme Court of Pakistan, Islamabad on the theme “Creating Water-Secure Pakistan” on 19th & 20th October, 2018. His Excellency the President of Islamic Republic of Pakistan chaired the inaugural session. He highlighted the severity of the issue of water shortage and urged the nation to take steps for conservation of water resources for the coming generations and reiterated upon the concept of sustainable development. International experts from United

States of America, Australia, South Africa, etc attended the symposium and discussed various issues of river basins in their countries which are similar to Indus River Basin and also shared their experiences in overcoming water scarcity and other water management issues. The international water experts also deliberated on eradication of sedimentation in the dams and the need for construction of large and small dams and reservoirs.



The key recommendations of the Symposium were as follows:

- To invest in dams and reservoirs, ensure better utilization of groundwater, adopt appropriate water technologies, manage consumption and use of water.
- To represent Pakistan's perspective before various international fora and Pakistan's strategy regarding implementation of the Indus Water Treaty
- Government must introduce water accounting based on modern tools of water data collection to assess water availability per capita.



- Effective salinity and sedimentation management techniques must be adopted.
- Numerous small and large dams and reservoirs be constructed on a priority basis.
- Innovative solutions regarding storage facilities for low gradient flat areas, coastal areas, hard rock, arid land areas and desert areas must be adopted
- The Indus Basin irrigation network be extended.
- Various measures for conservation of water need to be adopted.
- Measures need to be introduced for flood risk reduction.
- Steps required to be taken to set up and establish appropriate Indus Basin Authority through legal instrument with the mandate to ensure the integrity of the basin and all related activities with all requisite powers, financial resources and enforcement mechanism.
- The institutional capacity of WAPDA, being the main stakeholder, should be strengthened for the development of dams and reservoirs on emergency basis on the model of the Indus Basin Replacement Works.
- Human Resource on water management as per future needs must be prepared through our educational system to address the emerging water challenges of the 21st century, and in this context, academia and universities must play their role.
- Pakistan should immediately set up a high-level Task Force on Water and agricultural income tax be levied and recovered through an effective legal framework.



Save Water – Save Lives

The LJCP Secretariat organizes national workshop to sensitize stakeholders



The LJCP Secretariat organized a one-day national workshop at Islamabad on 30th October, 2018 on the issue of water management and pricing. The purpose of the workshop was to devise a mechanism for the effective management of underground water and to control its misuse. The workshop was attended by the representatives of Provincial Irrigation Departments, Agriculture, Public Health Engineering, Local Government Departments and Chairman CDA.

existing legislation such as Canal Act and Revenue Laws, relevant policy and administrative framework. It further recommended that national resources should be mobilized on exigency basis for enhancing Pakistan's meager water storage capacity and to this end the present funding scheme be promoted and remaining required resources be made available on fast track to avoid any cost escalation or delays. The participants of the Workshop stressed that small dams may be constructed by provincial governments.

The Workshop recommended for reformation of

LJCP Secretariat comes up with a comprehensive report on the way forward to ensure affordable education for every child in the country:

The Supreme Court of Pakistan in Civil Appeal Nos. 1095-1097, 134-L, 1021-1026, 1138, 1154-1158/2018 and Civil Misc. Application No. 8466 of 2018 in Civil Petition No. NIL of 2018 has constituted a Committee under the auspices of the LJCP Secretariat on issues related to private education institutions and directed to submit report suggesting possible solutions including fee to be charged by the private schools.





Accordingly, the LJCP Secretariat convened three meetings in October 2018, under the

chairmanship of the Federal Ombudsman, to discuss the context and way forward ensuring affordable education for every child in the country as provided under Article 25 of the Constitution of Pakistan. On the basis of deliberations made in these sessions a Sub-committee was constituted to formulate recommendations regarding determination of fee and the formula for increase in school fee, etc. The Sub-committee submitted its report which was placed before the Hon'ble Supreme Court for consideration.

