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28/4/17

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

CMA No. -----/2017

IN

Cr. M.A. No. 1566 of 2016 in CRP No. 449/2015

Criminal Miscellaneous Application No. 1566 of 2016 in Criminal Petition No. 449/2015

ABU MALIK NASEEM

PETITIONER

VERSUS

THE STATE

RESPONDENT

COMPLIANCE REPORT IN RESPECT OF ORDER DATED 8-2-2017 OF THE SUPREME COURT OF PAKISTAN

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Certified that the paper book as bound is complete and correct.

Date 28-4-2017

Secretary
Law and Justice Commission of Pakistan

IN THE SUPREME COURT OF PAKISTAN
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1. In compliance with the Supreme Court of Pakistan's Order dated 29 November 2016 the Secretary Law and Justice Commission of Pakistan (LJCP) submitted report about the implementation status of the recommendations of the LJCP and the National Judicial (Policy Making) Committee (NJPMC).
2. At the hearing on 8-2-2017 the Hon'ble Court considered the implementation status of the recommendations and pleased to pass the following Order:

"What has been proposed and suggested and what is done and being done but it appears that we like an ox of the oil mill with blinkers on his eyes, have not covered any distance, despite movement night and day. We by taking the blinkers off have to see where we stand and why? To ensure a movement forward we need to do something. **We, thus, direct the Law and Justice Commission of Pakistan to suggest ways and means to ensure the implementation of whatever has been proposed and suggested.** Mr. Sohail Mehmood, learned DAG is also directed to apprise us of the response of the government to what has been proposed and suggested in terms of implementation."

3. Pursuant to the subject directions, the LJCP reviewed the implementation status of the LJCP's law reform reports, the relevant monitorable actions of the National Judicial Policy 2009 and the recommendations set out in LJCP's report submitted to the SCP on 5 October 2016. **The updated implementation status of the law reforms reports is as under:**

A. LJCP's Law Reform Reports

Sr.#	Status	No. of reports
1.	Law reform reports implemented (Annexure-A)	35
2.	Law reform reports implemented with suitable amendments (Annexure-B)	27
3.	References considered but not supported / approved by the LJCP (Annexure-C)	02
4.	Law reform reports not implemented (Annexure-D)	74

4. In respect of non-implemented Law Reform Reports, response of the Federal and the provincial governments is as under:

Ministry/Department	Information received
Ministry of Law and Justice	<ul style="list-style-type: none"> No. of non-implemented LJCP reports – 76 Recommendations of the LJCP related to the Law and Justice Division have already been implemented whereas, the remaining reports are forwarded to the concerned stakeholders for implementation. (Annexure-E) Implementation on-going
Punjab	<ul style="list-style-type: none"> No. of non-implemented LJCP reports – 65 (74) The Government of Punjab has notified a Committee on 14-12-2016 to review the recommendations of the LJCP. (Annexure-F) Committee observed that out of 78 reports 26 relates to Federation and 2 with Sindh. (Annexure-G) 18 reports related to criminal laws and Qanoon-e- Shahadat reviewed and feedback shared with the Ministries of Law and Interior for further action. (Letter 13 January 2017 and 19 April 2017) (Annexure-H) 10 reports already implemented in different laws of the Punjab. (on verification only 5 have been implemented) (Annexure-I) Due to pendency of matter in the Supreme Court of Pakistan, LJCP's report suggesting reforms in the Evacuee Trust Property Act cannot be implemented (Annexure-J). 23 reports are under consideration at different levels.
Sindh	<ul style="list-style-type: none"> No. of non-implemented LJCP reports – 78 No updates provided. (Annexure-K)
KPK	<ul style="list-style-type: none"> No. of non-implemented LJCP reports – 76 The KPK Law and Parliamentary Affairs & Human Rights Department has constituted a Committee on 05-12-2016 to review the LJCP reports for referring to the relevant departments. List of bifurcated laws have been shared with the relevant departments for necessary actions. (Annexure-L) No updates about current status.
Balochistan	<ul style="list-style-type: none"> No. of non-implemented LJCP reports – 76 Reports forwarded to the relevant departments for feedback. (Annexure-M) No updates

B. NJPMC and NJP's recommendations:

5. In addition to LJCP's law reform reports, the recommendations of the NJPMC for improving the service delivery of justice sector institutions were also shared with the respective governments but **there has been no update on the current status of the said policy actions.**

C. NJPMC's recommendations regarding parole and probations

6. **To have updated implementation status of recommendations and to formulate suggestions for their effective and timely implementation** a meeting of the provincial Home Secretaries was convened on 15 March 2017 in the Secretariat of LJCP. The Home Secretary Government of Sindh, Special Home Secretary, Government of Khyber Pakhtunkhwa and on behalf of Home Secretary Punjab, the Director Probation and Reclamation, Government of Punjab and Deputy Inspector General Prisons attended the meeting. **However, neither the Home Secretary Balochistan nor any other officer on his behalf attended the meeting.**
7. The representatives of the provincial governments were of the view that though after enforcement of National Judicial Policy there is visible increase in the number of offenders released on probation but due to non-availability of requisite human resource and infrastructure desired results are not being achieved. They admitted that for various reasons there is a decrease in the numbers convicts released on parole by the provincial governments. According to them the institution of Probation and Reclamation is "practically dysfunctional" in supervising and rehabilitating the probationers and parolees. After deliberations, the meeting resolved as under:
 - i. In all the provinces parole committees having a mixed representation of officials and public representatives are constituted to review the cases of eligible deserving convicts. However, there is no Standard Operating Procedure (SOPs) to regulate the functioning of these committees. Therefore, it expedient that SOPs may be notified to enhance their effectiveness and ensure fairness and transparency in their functions.
 - ii. Due to limited human resource and logistics, the Probation officers are practically unable to supervise the offenders helping them to become a law-abiding citizen and minimizing risk of their reoffending. Extra human and financial resources may be allocated at district level for effective supervision and implementing rehabilitation interventions.
 - iii. Offices of the probation officers exist at district level but due to non-availability of proper offices their working is being adversely affected. It is expedient that they should be located in the premises of the district courts for close liaison with the courts and other relevant agencies.
 - iv. In Punjab and KPK, probation and parole officers are being invited in the meetings of district criminal coordination committees and also accompanying district & sessions judges during their jail visits for assisting them in evaluating cases for release of offenders on probation. However, in

Sindh, except in few districts, this practice is not being followed. The Home Secretary requested that the High Court of Sindh may issue directions to the district and sessions judges for compliance.

- v. The Probation and Parole Officers should be bound to visit jails on a monthly basis, particularly during the visits of the Sessions judges and judges of the High Court for conducting inquiry and submission of reports for consideration of the cases of deserving UTPs/convicts.
- vi. **The provincial governments shall immediately fill all vacant positions of Probation and Parole officers to ensure that the benefits of parole and probation are effectively available to those entitled under the law.**
- vii. In fit cases, the Sessions judges and Superintendents of Jails should recommend to the parole committee the cases of the eligible convicts for consideration under Good Conduct Prisoners Probation Release Act 1926.
- viii. **The High Courts may be asked to issue directions to all the criminal courts to give reasons in their judgments as to why the benefit of probation is not being extended to the convict who otherwise is eligible for release on probation.**
- ix. Procedures for release on parole should be simplified so as to allow a greater number of prisoners to be released on parole. In this regard, the LJCP should provide necessary technical assistance for amendment in the relevant laws and rules.
- x. Sensitization of judges, lawyers, and other stakeholders about the effectiveness of parole/probation laws in reducing this load of prisons and provision of opportunity for rehabilitation through parole/probation. (Minutes of the meeting are attached as Annexure-N)

D. Ways and means to ensure implementation of LJCP and NJPMC's Recommendations:

As the Hon'ble Court observed, the implementation gap is critical to achieve the desired results and a major failure in collaboration among the stakeholders to implement and monitor the enforcement of relevant laws for sustained on-ground outcomes. To address this aspect, the LJCP suggests following modus operandi for effective implementation of LJCP and NJPMC's recommendations.

Trial Court:

- a. Compile Probation Sentencing Guidelines (incorporating relevant case law)
- b. Order sheet must state why probation is not an appropriate sentence
- c. High Court to monitor the use of probation to ensure its effective and efficient use
- d. Long term: Compile Sentencing Guidelines (incorporating relevant case law)

1. Home Department:

- a. Develop and implement a monitorable budgeted plan to strengthen Reclamation and Parole organization and provisions

- b. Amendment in law compelling the courts to give reasons in its judgement, where an accused person could have been dealt with under the provisions of the Probation of Offenders Ordinance, 1960 but has not done so.
- c. Compile Parole Guidelines (incorporating relevant law)
- d. Monitor and report the efficient and effective use of parole reporting to the HC and SCP through LJCP
- e. Monitor and report the number of Parole Board meetings to the HC and SCP through LJCP
- f. Immediately fill vacant positions to operationalise parole and probation provisions effectively.

2. Reclamation and Parole:

- a. Report the number of meetings held with Jail Superintendents to identify possible parolees- provide schedule to the HC and SCP through LJCP
- b. Report number of Parole Board meetings –provide schedule to the SCP through LJCP
- c. Report monthly numbers of parolees and probationers to the HC and the SCP through LJCP

3. Provincial Judicial Academies:

- a. Develop and Provide trainings to sub-ordinate judiciary, parole and probation officers, and members of the Parole Boards on probation and parole laws- provide schedule to the SCP through LJCP

4. Provincial Ombudsman:

- a. Investigate and make recommendations to the SCP for improving the provision of parole for entitled prisoners.
- b. Formulate and implement a system to monitor and report on the provision of parole and probation.

5. Provincial Justice Committees:

- a. For detailed action planning and monitoring for effective implementation of the parole and probation laws.

