



Dated: 24th December, 2020

Nadia Ikram Malik

Joint Secretary

Law & Justice Commission of Pakistan
Government of Pakistan

PRESS RELEASE

In pursuance of the directions of Hon'ble Chairman Law & Justice Commission of Pakistan, a meeting of Law and Justice Commission of Pakistan (LJCP) was held today i.e. 24th December, 2020, at the Committee Room of Supreme Court of Pakistan Building, Islamabad, at 2:00 PM. The Chairman, LJCP Hon'ble Mr. Justice Gulzar Ahmed Chief Justice Pakistan Chaired the Meeting, whereas, Hon'ble Mr. Justice Mushir Alam, Senior Puisne Judge Supreme Court of Pakistan and Hon'ble Mr. Justice Umar Ata Bandial, Judge Supreme Court of Pakistan attended the meeting on special invitation through video linking. The meeting was also participated by the other members of the LJCP Commission including Mr. Khalid Jawed Khan, Attorney General for Pakistan Islamabad, the Hon'ble Mr. Justice Muhammad Noor Miskanzai, Chief Justice Federal Shariat Court, the Hon'ble Mr. Justice Athar Minallah Chief Justice Islamabad High Court, the Hon'ble Mr. Justice Qaiser Rashid Khan, Chief Justice (designated) Peshawar High Court, the Hon'ble Mr. Justice Jamal Khan Mandokhail, Chief Justice Balochistan High Court, the Hon'ble Mr. Justice Ahmed Ali M. Shaikh, Chief Justice Sindh High Court, Hon'ble Mr. Justice Muhammad Qasim Khan, Chief Justice Lahore High Court, Hon'ble Mr. Justice Mian Shakirullah Jan, Former Judge, Supreme Court of Pakistan, Hon'ble Mr. Justice Arif Hussain Khilji, Former Judge, Supreme Court of Pakistan, Hon'ble Mr. Justice Sair Ali, Former Judge, Supreme Court of Pakistan and Mian Abdul Rauf, Advocate Supreme Court of Pakistan. The meeting started with the recitation of the Quran. The Dr. Muhammad Raheem Awan, Secretary Law & Justice Commission of Pakistan Convene the meeting and welcomed the participants by expressing his gratitude to the members of the LJCP Commission for taking time from their busy schedule for the deliberations on the Legislative Reforms which were direly needed for the society. The Hon'ble Chairman LJCP in his opening remarks showed his concern over the weak implementation status of LJCP's

reports and recommendations for amending various laws and emphasized that the federal government should consider measures for expeditious process to implement and review the reports of the Commission and directed the Attorney General for Pakistan to take up the matter with Government to expedite on the process of implementation of reports. At this point His Lordship asked from the Secretary LJCP to brief about the performance of for last few years. Dr. Muhammad Raheem Awan, Secretary LJCP explained the forum that since last three years the LJCP has actively contributed in recommending various Legislative, administrative and policy reforms while assisting in various public interest cases/SMC/HR Cases, with active consultation of relevant stake holders, in result of which almost 14 Legislative reform recommendations, 105 administrative reform recommendations and 22 policies were shared with the relevant Government Departments by the LJCP. The Secretary further explained that the Secretariat is also engaged in holding of various conferences and Seminars to formulate recommendations on various human rights issues of the society, in this regard, Population policy, Police Reforms Report, recommendations for curbing the issue of legal transplantation on human organ, comprehensive reports on covering the issues of construction of dams and the Indus Water Basin etc were suggested to the government. The Secretary LJCP also highlighted that LJCP is also providing its technical Secretarial and research-based support to various committees working in liaison with Supreme Court of Pakistan i.e. Police Reform Committee and National Judicial Automation Committee, he apprised the house that a National Judicial Automation Unit under NJPMC is also planned to be established. He further explained that the Secretariat of LJCP is desperately under resourced in terms of manpower as well as shortage of funds particularly for research purposes. The Secretary LJCP apprised the house that the Secretariat of LJCP also collects the data from Prisons, Courts, Special Courts, Juvenile Courts, Public Complaint Redressal Centers of Police, District Assessment Committees of Police, and District Legal Empowerment Committees for the purpose of analysis, for future references and research.

The Secretary LJCP apprised the august house that LJCP also provides secretarial support to Access to Justice Development Fund which has seven Windows for funding including infrastructure support for district judiciary in all provinces and Islamabad Capital Territory, funding for under-developed areas, Judicial Academies, funding for projects relating to legal awareness, legal education, judicial research, and in 124 District Legal Empowerment Committees.

The Secretary LJCP apprised that LJCP released funding to all High Courts for improvement in court facilities and to District Legal Empowerment Committees for free legal aid in 124 Districts. Funding has also been provided to Federal Judicial Academy for training activities. LJCP also provided help to High Courts and Judicial Academies in finalization of project proposals for efficient utilization of funds. Alongside, LJCP through amendment in the ordinance included provincial judicial academies and Islamabad High Court in AJDF allocation of funding.

