

**Amendment to Section 3 of the
National Judicial (Policy Making)
Committee Ordinance, 2002**

Report No.118

AMENDMENT TO SECTION 3 OF THE NATIONAL JUDICIAL(POLICY MAKING) COMMITTEE ORDINANCE, 2002

The National Judicial (Policy Making) Committee Ordinance, 2002 was promulgated to establish a Committee to coordinate and harmonize judicial policy with in the court system. As per section 4 of the Ordinance, the Committee is mandated with the following:-

- i. Improving the capacity and performance of the administration of justice;
- ii. Setting performance standards for judicial officers and persons associated with the judicial and quasi judicial functions;
- iii. Improvement in the terms and conditions of the service of judicial officers and Court staff to ensure skilled and efficient judiciary; and
- iv. Publication of the annual or periodic reports of the Supreme Court, Federal Shariat Court, High Courts and Courts subordinate to High Courts and Administrative Court and Tribunals.

Section 3 of the Ordinance provides for the constitution and composition of the Committee, which reads as under:-

- 3. Establishment of National Judicial (Policy Making) Committee.**— There shall be a National Judicial (Policy Making) Committee headed by Chief Justice of Pakistan, who shall be the Chairman of the Committee, and comprising the Chief Justice, Federal Shariat Court and Chief Justices of High Courts as its Members.

On 2nd August, 2010, High Court for Islamabad Capital Territory was established under the Islamabad High Court Act, 2010(Act XVII of 2010). Section 3 of the Act relates to establishment and constitution of the Islamabad High Court

whereas, section 4 defines its jurisdiction. For convenience and reference said sections are reproduced herein below:-

3. **Islamabad High Court.**—(1) The Islamabad High Court shall consist of a Chief Justice and six other judges to be appointed from the provinces and other territories of Pakistan, in accordance with the Constitution.
- (2) The Islamabad High Court shall start functioning from the appointed date.
- (3) The Principle seat of Islamabad High Court shall be at Islamabad.
4. **Jurisdiction.**— Islamabad High Court shall have, in respect of the Islamabad Capital Territory, original, appellate, revisional and other jurisdiction, as under the Constitution or the laws in force immediately before the commencement of this Act, is exercisable in respect of said territory by the Lahore High Court:

Provided that Islamabad High Court shall have original jurisdiction in suits and proceedings having value of 100 million rupees or more.

Since, the Islamabad High Court has been establishment and the Chief Justice and judges have also been appointed for the said Court; therefore, it is imperative to include the Chief Justice of the Islamabad High Court as member of the National Judicial (Policy Making) Committee (NJPMC). Accordingly, the proposal was placed before the Law and Justice Commission of Pakistan for deliberations.

COMPARATIVE TABLE

Existing	Proposed
<p>3. Establishment of National Judicial (Policy Making) Committee.—There shall be a Notional Judicial (Policy Making) Committee headed by Chief Justice Of Pakistan, who shall be the Chairman of the Committee, and comprising the Chief Justice, Federal Shariat Court and Chief Justices of the Four Provincial High Court as its Members.</p>	<p>3. Establishment of National Judicial (Policy Making) Committee.—There shall be a Notional Judicial (Policy Making) Committee headed by Chief Justice Of Pakistan, who shall be the Chairman of the Committee, and comprising the Chief Justice, Federal Shariat Court and Chief Justices of the High Courts as its Members.</p>

Commission’s Deliberation dated 04 June, 2011

The Commission considered the proposal to amend section 3 of the National Judicial (Policy Making) Committee Ordinance, 2002 and deliberated that after establishment of Islamabad High Court, it is imperative that section 3 of the Ordinance be amended to include the Chief Justice of the Islamabad High Court as member of the NJPMC.

Draft Bill for amendment of the National Judicial (Policy making) Committee, Ordinance, 2002 is hereby enclosed.

A

Bill

*further to amend the National Judicial (Policy Making) Committee,
Ordinance, 2002*

WHEREAS it is expedient further to amend the National Judicial (Policy Making) Committee Ordinance, 2002 (LXXI of 2002) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the National Judicial (Policy Making) Committee (Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance XIV of 1979.—In the National Judicial (Policy Making) Committee Ordinance, 2002 (LXXI of 2002), in section 3, the words “Chief Justices of Provincial High Courts” shall be substituted with the words “Chief Justices of the High Courts”.