9. Report is submitted for kind consideration.

Dated: 28 April 2017

Mohammed Sarwar Khan
Secretary,
Law and Justice Commission of Pakistan

List of the law reform recommendations implemented

Sr.No.	Report No.	Year of Report	Recommendations of the Commission
1.	18	1992	Amendments in the Service Laws for extension of jurisdiction of the Service Tribunals. [implemented through the Service Tribunal (Amendment) Act XVII of 1997 dated 10-6-1997, which was strike down by the Supreme Court of Pakistan vide its judgment]
2.	22	1997	Administrative recommendations for reforming criminal justice system
3.	32	2000	Amendments in the Small Claims and Minor Offences Courts Ordinance, 2001.
4.	34	2001	Conferring the Powers Under Section 491 (1) (a) & (b) of the Code of Criminal Procedure 1898 on the Court of Session
5.	35	2001	Amicable Settlement of Disputes.
6.	36	2002	Enhancement of Pecuniary Jurisdiction of Civil Courts.
7.	37	2002	Enhancement of Pecuniary Appellate Jurisdiction of District Courts.
8.	38	2002	Enhancement of Pecuniary Original Jurisdiction of District Courts at Karachi. (High Court of Sindh only)
9.	39	2002	Enhancement of Punishment of Fines Under the Pakistan Penal Code.
10.	40	2002	Amendment of sections 32, 260 and 261 of the Code of Criminal Procedure, 1898.
11.	43	2002	Right of Appeal Against Acquittal to Private Complainant under the Anti-Terrorism Act 1997.
12.	44	2002	Punishment of Bouncing of Cheques.
13.	45	2002	Strengthening the Capacity and Expanding the Functions of Pakistan Law Commission.
14.	47	2002	Punishment for the Offense of Gang Rape.
15.	48	2002	Releasing the Female Accused on Bail
16.	51	2002	Banning the tradition of Vani.
17.	52	2002	Access to Justice Development Rules 2002
18.	59	2003-04	Prohibiting Excessive Expenditure on Marriage Ceremony and Dowry.
19.	61	2003	Amendments in the West Pakistan Land Revenue Rules, 1968. [Implemented in Punjab vide Notifications No.881-2010/397-LR-II dated 20 April 2010]
20.	62	2003	Amendment to the rule 2 to the Federal Services Medical Attendance Rules, 1990.
21.	71	2005	Amendment in Access to Justice Development Fund Rules, 2002 and LJCP Employees Rules.
22.	72	2005	Accounting Procedure of Access to Justice Development Fund, 2005.
23.	75	2005	Amendment of sections 11, 13 and 14 of the offence of Zina (Enforcement of Hudood) Ordinance, 1979.
24.	77	2005-6	Amendment to section 9 of the Muslim Family Laws Ordinance, 1961 and Schedule of the Family Courts Act, 1964. [Implemented in Punjab vide Muslim Family Laws Amendment Act 2015 (XIII of 2015)]
25.	79	2005	Amendment in the Law and Justice Commission of Pakistan Employees (Terms and Conditions of Service) Rules, 1992.
26.	85	2006	Amendment in the Caste Disabilities Removal Act, 1850. [The Commission did not agree with the proposed amendment however recommended that the reference of "East India Company" in Section 1 (a) be substituted by word "Pakistan"]
27.	112	2009	Amendment in the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968. [Implemented in Punjab]

28.	116	2009	The Committee Members (Travelling and Daily Allowance) Rules, 2009 and Amendment in the LJCP Members' T.A./D.A. Rules, 1980.
29.	117	2011-13	Amendment to Sections 3 and 6 of the Law and Justice Commission of Pakistan Ordinance, 1979.
30.	118	2011-13	Amendment to Sections 3 of the National Judicial (Policy Making) Committee Ordinance, 2002.
31.	119	2011-13	Rule for Regulating the Functions of the District Legal Empowerment Committees. (DLECs)
32.	121	2011-13	Evacuee Trust Properties (Management and Disposal) Act, 1975.
33.	124	2011-13	Amendment to Rule 11, Chapter 2, Part A (General) of the High Court Rules and Orders (Civil)
34.	127	2013	Amendment to Section 10 of the Offences in respect of Banks (Special Courts) Ordinance, 1984, providing statutory right of appeal against acquittal. [Amended by Act XXII of 2016]
35.	132	2014	Amendment in Sections 91, 92 and 104 of the Code of Civil Procedure, 1908 [Act No. XLVIII of 2016]

List of the law reform recommendations implemented with suitable amendments

Sr.No.	Report No.	Year of Report	Recommendations of the Commission
1.	1	1981-84	Article in Schedule-II of the Court Fees Act, 1870: - "Plaint or a Memorandum of Appeal for recovery of or any compensation or damages under the Fatal Accidents Act, 1855, Rs. 15/- another suitable amount. The Federal Government may make a suitable amendment in the Fatal Accidents Act, 1855, itself by adding a new Section 3(A)
2.	2	1981	1. Section 1 of the Fatal Accidents Act, 1855, to the effect that the summary procedure laid down in Order XXXVII of the Code of Civil Procedure, in respect of negotiable instruments, shall also apply to suits filed under the Fatal Accidents Act, 1855. 2. Section 125 of the Motor Vehicles Act, 1939 sentence should be raised to three years' rigorous imprisonment with a fine of not less than Rs. 5,000/. 3. Section 95(2) of the Motor Vehicles Act, 1939 the limit of Rs. 20,000/- in this Section should be raised to Rs. 50,000/- in case of death and the provisions contained in the 13th Schedule to the West Pakistan Motor Vehicles Ordinance, 1965, as amended by the Provincial Motor Vehicles (Amendments) Ordinance, 1978, should be followed in respect of other bodily injuries. 4. The 13th Schedule to the West Pakistan Motor Vehicles Ordinance, 1965 the sum of Rs. 16,000/- prescribed for death should be raised to Rs. 50,000/- and the other amounts mentioned therein in respect of injuries etc. should be increased three times. A revised Schedule is, consequently, enclosed with this Report. 5. After Section 516A a new Section 516B may be added to the effect that in a case of fatal accident the motor vehicle involved, after necessary test, shall not be handed over to the owner unless he produces a valid original insurance certificate and policies in respect of the third-party coverage to the satisfaction of the Ilaqa Magistrate. 6. In case a vehicle is involved in a fatal accident the owner should not be allowed to alienate his movable or immovable property for one year and if a suit for compensation is filed within that period, he should not be allowed to do so without the permission of the court trying the suit. 7. Whenever a motor vehicle is transferred from one person to another, the liability of the insurance company <u>vis-a-vis</u> the third-party risk should not extinguish till the date of expiry of the Policy. 8. The amount of security in respect of general insurance companies should also be suitably increased so as to ensure payment of compensation to the third parties by the insurance company concerned.
3.	4	1981-84	The Islamic Law of Evidence is framed, the provisions relating to evidence in the Hudud Laws shall have to be repealed.
4.	5	1981-84	Rent Restriction Laws. Draft Rental Premises Ordinance, 1982. (Implemented to the extent of the Punjab Province only)
5.	7	1981-84	Section 211 should frequently be invoked by the Trial Courts against the false complainants and those of the latter section, i.e., 182 by the Police Officers investigating offences, who should file a complaint in the Court concerned against a person lodging a false FIR. Both the sections should suitably be amended, enhancing the sentences involved.
6.	10	1981-84	Report of the Committee of Pakistan Law Commission on Offences against human body (Enforcement of Qisas and Diyat) Ordinance, 1984.
7.	13	1992-94	Reformation and Modernization of Service Laws. 1. in Section 4, for sub-section (1) the following shall be substituted, namely, "4(1) The Chairman and Members shall be appointed for a term of three years by the President". 2. in Section 7, for clause (b) the following shall be substituted, namely, "(b) to advise the President on the matters- (i) relating to qualifications for, and method of recruitment to the services and posts referred to in clause (a); (ii) relating to principles on which appointment, promotion, and

			transfer to another service or cadre except to the extent that the President may by rules, specify the matters in which either generally or in any particular class of cases or circumstances it shall not be necessary to consult the Commission; and
8.	14	1992	(iii) Which the President may refer to the Commission". 1. Amendment to section 2(d) of the Cantonment Rent Restriction Act 1963. 2. NWFP Urban Rent Restriction (Amendment) Act, 1993 3. Baluchistan Urban Rent Restriction (Amendment) Act, 1993 4. Sindh Rented Premises (Amendment) Act, 1993 5. The Punjab Urban Rent Restriction (Amendment) Act, 1993 (Implemented to the extent of the Punjab Province only)
9.	15	1992	Amendment in Article 2, 3 and 11 of the Wafaqi Mohtasib (Ombudsman) Order, 1983. [Amended vide Ordinance LXXII of 2002, definition of agency amended]
10.	19	1993	Eradication of Qabza Group (Activities) Act 1993 <i>(Most of the recommendations have been implemented with suitable amendments through Illegal Dispossession Act 2005).</i>
11.	21	1994	Improving the performance of Pakistan Law Commission. 1. In sub-section (1) before the word 'law' the word 'Pakistan' shall be inserted. 2. in section 2, i. for clause (a), the following shall be substituted namely- "(a) Chairman and Vice Chairman means Chairman and Vice Chairman of the Commission" ii. after clause (c), a new clause (d) shall be added namely- "(d) 'Secretariat' means the Secretariat of Pakistan Law Commission within the meaning of Rules of Business, 1973" 3. Substitution of sub-section (1) and (2) of section 3, 1. for sub-section (1) the following shall be substituted namely- "(1) There shall be a Pakistan Law Commission consisting of- i. the Chief Justice of Pakistan, who shall be the Chairman of the Commission, ex-officio; ii. the Wafaqi Mohtasib, the Chief Justices of the Federal Shariat Court and the High Courts, the Secretary to the Government of Pakistan in the Ministry of Law, Justice & Parliamentary Affairs, the Chairmen of the Council of Islamic Ideology and the Law Reforms Committee of the Pakistan Bar Council, members, ex-officio; iii. a retired Judge of Supreme Court of Pakistan, who shall be the full-time Member and Vice Chairman of the Commission; iv. five members, from amongst members of the Parliament, 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; 4. or sub-section (2) the following shall be substituted namely- "(2) A member of the Commission, other than an ex-officio member shall be appointed by the Federal Government on the recommendation of the Chairman". 5. In sub-section (1) after the word 'Secretary' occurring for the first time, a full stop shall be placed and rest of the sub-section shall be deleted. 6. In sub-section (1) for clause (vii), the following shall be substituted namely- "(vii) developing and implementing schemes for introduction of reforms in the administration of justice"; and 7. after section 6, a new section 6A shall be added, namely- "6A. Annual Report. The Commission shall submit an annual report to the Federal Government within three months of the conclusion of a calendar year" 8. after section 8, a new section 8A shall be added namely- "8A. Delegation of powers. - The Chairman may, by order in writing, direct that any of his powers under the Ordinance subject to such conditions and limitations as specified, be exercised or performed by the Vice Chairman or the Secretary". 9. In section 9 in sub-section (2) after the word 'for' the words 'terms and conditions of appointment and' shall be inserted.
12.	23	1997	Amendments in the Prison Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prisons Rules 1978.