Formulating uniform law to regulate Katchi Abadis

The Supreme Court of Pakistan vide Order dated 30th November 2018 in Constitution Petition No. 41 of 2015 constituted a Committee under the auspices of the LJCP Secretariat with the mandate to consider the sufficiency of the newly enacted law on Katchi Abadis in Balochistan Province i.e. the Balochistan Katchi Abadis Regularization and Development of Slum Structures Act, 2018.

In compliance with the directions, the LJCP Secretariat convened a meeting on 11th

December, 2018 which was attended by Syed Nayab Hassan Gardezi, learned DAG, learned Advocate General, Islamabad, learned Advocates and Additional Advocates General of all Provinces, representatives of the Ministry of Climate Change, Provincial Departments of Katchi Abadis and Housing and Mr. Bilal Hassan Minto, learned Advocate Supreme Court of Pakistan. The Committee considered “the Balochistan Katchi Abadis Regularization & Development of Slum Structures Act, 2018”.



The Secretary LJCP appreciates and recognizes the efforts of employees



On 9th November, 2018 in a simple but graceful event the worthy Secretary LJCP, distributed shields and souvenirs among the officers and staff of LJCP Secretariat for acknowledging their efforts and hard work in organizing series of events i.e. seminars, symposia, meetings, moots and conferences.





'Alarming Population Growth in Pakistan: Call for Action' Participants stress upon balancing the resources for future readiness



A National Symposium on 'Alarming Population Growth in Pakistan: Call for Action' was arranged by the LJCP Secretariat on 5th December, 2018. The Prime Minister of Pakistan graced the event with his presence. He stressed upon the need for the religious scholars to play a vital role on their part in creating awareness regarding tackling the issue of alarming population growth.

The Prime Minister remarked that the issue of population growth and environment are interlinked as global warming also affects the climate having direct impact on the well-being of population. He also shared with the audience that

the government was planning to plant ten billion trees in the country in the next five years for betterment of the environment. He also emphasized upon the need to include the subject of environment and population planning in school curricula.



The renowned religious scholar, Maulana Muhammad Tariq Jameel also addressed the participants of symposium

First National Law Students Conference: Legal professionals to get ready for the emerging trends

The Justice Helpline, Karachi organized the First National Law Students Conference on 14th December, 2018 to provide a forum to the law students to discuss and gain insight regarding the legal profession and envisage the future readiness.

The Secretary, LJCP graced the event as a Keynote Speaker and addressed the future lawyers and urged the law students to come forward to join hands in upholding the principles

of Rule of Law and Supremacy of Constitution through consistency, hard work and dedication.

He further added that the legal professionals should foresee the future requirements of the legal profession as the scope of legal profession would gain significance with the passage of time, especially with the rapid expansion in e-business and the IT based commerce environment, and the CPEC and Belt-Road Initiative of China.

Envoys Conference on Economic Diplomacy: Legislative and policy framework for Bilateral Investment Treaties invites effective debate during the Conference



Prime Minister Imran Khan addressing at the Envoys Conference on Economic Diplomacy at Ministry of Foreign Affairs Islamabad on December 28, 2018. The Secretary LJCP gave presentation on Bilateral Investment Treaties