Above all, under defined mandate of Section 6 of LJCP, Ordinance, 1979, the core function of LJCP is to suggest Legislative reforms. These Law Reform proposals by the LJCP include (i) "Enhancement of Punishment of Fines in the Pakistan Penal Code, 1860 and Schedule II of Code of the Criminal Procedure, 1898"(ii) Amendment in Section 427, 428, 429, and 435 of Pakistan Penal Code 1860, (iii) Evidence through Video linking, (iv) Amendments in Drug Act, 1976, (v) Certain amendments in Criminal Procedure Code, 1898, (vi) Amendments in Banker's Book Evidence Act, 1891 (vii) West Pakistan Rules under Muslim Family Law Ordinance, 1961. In addition to above, the Commission also considered the Legislation for establishment of Commercial courts in Pakistan, Establishment of E-Courts in Pakistan and the Model law for Epidemic diseases for Islamabad Capital Territory, which are also part of today's agenda.

He further submitted that the Hon'ble Chairman and the members of the Commission may take notice of non-availability and shortage of staff in LJCP Secretariat to improve the working of the LJCP as provided in LJCP ordinance 1979.

At this Juncture, Hon'ble Chairman said that the problem highlighted by Secretary LJCP needs consideration, hence the house resolved that the Secretary LJCP may approach Mr. Ishrat Hussain, the special Assistants of Prime Minister on austerity to get benefits from his expertise for restructuring of Secretariat of LJCP. The house pleased to constitute a committee headed by Hon'ble Justice Umar Atta Bandial to review the process of restructuring of LJCP through Dr. Ishrat Hussain, whereas, Dr. Muhammad Raheem Awan Secretary LJCP along with the Research wing will provide assistance to the Hon'ble Committee for this purpose. The Hon'ble Mr. Justice Jamal Khan Mandokhail, Chief Justice Balochistan High Court, supported the version of Secretary LJCP that Secretariat is mandated with huge work ranging from NJPMC, AJDF, Governing Body, PJC's, DLEC's and NJAC, hence recommended that the work load of LJCP may be reduced by devolving some functions to Provincial levels. At this point, Hon'ble Mr. Justice Muhammad Qasim Khan, Chief Justice

Lahore High Court, Lahore shared His Lordship's views and said that after 18th amendment the Number of laws has been devolved to Provincial Government, hence there is a need to establish an independent Provincial Law Commission to perform legal research on Provincial legislation. Hon'ble Mr. Justice Jamal Khan Mandokhail, Chief Justice Balochistan High Court, the Hon'ble Mr. Justice Ahmed Ali M. Shaikh, Chief Justice Sindh High Court and Hon'ble Mr. Justice Arif Hussain Khilji, Former Judge, Supreme Court of Pakistan, supported the version. The house also considered the amendments proposed in AJDF rules. Hon'ble Mr. Justice Qaiser Rashid Khan, Chief Justice (designated) Peshawar High Court, the Hon'ble Mr. Justice Jamal Khan Mandokhail, Chief Justice Balochistan High Court, recommended for reconsideration of allocated share and release of funds under AJDF to Hon'ble High Courts for smooth utilization. To review the rules of AJDF, the house constituted a committee under the kind supervision of Hon'ble Justice Mr. Umar Atta Bandial, Judge Supreme Court of Pakistan and with direction that Dr. Muhammad Raheem Awan, the Secretary LJCP will assist the Hon'ble committee in this regard.

With regard to preparation of Law Reform Proposals, the Hon'ble Mr. Justice Athar Minallah Chief Justice Islamabad High Court, recommended that LJCP may also consider whilst selecting the research papers for law proposals the Judgments of superior Courts. That may be set as a basic criterion for Legislative Reforms.

The house unanimously resolved that the research proposals on legislative Reforms be referred to a committee headed by Hon'ble Mr. Justice Mansoor Ali Shah, Judge Supreme Court of Pakistan for further review, this committee shall submit its report before next meeting of LJCP whereas, Hon'ble Chairman resolved that next meeting of LJCP be held tentatively after 03 months. Upon recommendations of Hon'ble Mr. Justice Mushir Alam, Senior Puisne Judge, Supreme Court of Pakistan the house also resolved to invite the Chief Justices of Supreme Court and High Court of Azad Jammu and Kashmir, and Chief Justice of Gilgit Baltistan's Chief Court and Supreme Appellate Court on special invitation in the upcoming meetings.

This Press Release can be downloaded from the website, i.e. www.ljcp.gov.pk;

Nadia Ikram Malik,
Joint Secretary, Research,
Dated 24.12.2020