13.	25	1992	The Legal Practitioners and Bar Councils Act, 1973 [Human Right Committee and Free Legal Aid Committee have been constituted by the Bar Councils in exercising powers under S.15 (2) of the Legal Practitioners and Bar Councils Act 1973]
14.	28	1998-99	Elimination of Child Labour.
15.	30	1999	The Commission recommended regarding Administrative Measures, Legislative Measures, Establishing Juvenile Institutions, Training of Staff, Minimum and Maximum Age for Criminal Liability, Maximum Age for Entry into Juvenile Justice System, Detention Pending Trial and Disposal of Juvenile cases by Diversion for Juveniles Justice System.
16.	54	2003	The Commission in its meeting held on 11 October 2003, considered the proposed amendment in the W.P Requisitioning of Immovable Property (Temporary Powers) Act 1956 and approved the draft Bill as at Annex. 1. In section 2, in clause (iii), the words "who has paid rent for the whole of that period in advance" shall be omitted. 2. In section 3, in sub-section (1), the words "or expedient" and "the use of any of its officers" shall be omitted. 3. In section 6, - (i) in sub-section (1), the clause (e) shall be omitted. (ii) the sub-section (2) shall be omitted. 4. in section 7, after the words "as the case may be" a colon shall be added and the comma and the words ", the Provincial Government shall be liable to pay Interest on the principal amount at the rate of six per centum per annum till the date of deposit or payment, as the case may be." shall be omitted and thereafter the following proviso shall be added, namely: - "Provided that if the amount of compensation is not paid within three months, the order of requisition shall be deemed to have been revoked and requisitioned building shall be deemed to have been released." 5. Section 11 shall be omitted. 6. Section 12 shall be omitted.
17.	58	Year not mentioned in Report	In the First Schedule, in Order XXXIII, in rule 1, in explanation- for the word "one" the words "twenty-five" shall be substituted; and after the words "wearing-apparel" the words "cooking vessels, bed and bedding, tools of artisans, implements of husbandry, necessary for earning livelihood," shall be inserted
18.	60	2003	Expediting Trial Proceedings (Administrative Reforms)
19.	68	2004-5	The Law & Justice Commission unanimously recommended that instead of establishing Federal Court, which concept is not free from legal/constitutional complications, an effort be made to find a remedy within the existing system, such as by— 1. Immediately filling in the vacancies in the High Courts; 2. Increasing the number of judges in the High Courts; and 3. Creating Divisions in the High Courts for various categories of cases, including the commercial and financial cases. (Most of the administrative actions implemented)
20.	73	2005-6	Amendment of Section 10 of the W. Pak. Family Courts Act, 1964. (Khulla as a ground for dissolution of marriage was included in section 5 of the Family Courts Act 1964) (Implemented to the extent of the Punjab Province only)
21.	76	2005-6	Enhancement of Punishment of Fine in Various Provincial Statutes.
22.	80	2005	The Commission recommended Several amendments in the Prisons Statutes and Rules.
23.	82	2006-7	Amendment to First Schedule of the Limitation Act, 1908 and section 115 of the Code of Civil Procedure, 1908. [Entries relating to Article 162-A omitted. Amendment in CPC is not made]
24.	83	2006	Amendment of Rules Framed under the Stamp Act, 1899. (Implemented to the extent of the Punjab Province only)
25.	87	2006	The Commission considered the Provincial Motor Vehicles Act and the amount of compensation prescribed therein for the death or hurt caused by an accident.
26.	89	2006	Preventing Banking Companies to Levy Service Charges on small Deposits. The State Bank of Pakistan may direct the commercial banks to not to recover the service charges from the small account holder which

			generally belong to labourers and farmers particularly of the rural areas and treat them equal to big account holder having deposits above Rs. 5000/-. The commission further directed that the deduction of specified amount from deposits at the time of closing of account is also unfair. Further, that the method of fixing profit on deposits, after deducting expenditure/administrative charges is also arbitrary and unfair to the general public who are thus deprived of their due share of profit.
27.	101	2007-08	Amendment in Child Marriage Restraint Act, 1929.

References considered but not supported / approved by the Law and Justice Commission of Pakistan

Sr. No.	Report No.	Year of Report	Recommendation	Reason
1.	6	1981-84	Law of Evidence. The Proposed Draft "law of Evidence Ordinance" Prepared by the council of Islamic Ideology.	Not agreed
2.	9	1981-84	Reference received from the Federal government about the proposed Ordinance relating to Qanun-e-Shahadat.	Not agreed

A.C. List of the law reform recommendations not implemented

Sr.No.	Report No.	Year of Report	Recommendations of the Commission
1.	3	1981-84	Establishment of Courts of Qazis in the Country. [The Government Considered but did not agreed with the proposal.]
2.	8	1981-84	(1) Amendment in the P.P.C. Amendments were proposed in sections 193, 194, 195, 196, 199,200, 205, 209, 211, 471, 475, 476 PPC by adding therein the punishment of whipping not exceeding 39 stripes. Amendments clauses (a) and (b) of the 2 nd proviso of sub-section (1) of section 497 Cr. P.C by substituting in clause (a) the words "one year" with "two years" and in clause (b) the words "two years" with "three years". (2) Amendment in the Oaths Act, 1873. amendment in section 6 following form of oath "I swear by Allah Almighty that I will give true evidence and if I give false evidence I would thereby invoke curse and wrath of Allah on me".
3.	11	1992-94	Filling a Legal vacuum amendments proposed in the General Clauses Act, 1897.
4.	12	1993	1. On the line of Punjab amendment, all other provincial Governments should incorporate similar amendments to the Act in order to empower the High Court to transfer within the province, a family suit from one family court to another; 2. A new sub-section 1-A should be added to Section 25-A of the Act as applicable in Punjab, providing for inter-provincial transfer of family suit on the application of a wife in appropriate cases. 3. The schedule to the Family Court Act may be amended and the "recovery of dowry" be added to it.
5.	16	1993	The Commission recommended to enact a new law the Public Complaints (Removal of Grievance) Act, 1992
6.	17	1992	Amendments were proposed in following sections of Cr.P.C. New section 59A, 154, 156,167,382A, 431,476,476A shall be omitted
7.	20	1992	The Commission recommended to enact a new law the Examinations (Prevention of Unfair Means) Act, 1993.
8.	24	1992	Amendments in the Civil Servants (Amendment) Act 1993, the Service Tribunals (Amendment) Act 1993, Civil Servants (Appeal) (Amendment) Rules 1993.
9.	26	1993	Administrative Procedures Act for the Federal Government of Pakistan.
10.	27	1993	The Mines Maternity Benefit Act 1941. 1. In section 5 of this Act, the words "twelve annas a day for everyday" be deleted and substituted by the words "half of the monthly wages". 2. A further proviso shall be added as under: Provided further that this benefit shall be admissible only twice during the service of a working woman. 3. Amendment in section 13(1) of the Act. In section 13(1) of this Act the words "five hundred" be substituted by the words "twenty thousand". West Pakistan Maternity Benefit Ordinance 1958". 1. In section 4 of the Ordinance 1958, after the existing proviso a further proviso shall be added as follows: Provided further that this benefit shall be available only twice during the service tenure of a working woman. 2. In section 9, sub-section 1, for the words "five hundred", the words "twenty thousand" shall be substituted.
11.	29	1998-99	Eliminating Double Jeopardy In Drugs-Related Offences.
12.	31	1998-99	Amendment in Section 145 of the Cr. P.C
13.	33	2001	The Commission submitted its report to the Government suggesting therein, inter alia, the establishment and procedure of special courts for expeditious disposal of suits relating to family laws. The Commission rationalized, as follows, its recommendation for establishing special courts following special procedure for resolving family disputes. [The Law Commission offered comments on the proposed draft Bill Family Courts (Amendment) Ordinance 2001 and

			suggested amendments in the various proposed sections. Some of the suggestions were taken into consideration however Bill was enacted in 2002 by a Family Courts (Amendment) Ordinance LV of 2002]
14.	41	2002	A new section 373-A may be added in the Pakistan Penal Code and consequential amendment in this regard may be made in the Code of Criminal Procedure.
15.	42	2002	Addition of the Offence of Molestation to the Pakistan Penal Code 1860.
16.	46	2002	Amendment in Section 345 and the Schedule of the Code of Criminal Procedure 1898 to make the Offence of Rioting Compoundable
17.	49	2002	A new section in the Cr.P.C on the pattern of Section 50 of the Indian Criminal Procedure Code was proposed.
18.	50	2002	Prohibition of Unauthorized Business of Sale/Purchase of National Prize Bond. [The issue was considered in the Senate Standing Committee on the Law, Justice and Human Rights on 24 March 2011 and the Committee recommended harsh punishments for those who are involved in unauthorized sale of prize bonds in the market].
19.	53	2003-04	In the P.P.C. after Section 172, the new Section 172-A shall be inserted.
20.	55	2003	Amendments in the Children (Pledging of Labor) Act, 1933.
21.	56	2003	Amendments in section 11-A and insertion of section 11-D in the Security of Pakistan Act, 1952.
22.	57	2003	The Secretariat proposed increase in the monetary values in sections 427, 428, 429 and 435 of the Pakistan Penal Code.
23.	63	2004	Consequential amendments in the Cr.P.C after repeal of sections 366, 372, 373, 375, 376, 493, 497, 498 of the P.P.C. by sub-section (3) of section 19 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979.
24.	64	2004	The Indian Cr.P.C, through its section 319, provides discretion to a court to proceed against a person who is not accused at the trial. Based on the referred Indian Law, the Secretariat proposed the substitution of section 351 Cr.P.C.
25.	65	2002	The Secretariat proposed increase the amount of fine in section 67 P.P.C due to devaluation of currency with the passage of time.
26.	66	2004	The Secretariat proposed that in addition to other securities for bail, a bank guarantee may also be furnished, and that the amount secured may also be recovered through sale of immovable property and that court should not enforce payment of more than half of the surety amount.
27.	67	2004-5	In section 17, in sub-section (1), after clause (e), the following clauses shall be added, namely: — “(f) power of attorney when authorizing the attorney to sell any immovable property.” “(g) an agreement to sell of immovable property.”
28.	69	2004-5	Law Reform Bill, 2005 1. Amendment to Section 182, 379, 441, 447 and 468 of P.P.C. Amendment to Section 54(1), 154(2), 195, 514(5) of Cr. P.C. 2. Amendment to Section 3 of the Powers of Attorney Act, 1882 and providing new section 3A. 3. Amendment to Section 9(1) of the Specific Relief Act, 1877. 4. Amendments in the Code of Civil Procedure.
29.	70	2004-5	1. Enhancing the Punishment of Fines in various statutes. 2. Enhancing the punishment of fines in the Code of Civil Procedure.
30.	74	2005-6	Amendment to Section 5 & 7 of the Muslim Family Laws Ordinance, 1961.
31.	78	2005-6	Repeal of the Recusant Witnesses Act, 1853.
32.	81	2006-7	Amendments in the Registration Act, 1908.
33.	84	2006	Amendment in Section 44-A C.P.C.
34.	86	2006	Repeal of The Kazi's Act, 1880.
35.	88	2006	Amendment in the Arms Ordinance, 1965.
36.	90	2007	The Commission therefore, recommended that Section 3 of the Majority Act 1875 be suitably amended to fix a uniform majority at the age of 18 years.
37.	91	2007	Guardians and Wads Act, 1890
38.	92	2007	Amendment in Section 250 of the Code of Criminal Procedure 1898
39.	93	2007	Amendment in Section 102 of the Code of Civil Procedure, 1908