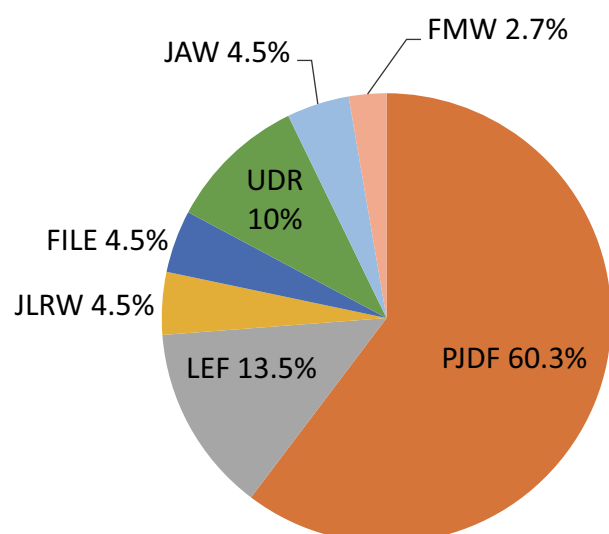
The Secretary LJCP has participated in the Envoys Conference held on 28th December, 2018 in the Ministry of Foreign Affairs, Islamabad attended by the diplomats representing their countries in Pakistan. The purpose of the Conference was to explore and highlight the possibilities and opportunities to enhance the 'Economic Diplomacy' and

cooperation to promote culture of bilateral investment.

The Secretary LJCP made a presentation on "Bilateral Investment Treaties: Issues and the Way Forward" to discuss the importance of Bilateral Investment Treaties in the economic diplomacy.

The Investment Committee of AJDF recommends short-term investments to secure endowment investment profits:

The Access to Justice Development Fund team through its Investment Committee has succeeded in securing a profit of Rs.91.2 million during the first half of the financial year through short-term investments. The investment Committee recommended to prefer short-term measures considering the change in policy rates in coming days. The profit so generated is distributed amongst the stakeholders through seven windows as per shares in line with AJDF Rules 2002.



Profit distribution among the Fund Windows

LJCP Secretariat takes measures to ensure access to justice for all: Free Legal Aid for the deserving litigants to be extended through DLECs across the country



The deserving litigants submit an application on plain paper to the Chairperson of the Committee. The other members include, District Co-ordination Officer/ Deputy Commissioner/ Political Agent, Superintendent of District/ Central Jail, President of District Bar Association concerned, and a representative of the Civil Society as co-opted member of the Committee.

A total of Rs.47 million has been released to such districts for the poor and needy litigants who do not have sufficient means to pursue their cases before the court of law. The legal assistance is free

Following the directions of the Governing Body, AJDF, the District Legal Empowerment Committees (DLECs) have been established across the country in 108 districts (all the judicial districts) under the chairmanship of the respective District & Sessions Judges / Zila Qazi. Free legal aid is provided to the deserving litigants who otherwise might fail to pursue their genuine cases in the court of law.

of cost and committee decides on need basis. The Committees run under the District Legal Empowerment Committee (Constitution & Functions) Rules, 2011 available on LJCP website www.ljcp.gov.pk and funds are provided to Committees on need basis. The LJCP Secretariat is working on constituting such Committees in districts located in FATA region as well to extend free legal aid in this area.

LJCP Secretariat on creating awareness through simplified laws

In continuation of legal awareness scheme to narrate the key intent of legislatures in easy language for awareness of general public on legal issues the Secretariat of LJCP has published the following write-ups in the form of booklets under the title of "Qanoon Fehmi".

i) The Prevention of Tracking in Persons Act,

2018;

ii) The Punjab Legal Aid Act, 2018;

Moreover, the Secretariat is also working on creating awareness on free legal aid through District Legal Empowerment Committees funded from Legal Empowerment Fund Window of AJDF.



Islamabad High Court included in the Access to Justice Development Fund (AJDF) share allocation

In compliance of directions of the Governing Body, Access to Justice Development Fund (AJDF), the Technical Evaluation Committee, headed by Hon'ble Mr. Justice Mian Shakirullah Jan, Former Judge Supreme Court of Pakistan, has recommended a formula for inclusion of Islamabad High Court in the share allocation of the Fund keeping in view the available share and the infrastructural requirements of the subordinate courts.

The Hon'ble Chairman opined that the district courts in Islamabad are working in hired and rented buildings and this funding will enable them to support their basic infrastructural facilities especially those for litigants and court staff. The Members of the Governing Body appreciated the LJCP Secretariat for taking good care of the investment of the Fund in line with Government's policy and the allocation of profit to high courts, district legal empowerment committees, under-developed regions and the judicial academies.