40.	94	2007	Omission of Sub-rule (1) of Rule 4, Order XX of the Code of Civil Procedure, 1908.
41.	95	2007-08	Amendment in sections 400, 401 and 402 of the PPC.
42.	96	2007-08	Amendment in Succession Act, 1925.
43.	97	2007-08	Amendment in Schedule 2 of the Cr.P.C.
44.	98	2007-08	Amendment in Section 95.C.P.C
45.	99	2007-08	Amendment in Section 35A C.P.C.
46.	100	2007-08	Amendment in section 516A Cr.P.C
47.	102	2007-08	Amendment in the Code of Criminal Procedure 1898 for Substitution / Deletion of Obsolete Provisions.
48.	103	2009	Post-Divorce Mata'a for Wife Amendment in the MFLO, 1961 and West Pakistan Family Court Act, 1964.
49.	104	2009	Amendment in the Juvenile Justice System Ordinance, 2000.
50.	105	2009	Amendment in Rule 4 of the West Pakistan Family Court Rules, 1965.
51.	106	2009	Amendment in section 94 (1) (a) of the Cr.P.C.
52.	107	2009	Amendment in Section 489-F of the PPC dishonestly issuing a cheque.
53.	108	2009	Amendment in Section 374-A of the PPC. Walk on Burning Coal to Prove Innocence
54.	109	2009	Amendment in Section 7 of the Explosive Substances Act, 1908 [Bill passed by the National Assembly on 1st February 2017]
55.	110	2009	Repeal of Public Gambling Act, 1867.
56.	111	2009	Repeal of the Sindh Steam Vessels Act, 1864. [The law contains only one section which refers the provision of Merchant Shipping Act 1894 which has been repealed by Pakistan Merchant Shipping Act 2001, resultantly the provision of Sindh Steam Vessels Act 1864 repealed]
57.	113	2009	Amendment in the Illegal Dispossession Act, 2005 [Bill introduced in the National Assembly]
58.	114	2009	Consequential Amendments in Laws: 1. Amendment in the Prisoners Act 1900 for deletion /substitution of obsolete provisions thereof. 2. Amendment in the Representation of the People Act, 1976. 3. Amendment in the National Book foundation, Act, 1972 4. Amendment in the Pakistan Study Centers Act, 1976. 5. Amendment in Section 17 of the National Highway Authority, Act, 1991. 6. Omission of Obsolete Provisions in the Code of Civil Procedure, 1908. 7. Amendment in the Specific Relief Act, 1877. [implemented vide the Specific Relief (Amendment) Act 2012, VI of 2012] 8. Amendment in the Payment of Wages Act, 1936
59.	115	2009	Repeal of the Sindh Landing and Wharfage Fees Act, 1882.
60.	120	2011	Amendment in the Evacuee Trust Properties (Management and Disposal) Act, 1975. The Commission observed that the since the issue pertains to the implementation of judgment therefore, the same may be referred to the Secretary, Ministry of Law Justice and Parliamentary Affairs for implementation of the judgment.
61.	122	2011	Amendment in Pre-emption Laws. The Commission recommended that since the issue pertains to implementation of judgment of Supreme Court, therefore, the matter may be referred to the Secretary, of Law, Justice and Parliamentary Affairs for implementation of the judgment.
62.	123	2012	Amendment to Section 138 of the Negotiable Instruments Act, 1881. The Commission proposed to amend section 138 of the Negotiable Instruments Act, 1881 to the extent of qualification of the person to be appointed as a Notary Public as provided in the Notary Rules, 1965. It is approved that expression "any person" in section 138 of the Negotiable Instruments Act, 1881 may be replaced with "legal practitioner having active practice for at least five years". The Commission also recommended that clause (a) of Rule 3 of the Notaries Rules, 1965 may be amended suitably by deleting the redundant condition.
63.	125	2012	Amendments in Vaccination Laws. The Commission considered proposals for enhancing the effectiveness

			of Vaccination laws in different provinces for vaccination of unprotected children and expressed that Section 3 may be amended and the Superintendent of Prisons, Incharge of Dar-ul-aman, Borstal Institutions, Remand Homes and other institutions where children are residing should be bound to ensure the provisions of Vaccination Ordinance under their jurisdiction for vaccination of unprotected children.
64.	126	2012	<p>Repeal of Obsolete and Redundant Legislation.</p> <p>(i) West Pakistan Prohibition of Smoking in Cinema House Ordinance, 1960.</p> <p>The Commission considered the proposal and deliberated that the West Pakistan Prohibition of Smoking in Cinema Houses Ordinance, 1960 has lost its importance/effectiveness after promulgation of the Prohibition of Smoking and Protection of Non-Smokers Health Ordinance, 2002. The most of the provisions of West Pakistan Prohibition of Smoking in Cinema Houses Ordinance, 1959 are covered in the Ordinance, 2002 which is new exhaustive and consolidated law on the subject.</p> <p>(ii) West Pakistan Juvenile Smoking Ordinance, 1959.</p> <p>The Commission deliberated that as presently the cases related to smoking are dealt in accordance with the provisions of the Prohibition of Smoking and protection of Non-Smokers Health Ordinance, 2002 which is fairly modern and more comprehensive in its scope, therefore, the West Pakistan Juvenile Smoking Ordinance, 1959 may be repealed.</p>
65.	128	2013	<p>Amendment to Section 3 of the WP Maternity Benefit Ordinance, 1958.</p> <p>Section 3 of the Ordinance may be numbered as sub-section (1).</p> <p>(2) after sub-section (1) of section 3 the following sub-section (2), may also be added: -</p> <p>“(2). No employer shall ask any employed women to do any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health for a period of one month immediately; -</p> <p>(a) preceding the period of six weeks, before the date of her expected delivery; and;</p> <p>(b) succeeding the six weeks after the date of her delivery.”</p>
66.	129	2013	<p>Amendment to Section 489-F P.P.C, 1860</p> <p>In section 489F, after the word “obligation” the words, figures, brackets and commas “, not being a loan or obligation under the Financial Institutions (Recovery of Finances) Ordinance, 2001 (Ordinance No. XLVI of 2001)” shall be inserted.</p>
67.	130	2013	<p>Amendment to Illegal Dispossession Act, 2005.</p> <p>The Court may, if the complaint is found false or vexatious, award compensatory cost upto five hundred thousand rupees to the other party.</p>
68.	131	2013	<p>Amendment to Section 19 of the Mental Health Ordinance, 2001.</p> <p>Substitution and insertion of new sub-sections to Section 19. —(1) In the Mental Health Ordinance, 2001 (Ordinance No. VII of 2001) herein after referred to as the said Ordinance, for sub-section (2) of section 19 the following sub-section (2) shall be substituted, namely;</p> <p>“(2) A person removed to a place of safety under subsection (1) of this section shall be produced by the police before the nearest Magistrate within a period of twenty-four hours of taking him into such protection excluding the time necessary for the journey from the place where he was taken into such protection to the Court of the Magistrate and shall not be detained beyond the said period without the authority of the Magistrate.”</p> <p>(2) In the said Ordinance, after the substituted sub-section (2) of section 19, the following new sub-sections (3) and (4) shall be added, namely; -</p> <p>“(3) If a person is produced before the Magistrate under this section, and if in his opinion, there are sufficient grounds for proceeding further, the Magistrate shall, --</p> <p>(a) examine the person to assess his capacity under understand;</p> <p>(b) cause him to be examined by a medical officer; and</p> <p>(c) make such inquires in relation to such person as he may deem necessary.</p>

			<p>(4) After the completion of the proceeding under sub-section (3), the Magistrate may pass a reception order authorizing the detention of the said person as an in-patient in a psychiatric facility. The reception order shall include certification, by the Magistrate, to the effect that such person is mentally disordered and specification that it is necessary to pass such order in the interest of the health and personal safety of that person or for the protection of others:</p> <p>Provided that if any relative or friend of the mentally disordered person desires that the mentally disordered person be sent to any particular psychiatric facility for treatment therein and undertakes in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the mentally disordered person in such psychiatric facility, the Magistrate shall, if the medical officer in charge of such admission of the mentally ill person into that hospital and detain there:</p> <p>Provided further that if any relative or friend of the mentally disordered person enters into a bond, with or without sureties for such amount as the Magistrate may determine, undertaking that such mentally disordered person shall be properly taken care of and shall be prevented from causing any injury to himself or to others, the Magistrate may, instead of making a reception order, hand him over the care of such relative or friend."</p>
69.	133	2014	Working Paper for amendments in section 17 of the Offences Against Property (Enforcement of Hudood) Ordinance, 1979
70.	134	2014	Amendment to Section 46 of the Code of Criminal Procedure, 1898.
71.	135	2014	Addition of section 54-A in Criminal Procedure Code, 1898. Rights of the arrested person.
72.	136	2014	Addition of section 9A in the Muslim Family Laws Ordinance, 1961
73.	137	2014	Proposals to Amend the Fatal Accident Act, 1855
74.	138	2014	<p>Paper containing consolidated legislative proposals regarding amendments in the,</p> <ol style="list-style-type: none"> (1) Muslim Family Laws Ordinance, 1961 and Rules Made thereunder concerning nikahnama . . (2) WP Family Courts Act, 1964 and Rules framed thereunder, and (3) Dowry and Bridal Gift (Restriction) Act, 1976 and Rules made thereunder.

IN THE SUPREME COURT OF PAKISTAN
(Appellant Jurisdiction)

Crl. Misc. Application No. 1566/2017

In

Crl. Misc. Application No. 1566/2016

In

Crl. Petition No. 449/2015

C.M.A for Additional Document by
Ministry of Law & Justice through
Deputy Attorney General/Advocate on
Record Islamabad on 07.02.2017.

abu Malik Naseem.....Petitioner

VERSUS

the State.....Respondent

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Certified that this paper book as bound is complete and correct.

Dated: 07.02.2017

Madeeha Khatak
(AHMAD NAWAZ KHAN)
Advocate on Record

IN THE SUPREME COURT OF PAKISTAN

(Appellant Jurisdiction)

Crl. Misc. Application No. 187 /2017

In

Crl. Misc. Application No. 1566/2016

In

Crl. Petition No. 449/2015

Abu Malik Naseem.....Petitioner

VERSUS

The State.....Respondent

APPLICATION UNDER ORDER XXXIII RULE 6 OF SUPREME COURT RULES, 1980 FOR PERMISSION TO FILE DOCUMENTS ON BEHALF OF SECRETARY MINISTRY OF LAW AND JUSTICE.

Respectfully Sheweth:-

1. That above cited Case is fixed for hearing on 08.02.2017 before this Honourable Court.

2. That the applicant wants to file Additional Documents which are relevant and important.

It is, therefore, respectfully prayed that CMA regarding additional documents on behalf of Honourable Secretary Law and Justice, Islamabad may very kindly be allowed to place on the record, in the interest of justice.

Filed By

Drawn By

Dated 07-02-2017

Annex-E

It is submitted that recommendations of Law and Justice Commission of Pakistan (LJCP) relating to Law and Justice Division have already been implemented, where as the recommendations relating to other Ministries/Divisions of Federal Government have been forwarded to them for their consideration and the recommendations and for amendment in the Provincial statutes have also been forwarded to the Provincial Governments. However, the current status of the pending reports of (LJCP) is placed below.

Current status of the pending Reports of the Law and Justice Commission

Sr.No.	Report No.	Year of Report	Recommendations of the Commission	Current Status
1	3	1981-84	Establishment of Courts of Qazis in the Country.	The Government did not consider the recommendations being not feasible.
2	5	1981-84	Rent Restriction Laws. Draft Rental Premises Ordinance, 1982. Note: Provincial Law Departments are also concerned for amendments.	New Rent Laws has been enacted by the Punjab Province and ICT.
3	8	1981-1984	(1) amendment in the PPC Amendment were proposed in section 193, 195, 196, 199, 200 205, 209 211 471 476 PPC by adding there in punishment of whipping not exceeding 39 stripes. Amendment clause (a) and (b) of the 2 nd proviso of subsection (1) of section 497 Cr. P.C by substituting in clause (a) the words one years with two years and in clause (b) words two years with three years. (2) Amendments in the Oath Act, 1873. Amendment in section 6 following from of oath I serwer by Allah Almighty that will give true evidence and if I give false evidence I would thereby invoke curse and wrath of Allah on me.	Considered by the LRC And the Criminal Law Reforms Bill has been proposed.

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4	14	1992	<p>1. Amendment to section 2(d) of the Cantonment Rent Restriction Act 1963.</p> <p>2. NWFP URBAN RENT RESTRICTION (AMENDMENT) ACT, 1993</p> <p>3. BALUCHISTAN URBAN RENT RESTRICTION (AMENDMENT) ACT, 1993</p> <p>4. SINDH RENTED PREMISES (AMENDMENT) ACT, 1993</p> <p>5. THE PUNJAB URBAN RENT RESTRICTION (AMENDMENT) ACT, 1993</p> <p>Note: 1. Provincial Law Departments. 2. Ministry of Defence, Government of Pakistan, Rawalpindi are also concerned for amendments.</p>	Already implemented by the Provinces and Cantonment Area.
5	15	1992	Amendment in Article 2,3 and 11 of the Wafaqi Mohtasib (Ombudsman) Order 1983.	Recommendation are already covered in the Federal Ombudsmen Institutional Reforms Act, 2013
6	18	1992	Amendments in the Service Laws for extension of jurisdiction of the Service Tribunals.	Jurisdiction of the FST has declared by the Supreme Court in its judgment. No need any further amendment
7	20	1992	The Commission recommended to enact a new law the Examinations (Prevention of Unfair Means) Act, 1993	Recommendations forwarded to the Ministry of Education for consideration.
8	24	1992	Amendments in the Civil Servants (Amendment) Act 1993, the Service Tribunals (Amendment) Act 1993, Civil Servants (Appeal) (Amendment) Rules 1993	Jurisdiction of the FST has declared by the Supreme Court in its judgment. Recommendations are forwarded to the Establishment Division for examination
9	25	1992	The Legal Practitioners and bar Council Act, 1973	Forwarded to the Pakistan Bar Council for consideration
10	26	1993	Administrative Procedure Act for the Federal Government of Pakistan	Considered- Disagreed with recommendations as Wafaqi Mohtasib Secretariat Established.
11	28	1998-99	Elimination of Child Labour. Note: Provincial Labour and Law Departments are also concerned for amendments..	Under consideration by the Provincial Governments.
12	29	1998-99	Eliminating Double Jeopardy In Drugs-Related Offences.	Forwarded to the Ministry of National Health Service Regulations and Ministry of Interior for consideration.

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Annex -E

13	50	2002	Prohibition of Unauthorized Business of Sale/Purchase of National Prize Bond.	Recommendation has already been forwarded to the M/o Finance.
14	55	2003	Amendments in the Children (Pledging of Labor) Act, 1933. Note: Provincial Labor and Law Departments are also concerned for amendments.	Forwarded to the Provincial Governments
15	56	2003	Amendments in section 11-A and insertion of section 11-D in the Security of Pakistan Act, 1952.	Forwarded to the Ministry of Interior for consideration and recommendation
16	61	2003	Amendments in the West Pakistan Land Revenue Rules, 1968.	Recommendations are forwarded to the Provinces for consideration.
17	62	2003	Amendment to the rule 2 to the Federal Services Medical Attendance Rules, 1990.	Recommendations are forwarded to M/o National Health Services Regulation.
18	63	2004	Consequential Amendments in the Cr.P.C after repeal of Section 366, 372,373,375,376,493,497,498 of the P.P.C by sub-section (30 of section 19 of the Offence of Zina (enforcement of Haddod) Ordinance 1979.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
19	66	2004	The Secretariat proposed that in addition to other securities for bail, a bank guarantee may also be furnished, and that the amount secured may also be recovered through sale of immoveable property and that court should not enforce payment of more than half of the surety amount.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
20	67	2004-5	In section 17, in sub-section (1), after clause (e), the following clauses shall be added, namely:— “(f) power of attorney when authorizing the attorney to sell any immovable property.” “(g) an agreement to sell of immovable property.”	Recommendation are forwarded to the Provincial Governments for consideration.
21	69	2004-5	Law Reforms Bill, 2005, 1. Amendment to Section 182, 379 441, 447 and 468 of PPC Amendment to Section 54(1), 154(2), 195 514(5) of Cr. P.C Amendment to section 3 of the Powers of Attorney Act 1882, and providing new section 3A Amendment to section 9(1) of the specific relief Act, 1877 Amendment in the Code of Civil Procedure.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.

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22	77	2005-6	Amendment to section 9 of the Muslim Family Law Ordinance 1961 and Scheduled of the family courts Act, 1964.	Forwarded to the Ministry of Religious Affairs for consideration and recommendation.
23	78	2005-6	Repeal of the Recusant Witnesses Act, 1853.	Repealed.
24	81	2006-7	Amendments in the Registration Act, 1908.	Forwarded to the Provincial Governments for consideration.
25	82	2006-7	Amendment to First Schedule of the Limitation Act, 1908 and section 115 of the Code of Civil Procedure, 1908.	Forwarded to the Provincial Governments
26	83	2006	Amendment of Rules Framed under the Stamp Act, 1899.	Forwarded to the Provincial Governments for consideration.
27	84	2006	Amendment in Section 44-A C.P.C.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
28	85	2006	Amendment in the Caste Disabilities Removal Act, 1850.	Forwarded the Provincial Government for consideration.
29	86	2006	Repeal of The Kazi's Act, 1880.	The Act has been repealed to the extent of ICT by Ordinance No. 27 of 1981. For repealing of the Act by the Provincial Governments has also been referred.
30	93	2007	Amendment in the Section 102 of the Code of Civil Procedure, 1908.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
31	94	2007	Omission of sub-rule (1) of Rule 4 Order XX of the Code of Civil Procedure 1908.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
32	96	2007-08	Amendment in Succession Act, 1925.	Forwarded the Provincial Government for consideration
33	97	2007-8	Amendment in the scheduled of the Cr.P.C	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
34	102	2007-08	Amendment in Qanoon-i-Shahadat Order, 1984.	Considered by the LRC.
35	103	2009	Post Divorce Mata'a for Wife Amendment in the MFLO, 1961 and West Pakistan Family Court Act, 1964.	Forwarded the Ministry of Religious Affairs for consideration and recommendation.
36	105	2009	Amendment in Rule 4 of the West Pakistan Family Court Rules, 1965.	Forwarded the Ministry of Religious Affairs for consideration and recommendation.