The AJDF funding would support district judiciary under Islamabad High Court in court infra-structure, modern equipment and litigant oriented facilities



Free legal Aid extended to 591 deserving UTPs through District Legal Empowerment Committees (DLECs)

In continuation of the provision of free legal aid, the District Legal Empowerment Committees (DLECs) have proved a vital and prominent source for poor litigants to support them in times when they might fail to access justice for want of financial constraints. A total of 591 litigants (UTPs and others) have been provided free legal aid.

The funds are provided to the Committees continuously on demand basis. The Law and Justice Commission of Pakistan is determined to provide more funding to Committees for provision of legal aid to needy and deserving litigants.

Name of Province	No. of Judicial Districts	Funds Released to committees	Total cases supported	Male cases	Women Cases
Punjab	36	16,000,000	365	346	19
Sindh	27	12,000,000	33	31	2
Khyber Pakhtunkhwa	24	10,600,000	166	148	18
Balochistan	19	7,600,000	27	26	1
Islamabad Capital Territory	2	800,000	-	-	-
Total	108	47,000,000	591	551	40

Provincial Judicial Academies included in AJDF funding for organizing training activities: Capacity building of human resources is vital for justice sector, says Secretary LJCP

In the light of directions of the Governing Body, Access to Justice Development Fund (AJDF), the Technical Evaluation Committee has unanimously devised a formula to include the Provincial Judicial Academies in share allocation for the training activities considering their budgetary constraints under regular budgets.

The Secretary LJCP remarked that with funding

support from AJDF, the judicial academies would be in a position to organize training activities given the emerging trends and practices in the legal and judicial profession. He reiterated that the judicial officers must be imparted trainings by identifying gap areas and keeping in view the context of efficient and transparent service delivery in Courts for the general public, and making the system accessible for every citizen of Pakistan.

The Secretary LJCP highlighted the focus areas of training including training activities on modern technology, ADR, mediation, trends in legal research and commercial arbitration. He added that the Provincial Judicial Academies would get the funding on the basis of workable training courses and the academies would introduce trainings on behavioral psychology, stress

management, forensic evidence, judgement writing, courtroom communication, judge craft, evaluation of witnesses, functioning of e-courts, video-conferencing, remote hearings, online courts and the future of justice.

Awareness about fundamental rights is vital for development of balanced society, says Hon'ble Mr. Justice Shakirullah Jan



The Hon'ble Mr. Justice Mian Shakirullah Jan, Former Judge, Supreme Court of Pakistan while chairing the meeting of Technical Evaluation Committee (TEC) of the Access to Justice Development Fund said that there was high need for creating awareness amongst the general public for their legal empowerment.

The meeting of TEC was held on 1st September, 2018 at the LJCP Secretariat, Islamabad; the other members who attended the meeting were, Mrs. Nasira Javed Iqbal, Advocate Supreme Court of Pakistan, Mr. Abdul Latif Afridi, Advocate Supreme Court of Pakistan, and Dr. Muhammad Raheem Awan, the Secretary, LJCP.

The Committee unanimously decided that advertisement inviting project proposals may be got published in all the leading national as well as

regional newspapers so that local NGOs and organization having good reputation could apply for funding under the designated areas. The Hon'ble Chairman TEC also urged the Secretariat to use all options to approach potential organizations and individuals for submission of quality proposals for funding to achieve the objectives of the Fund.

The Technical Evaluation Committee (TEC) suggested that the funding to NGOs, Bar Councils, Bar Associations and individual researchers be utilized efficiently and effectively, as there was a dire need to work closely with researchers and legal fraternity for the greater interest of the general public especially in the far-flung areas keeping in view the future requirements of the legal and judicial profession in the age of technology.



Law & Justice Commission
of Pakistan