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37	106	2009	Amendment in Section 94 (1) (a) of the Cr.P.C	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
38	107	2009	Amendment in Section 489-F of the PPC dishonesty issuing a cheque	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
39	108	2009	Amendment in Section 374-A of PPC Walk on burning coal to prove innocence	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
40	110	2009	Repeal of Public Gambling Act, 1867.	Repealed
41	111	2009	Repeal of the Sindh Steam Vessels Act, 1864.	Referred to the Sindh Government for implementation
42	115	2009	Repeal of the Sindh Landing and Wharfage Fees Act, 1882.	Referred to the Sindh Government for implementation
43	122	2011	Amendment n Pre-emption laws.	Already amended through Supreme Court Judgment.
44	123	2012	Amendment to Section 138 of the Negotiable Instruments Act, 1881. The Commission proposed to amend section 138 of the Negotiable Instruments Act, 1881 to the extent of qualification of the person to be appointed as a Notary Public as provided in the Notary Rules, 1965. It is approved that expression "any person" in section 138 of the Negotiable Instruments Act, 1881 may be replaced with "legal practitioner having active practice for at least five years". The Commission also recommended that clause (a) of Rule 3 of the Notaries Rules, 1965 may be amended suitably by deleting the redundant condition. Note: Provincial Home Departments are concerned for amendments in Rules.	Already forwarded to the Provincial Governments for consideration.
45	125	2012	Amendments in Vaccination Laws. The Commission considered proposals for enhancing the effectiveness of Vaccination laws in different provinces for vaccination of unprotected children and expressed that Section 3 may be amended and the Superintendent of Prisons, Incharge of Dar-ul-aman, Borstal Institutions, Remand Homes and other institutions where children are	Forwarded to the M/o National Health Services Regulation for consideration and recommendations.

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			residing should be bound to ensure the provisions of Vaccination Ordinance under their jurisdiction for vaccination of unprotected children.	
46	126	2012	<p>Repeal of Obsolete and Redundant Legislation.</p> <p>(i) West Pakistan Prohibition of Smoking in Cinema House Ordinance, 1960.</p> <p>The Commission considered the proposal and deliberated that the West Pakistan Prohibition of Smoking in Cinema Houses Ordinance, 1960 has lost its importance/effectiveness after promulgation of the Prohibition of Smoking and Protection of Non-Smokes Health Ordinance, 2002. The most of the provisions of West Pakistan Prohibition of Smoking in Cinema Houses Ordinance, 1959 are covered in the Ordinance, 2002 which is new exhaustive and consolidated law on the subject.</p> <p>(ii) West Pakistan Juvenile Smoking Ordinance, 1959.</p> <p>The Commission deliberated that as presently the cases related to smoking are dealt in accordance with the provisions of the Prohibition of Smoking and protection of Non-Smokers Health Ordinance, 2002 which is fairly modern and more comprehensive in its scope, therefore, the West Pakistan Juvenile Smoking Ordinance., 1959 may be repealed.</p> <p>Note: Provincial Health Departments are also concerned for amendments.</p>	Forwarded to the Provincial Governments for consideration/implementation
47	127	2013	<p>Amendment in section 10 of the Offence in respect of Bank (Special Court) Ordinance 1984 providing statutory right of appeal against acquittal</p> <p>The statute titled the offence in respect of banks (Special Court) Ordinance, 1984, does not provide girth of appeal against acquittal, which requires to be addressed so that aggrieved party may have the opportunity for redressal of his grievances.</p>	Forwarded to the Ministry of Finance and Ministry of Interior for consideration and recommendation.

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48	128	2013	Amendment to section 3 of the WP Maternity Benefit Ordinance 1958. Section 3 of the Ordinance may be numbered as sub-section (1) (2) after sub-section (1) of section 3 the following sub-section (2), may also be added. "2" No employer shall ask any employed woman to do any work which is of an arduous nature or which involves long hours of standing or which is likely to adversely affect her health for a period of one month immediately (a) preceding the period of six weeks, before the date of her expected delivery, and Succeeding the six weeks after the date of her delivery	Summary for approval has already forwarded to the Cabinet Division.
49	129	2013	Amendment to section 489-F, PPC 1860 In section 489-F, after the word obligation the words figure, brackets and commas not being a loan or obligation under the financial institutions (recovery of Finance) Ordinance 2001. (Ordinance) No. XLVI of 2001) shall be inserted.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
50	130	2013	Amendment in Illegal Dispossession Act, 2005 The Court may, if the complaint is found false or vexatious award compensatory cost upto five hundred thousand rupees to the other party.	Summary for approval has already forwarded to the Cabinet Division.
51	132	2014	Amendment in section 91 92 and 104 of the Code of Civil Procedure, 1908.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
52	133	2014	Working Paper for amendments in section 17 of the Offences Against Property (Enforcement of Hudood) Ordinance, 1979	Disagreed-no feasible by Federal Government.
53	134	2014	Amendment to Section 46 of the Code of Criminal Procedure, 1898.	Proposed Criminal Law Reforms Bill 2017 which covered all recommendation of the LJCP.
54	136	2014	Addition of section 9A in the Muslim Family Laws Ordinance, 1961	Forwarded to Ministry of Religious Affairs for consideration and recommendation.
55	137	2014	Proposals to Amend the Fatal Accident Act, 1855.	Under Considered by the LRC

Annex -E

56	138	2014	Paper containing consolidated legislative proposals regarding amendments in the, (1) Muslim Family Laws Ordinance, 1961 and Rules Made thereunder concerning nikahnama (2) WP Family Courts Act, 1964 and Rules framed thereunder, and (3) Dowry and Bridal Gift (Restriction) Act, 1976 and Rules made thereunder.	Forwarded to Ministry of Religious Affairs for consideration and recommendation.
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IN THE SUPREME COURT OF PAKISTAN
(Appellant Jurisdiction)

10 /

Crl. Misc. Application No. /2017

In
Crl. Misc. Application No. 1566/2016

In
Crl. Petition No. 449/2015

Abu Malik Naseem.....Petitioner

VERSUS

The State.....Respondent

AFFIDAVIT OF FACTS

(~~Ahmad Nawaz Ch.~~)

~~Advocate on Record~~

Madeeha Khatrak
Section Officer

I, the above named deponent take oath and state as under:-

That the facts as stated in the accompanying CMA for Concise Statement on behalf of Hon'ble Secretary, Ministry of Law and Justice, Islamabad in the above titled case are true and correct to the best of my knowledge and belief.

Sworn at Islamabad this 7th day of February, 2017.

DEPONENT

TO BE SUBSTITUTED BEARING SAME NUMBER AND DATE**GOVERNMENT OF THE PUNJAB
HOME DEPARTMENT**Lahore, the 14th December, 2016**NOTIFICATION**

No. P.A/DS(Judl) 1-1/2016. The Competent Authority has been pleased to constitute a committee to discuss/ finalize the approved recommendations of the Law & Justice Commission of Pakistan which are currently not implemented.

2. The Committee comprises as under:

i.	Special Secretary (Home)	Chair
ii.	Additional Secretary (Judicial), Home Department	Secretary
iii.	Inspector General of Prisons, Punjab	Member
iv.	Director, Reclamation & Probation	Member
v.	Representative of Law Department	Member
vi.	Representative of Prosecution Department	Member
vii.	Deputy Secretary (Judicial), Home Department	Member

3. The Committee shall schedule its first meeting on 19th December, 2016 at 3:00 PM in Conference Room of Home Department.

**MAJ. (RETD) AZAM SULEMAN KHAN
HOME SECRETARY**

C.C

1. The Secretary, Law Department, Punjab, Lahore.
2. The Secretary, Public Prosecution Department, Punjab, Lahore.
3. All members of the committee.
4. P.S. to Home Secretary, Punjab.
5. P.A. to Special Secretary, Home Department.
6. P.A. to Additional Secretary (Judicial), Home Department.

Bilal
(BILAL ILYAS)
Deputy Secretary (Judicial)

O/C



NO: DS(Judl) 1-1/2016
GOVERNMENT OF THE PUNJAB
HOME DEPARTMENT

Lahore, 6th February, 2017

To,
Secretary,
Law & Justice Commission,
Government of Pakistan

Subject: **Non-Implemented Approved Recommendations**

Please refer to the subject cited above.

2. The reports/ recommendations have been examined in detail. I have been directed to enclose the list of 26 reports/ recommendations that do not pertain to Government of Punjab.

DEPUTY SECRETARY (JUDICIAL)

CC:

1. PSO to Home Secretary, Punjab.
2. PS to Special Secretary, Home Department, Punjab.

**List of Non Implemented Approved Recommendations of the
Law and Justice Commission of Pakistan**

Report No.	Recommendations	Government
1. 16/ 1993	The Commission recommended to enact a new law the Public Complaints (Removal of Grievance) Act, 1992	Federal Government
2. 19/ 1993	The Eradication of 'Qabza' Group (Activities) Act, 1993.	Federal Government
3. 29/ 1998-99	Eliminating Double Jeopardy in Drugs-Related Offences.	Federal Government
4. 78/ 2005-6	Repeal of the Recusant Witnesses Act, 1853.	Federal Government
5. 90/ 2007	The Commission therefore, recommended that Section 3 of the Majority Act 1875 be suitably amended to fix a uniform majority at the age of 18 years.	Federal Government
6. 114/ 2009	Consequential Amendments in Laws: 1. Amendment in the Representation of the People Act, 1976. 2. Amendment in the National Book foundation, Act 1972. 3. Amendment in the Pakistan Study Centres Act, 1976. 4. Amendment in Section 17 of the National Highway Authority, Act, 1991. 5. Amendment in the Payment of Wages Act, 1936.	Federal Government
7. 137/ 2014	Proposals to amend the Fatal Accident Act, 1855.	Federal Government
8. 3/ 1981-84	Establishment of Courts of Qazis in the Country.	Federal Government
9. 25/ 1992	The Legal Practitioners and Bar Councils Act, 1973.	Federal Government
10. 86/ 2006	Repeal of the Kazi's Act, 1880.	Federal Government
11. 15/ 1992	Amendment in Article 2, 3 and 11 of the Wafaqi Mohtasib (Ombudsman) order, 1983	Federal Government
12. 127/ 2013	Amendment to Section 10 of the Offences in respect of Banks (Special Courts) Ordinance, 1984, providing statutory right of appeal against acquittal. The status titled the offences in respect of Banks (special court) Ordinance, 1984 does not provide right of appeal acquittal, which requires to be addressed so that aggrieved party may have the opportunity for redressed of his grievances.	Federal Government
13. 123/ 2012	Amendment to Section 138 of the Negotiable Instruments Act, 1881. The Commission proposed to amend section 138 of the Negotiable Instruments Act, 1881 to the extent of qualification of the person to be appointed as a Notary Public as provided in the Notary Rules, 1965. It is approved that expression "any person" in section 138 of the Negotiable Instruments Act, 1881 may be replaced with "legal practitioner having active practice for at least five years". The Commission also recommended that clause (a) of Rule 3 of the Notaries Rules, 1965 may be	Federal Government

		amended suitably by deleting the redundant condition.	
14.	62/ 2003	Amendment to the rule 2 to the Federal Services Medical Attendance Rules 1990.	Federal Government
15.	125/ 2012	Amendments in Vaccination Laws. The Commission considered proposals for enhancing the effectiveness of Vaccination Laws in different provinces for vaccination of unprotected children and expressed that Section 3 may be amended and the Superintendent of Prisons, Incharge of Dar-ul-aman, Borstal Institution, Remand Homes and other institution where children are residing should be bound to ensure the provisions of vaccination ordinance under their jurisdiction for vaccination of unprotected children.	Federal Government
16.	131/ 2013	Amendment to Section 19 of the Mental Health Ordinance, 2001.	Federal Government
17.	91/ 2007	Guardians and Wads, Act, 1890	Federal Government
18.	14/ 1992	Amendment to section 2(d) of the Cantonment Rent Restriction Act, 1963.	Federal Government
19.	67/ 2004-5	In Section 17, in sub-section (1), after clause (e), the following clauses shall be added, namely:- “(f) Power of Attorney when Authorising the Attorney to sell any immovable Property”. “(g) on agreement to sell off immovable property.”	Federal Government
20.	11/ 1992-94	Filling a legal vacuum. Amendments proposed in the General Clauses Act, 1897.	Federal Government
21.	56/ 2003	Amendments in section 11-A and insertion of section 11-D in the Security of Pakistan Act, 1952.	Federal Government
22.	20/ 1992	The Commission recommended to enact a new law the Examinations (Prevention of Unfair Means) Act, 1993.	Federal Government
23.	55/ 2003	Amendments in the Children (Pledging of Labour) Act, 1933.	Federal Government
24.	14/1992	1. NWFP Urban Rent Restriction (Amendment) ACT, 1993. 2. Baluchistan Urban Rent Restriction (Amendment) ACT, 1993. 3. Sind Rented Premises (Amendment) ACT, 1993	Federal Government
25.	115/2009	Repeal of the Sindh Landing and Wharfage Fees Act, 1882.	Sindh Government
26.	111/2009	Repeal of the Sindh Steam Vessels Act, 1864.	Sindh Government

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NO. SO(J-I) 1-1/2015
GOVERNMENT OF THE PUNJAB
HOME DEPARTMENT

Lahore, the 13th January, 2017

To,

Secretary,
 Ministry of Law, Justice & Reforms,
 Government of Pakistan

Secretary,
 Ministry of Interior,
 Government of Pakistan

Secretary,
 Law & Justice Commission of Pakistan

Subject: **AMENDMENTS IN FEDERAL LAWS**

Referring to the letters of the Ministry of Law, Justice & Reforms, Ministry of Interior and the reports received from Law & Justice Commission of Pakistan pertaining to proposed amendments in Pakistan Penal Code, 1860, Code of Criminal Procedure, 1898 and Qanoon-e-Shahadat, 1984.

2. I have been directed to enclose the comments of Government of Punjab for your information and further necessary action.

Deputy Secretary (JUDICIAL)

CC:

1. Section Officer, Law, Ministry of Interior, Islamabad (with reference to letters dated 2nd September, 2016 and 25th November, 2016)
2. Section Officer (D&L), Ministry of Law & Justice, Islamabad (with reference to letter dated 21st September, 2016)
3. PSO to Home Secretary, Punjab.
4. PSO to Secretary, Public Prosecution, Punjab
5. PSO to Secretary, Law & Parliamentary Affairs
6. PA to Special Secretary, Home Department, Punjab.
7. PA to AS (Judicial), Home Department, Punjab

3

PROPOSED AMENDMENTS IN THE PAKISTAN PENAL CODE, 1860

SECTION	EXISTING SECTIONS	PROPOSED AMENDMENT /ADDITION OF NEW SECTION	COMMENTS OF GOVT. OF THE PUNJAB
161 PPC	-----	In the Pakistan Penal Code 1860, (XLV of 1860), in section 161, for the words "imprisonment of either description for a term which may extend to three years, or with fine or with both", the word "capital sentence", shall be substituted	Not agreed. There are other offences which deal with Anti-Corruption, which carry enhanced punishment, therefore there is no need of enhancement of punishment in section 161 PPC.
67 Report No. 65	Imprisonment for non-payment of fine, when offence punishable with fine only. —If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple and the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any terms not exceeding two months when the amount of the fine shall not exceed fifty rupees , and for any term not exceeding four months when the amount shall not exceed one hundred rupees , and for any term not exceeding six months in any other case.	Imprisonment for non-payment of fine, when offence punishable with fine only. —If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple and the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any terms not exceeding two months when the amount of the fine shall not exceed five thousand rupees , and for any term not exceeding four months when the amount shall not exceed Ten thousand rupees , and for any term not exceeding six months in any other case.	Agreed. The proposed amendment deals with the quantum of punishment.
143	Punishment: Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both	Punishment: Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months or with fine upto Rupees one hundred thousand or with both.	Agreed. The proposed amendment deals with the quantum of punishment.
167 A	-----	Punishment for dishonest investigation. —Whoever being a Police Officer conducts the investigation dishonestly in breach of his duties, shall be punished with imprisonment which may extend to three years, or with fine, or with both.	Not agreed. The amendment is not recommended because: i. The ultimate decision about the quality of investigation is reached after change of investigations under Article 18 of Police Order, 2002 ii. This is a disincentive for police officers to carry out their duties.
172A Report No.53	New Insertion proposed by LJCP (follow 21L –ATA-)	"172-A Punishment for an absconder. — Whoever being accused of an offence under this Code or under any other law for the time being in force, absconds or avoids arrest or evades appearance before any inquiry or trial or court proceeding or conceals himself, and obstructs the course of justice, and against whom warrant of	Agreed and recommended. 

		arrest has been issued by the court or proclamation has been published shall be liable to imprisonment for a term not exceeding three years or with fine or with both.	
182	<p>False information with intent to cause public servant to use his lawful power to the injury of another person. Whoever, gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant.</p> <p>a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known to him or</p> <p>b) to use the lawful power of such servant to the injury or annoyance of any person shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to three thousand rupees or with both.</p> <p>c) A falsely informs a policeman that he has been assaulted and robbed in the neighborhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of their information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.</p>	<p>Amendment in Section 182 for the Punishments the following shall be substituted:-</p> <p>a) seven years in case the offence in which false information is given is punishable with death;</p> <p>b) five years in case the offence in which false information is given is punishable with imprisonment for life; or</p> <p>c) One fourth of the longest term of imprisonment or with fine as is provided for the offence in which false information is given and such offence is not covered under clause (a) or clause (b). (already introduced in the National Assembly)</p>	Agreed
203 Report No- 114	<p>Giving false information respecting an offence committed.—Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.</p> <p>Explanation. In sections 201 and 202 and in the section the word offence" includes any act committed at any place out of Pakistan, which if committed in Pakistan would be punishable under of the following sections namely 302, 304, 382, 392, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, and 460</p>	<p>Amendment of Section 203, for the figure "304" the figure "308" shall be substituted.</p>	<p>Agreed with slight amendment (the word "figure" may be substituted with "section")</p> <p style="text-align: right;"><i>Signature</i></p>
212 Report No- 114	<p>Harboring offender.—Offence in this Section includes any act committed at any place out of Pakistan, which if committed in Pakistan, would be punishable under any of the following sections, namely 302, 304, 382, 392, 393, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450,</p>	<p>Amendment of Section 212, for the figure "304" the figure "308" shall be substituted.</p>	<p>Agreed with slight amendment (the word "figure" may be substituted with "section")</p>

	457,458,459 and 460 and every such act shall, for the purpose of this section be deemed to be punishable as if the accused person had been guilty of it in Pakistan.		
4-A	New Insertion Dropped by LRC	Punishment for wrongful confinement by a Police Officer or official:- Whoever being a police officer or official wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend for seven years and shall also be liable to fine.	Not agreed. The amendment is not recommended as the matter is already covered under Article 156 of the Police Order, 2002.
4-B port No. 42	New Insertion	Section 354-B Molestation with sexual motive .— Whoever with sexual motive resorts to act of fondling, stroking, caressing, pornography, exhibitionism or inducing or intimidating any person, with or without his knowledge, to submit for such act, shall be punished with imprisonment of either description for a terms which may extend to seven years or with fine or with both.	Agreed
rt No.	New Insertion already done in the Child Protection Bill.	Section 373-A Trafficking in Children for employment in dangerous, hazardous occupations.— Whoever sells, byes, permits or causes to sell or buy, removes, exports, traffics in, or otherwise disposes of any person under the age of fourteen years, with intent that such person shall at any stage be employed, or used as camel jockey or for the purpose which is injurious or hazardous to life shall be punished with imprisonment of either description for a terms which may extend to seven years or with fine or with both.	Agreed
	379. Punishment for theft. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.	379. Punishment for theft. Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, and with both.	Agreed with slight changes, replacing 'or' with 'and'.
	Dropped	381B Theft of cattle:- Whoever commits theft of a cattle shall be punished with imprisonment of either description from a term which may extend to seven years and with fine which shall not be less than twice the value of the stolen cattle payable to the owner or his heirs, as the case maybe as compensation.	Agreed with slight amendment (the word "seven" may be substituted with "five") 
ons 401 402 t No.	Punishment for belonging to gang to gang of dacoits.- Whoever, at any time after the passing of this Act, shall belong to gang of persons associate for the purpose of habitually committing dacoity, theft or robbery punish with rigorous imprisonment for terms which	Amendment of Sections 400, 401 and 402, in sections 400, 401 and 402 of PPC, the Commas and words "at any time after the passing of this Act, shall be omitted	Agreed

	may extend to seven years, and shall also be liable to fine.		
420	420. Cheating and dishonestly inducing delivery of property. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine	420. Cheating and dishonestly inducing delivery of property. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to Ten years, and shall also be liable to fine	Agreed with slight amendment (the word "ten" may be substituted with word "seven" and the offence may be declared as non-bailable in schedule)
Section 427 Report No. 57	Mischief causing damage to the amount of fifty rupees. -Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.	Mischief causing damage to the amount of one thousand rupees or more. -Whoever commits mischief and thereby causes loss or damage to the amount of one thousand rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both. Provide that the fine imposed under this Section tentatively assessed by the Court be paid to the person who has suffer the loss or damage cost to him Provided further No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him: Provided further that any amount paid to effected person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.	Agreed with slight amendment (the word "ten" may be substituted with word "three" and the words "or with fine, or with both" may be substituted with words "and fine"). Besides, the offence may be declared as cognizable.
Section 428 Report No. 57	Mischief by killing or maiming animal of the value of ten rupees. - Whoever, commits mischief by killing, poisoning maiming or rendering useless any animal or animals or the value of ten rupees or upwards, shall be punished with imprisonment or either description for a term which may extend to two years, or with fine or with both.	Mischief by killing or maiming animals. - Whoever, commits mischief by killing, poisoning maiming or rendering useless any animal or animals, shall be punished with imprisonment or either description for a term which may extend to two years, or with fine or with both. Provide that the fine imposed under this Section tentatively assessed by the Court be paid to the person who has suffer the loss or damage cost to him Provided further No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil	Agreed with slight amendments (the word "two" may be substituted with word "three" and the words "or with fine, or with both" may be substituted with words "and fine"). 

		<p>or criminal liability in respect of the complaint made or information given by him:</p> <p>Provided further that any amount paid to effected person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.</p>	
<p>Section 429 Report No. 57</p>	<p>Mischief by killing or maiming cattle, etc of any value or any animal of the value of fifty rupees. Whoever, commits mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever, may be the value thereof or other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine or with both.</p>	<p>Mischief by killing or maiming cattle, etc. Whoever, commits mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever, may be the value thereof or other animal, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine or with both</p> <p>Provide that the fine imposed under this Section tentatively assessed by the Court be paid to the person who has suffer the loss or damage cost to him</p> <p>Provided further No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:</p> <p>Provided further that any amount paid to effected person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.</p>	<p>Agreed with slight amendments (the words "or with fine, or with both" may be substituted with words "and fine").</p>
<p>Section 435 Report No. 57</p>	<p>Mischief by fire or explosive substance with intent to destroy house, etc.- whoever, commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause damage to any property to the amount of one hundred rupees or upwards or where the property is agricultural produce) ten rupees or upwards, shall be punished with imprisonment of either description for a term which (shall not be less than two years nor more than) seven years and shall also be liable to fine.</p>	<p>Mischief by fire or explosive substance with intent to destroy house, etc.- whoever, commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause damage to any property to the amount of two thousand rupees or upwards or where the property is agricultural produce) five hundred rupees or upwards, shall be punished with imprisonment of either description for a term which shall not be less than two years nor more than seven years and shall also be liable to fine.</p> <p>Provide that the fine imposed under this Section tentatively assessed by the Court be paid to the person who has suffer the loss or damage cost to him</p> <p>Provided further No person who has</p>	<p>Agreed</p> <p style="text-align: right;"><i>31/1</i></p>

		<p>been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:</p> <p>Provided further that any amount paid to effected person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.</p>	
441	<p>441. Criminal trespass. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, is said to commit —criminal trespass.</p>	<p>441. Criminal trespass. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy or dispossess any such person, or with intent to commit an offence, is said to commit —criminal trespass.</p>	Agreed
147	<p>447. Punishment of criminal trespass. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.</p>	<p>447. Punishment of criminal trespass--(1) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine or with both.</p> <p>(2) in the case of dispossession, the offender shall be punished with imprisonment which may extent to ten years and shall also be liable to fine.</p>	Agreed with slight amendment (in sub-section 1, the words "three months" may be substituted with words "three years" and in sub-section 2, the word "ten" may be substituted with word "seven")
168	<p>Forgery for purpose of cheating. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extends to seven years, and shall also be liable to fine.</p>	<p>Forgery for purpose of cheating. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extends to Ten years, and if such offence has been committed in relation to immovable property the imprisonment shall not be less than seven years and shall also be liable to fine.</p>	Agreed
Section 49-F Draft No. 07	<p>Dishonestly issuing a cheque.- Whoever dishonestly issues a cheque towards re-payment of a loan or fulfillment of an obligation which is dishonored on presentation, shall be punishable with imprisonment which may extend to three years or with fine or with both, unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honored and that the bank</p>	<p>Addition in proviso in Section 489-F Provided that nothing contained in this section shall apply unless.....</p> <p>(a) the payee or the holder of the cheque, as the case may be, makes a demand for the payment of said amount by giving a written notice to the drawer; and</p> <p>(b) the drawer of the cheque fails to make payment of such amount to the payee or to the holder, as the</p>	<p>Agreed with the following submissions:</p> <ul style="list-style-type: none"> i. If the amount is upto 0.5 million, shall be punishable with imprisonment for a term for three years with fine; ii. If the amount is upto 3 million, shall be punished with imprisonment for five years with fine; iii. If the amount

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	was at fault in not honoring the cheque.	case may be, within 10 days of receipt of said notice	exceeds 3 million, shall be punished with imprisonment for ten years with fine.
381-A	Theft by clerk or servant or property in possession of master. — Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or-employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.	Theft by clerk or servant or property in possession of master. — Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or-employer, shall be punished with imprisonment of either description for a term not less than seven years but not exceeding ten years and with fine double the value of stolen vehicle.	Suggested
430	Mischief by injury to works of irrigation or by wrongfully diverting water. — Whoever, commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.	Mischief by injury to works of irrigation or by wrongfully diverting water. — Whoever, commits mischief by doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment for seven years with fine not less than two lac.	Suggested

Bikal

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QANOON-E-SHAHADAT ORDER, 1984

Existing Section	Proposed Section
<p>46-A. Relevance of information generated, received or recorded by automated information system. Statements in the form of electronic documents generated, received or recorded by an automated information system while it is in working order, are relevant facts."</p>	<p>"46-A. Relevance of information generated, received or recorded by automated information system. Statements in the form of electronic documents generated, received or recorded by an automated information system while it is in working order, are relevant facts, such statements and information may be the sole basis of conviction.</p>
<p>164. Production of evidence that has become available because of modern devices, etc. In such cases as the Court may consider appropriate, the Court may allow to be produced any evidence that may have become available because of modern devices or techniques.</p>	<p>164. Production of evidence that has become available because of modern devices, etc. In such cases as the Court may consider appropriate, the Court shall allow to be produced any evidence that may have become available because of modern devices or techniques.</p>

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AMENDMENTS IN THE CODE OF CRIMINAL PROCEDURE, 1898

Section	Proposed by Federal Government	COMMENTS OF GOVT. OF THE PUNJAB
<p>32</p> <p>Report No.40</p>	<p>(1) No Change</p> <p>(a) Courts of Magistrates of the first class; Imprisonment for a term not exceeding [three years], including such solitary confinement as is authorized by law; fine not exceeding [one hundred] thousand rupees [arsh, daman], Whipping.</p> <p>(b) Courts of Magistrates of the second class; Imprisonment for a term not exceeding one year, including such solitary confinement as is authorized by law; Fine not exceeding (fifty) thousand rupees,</p> <p>(c) Courts of Magistrates of the third class; Imprisonment for a term not exceeding one month; Fine not exceeding (twenty five thousand) rupees.</p> <p>(2) No Change</p>	<p>No change</p> <p>As Proposed</p> <p>As Proposed</p> <p>As Proposed</p> <p>No Change</p>
<p>44</p> <p>Report No.40</p>	<p>44. Public to give information of certain offences.(1) Every person aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Pakistan Penal Code, namely, 121, 121 A, 122, 123, 123 124, 124 A, 125, 126, 130, 143, 144, 145, 147, 148, 153A, 161, 162, 163, 164, 165, 168, 170, 231, 232, 255, 300, 303, 304A, 308 364A, 382, 392, 393, 394, 395 396, 397, 398, 399, 402, 435, 436 449, 450, 456, 457, 458, 459, 460, and 489A, shall in the absence of reasonable excuse, the burden of proving shall lie upon the person so aware, forthwith give information to the nearest Magistrate [,Justice of the peace,] or police-officer of such commission or intention; and]</p> <p>(2) For the purpose of this section the term "offence" includes any act committed at any place out of Pakistan which would constitute an offence if committed in Pakistan.</p>	<p>Section 308, provides punishment in qatl-i-arnad not liable to qisas etc. Section 44 of the Cr. P.C enumerates the case in which public is required to give opinion of the offence enumerates the case in that section. It has been proposed that to include section 308 of the PPC in the list of the section provided in that section. The proposal is supported.</p> <p align="right"><i>سید</i></p>
<p>45</p> <p>Report No.114</p>	<p>(1) No Change</p> <p>(a) No Change</p> <p>(b) No Change</p> <p>(c) No Change</p> <p>(d) No Change</p> <p>(e) the commission of, or intention to commit, at any place out of Pakistan near such village any act which, if committed in Pakistan would be an offence punishable under any of the following sections of the Pakistan Penal Code, namely, 231, 232, 233, 234, 235, 236, 237, 238, 302, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C and 489D;</p> <p>(f) No Change</p> <p>(2) In this section:</p> <p>(i) 'village' includes village-lands; and</p> <p>(ii) the expression 'expression 'proclaimed offender' includes any person proclaimed as an offender by any Court or authority established or continued by the Central Government in any part of Pakistan, in respect of any act</p>	<p>Section 45 of the Cr. P.C deals with the duties of village-headmen, accountant, landholders and others to report certain matters enumerated in that section. Clause (e) of the said section enumerates offence where the said persons have to report information. Section 304 of the persons have to report information. Section 304 of the PPC relating to prove of the qatl-i-arnad not liable to qisas etc. has to be omitted from the said list. The proposal appears to be in order.</p>

	<p>which if committed in Pakistan, would be punishable under any of the following sections of the Pakistan Penal Code, namely 302, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.</p> <p>(3) No Change</p>	
46 Report No.134	<p>(1) No Change</p> <p>(2) No Change</p> <p>(3) No Change</p> <p>(4) Notwithstanding anything contained in sub-section (2) and (3), the Police Officer or other person making arrest shall not use any means which may cause death of, or grievous bodily injury to, the person being arrested under there is probable cause to believe that the person to be arrested poses resistance with imminent threat of causing death or grievously bodily injury either to the Police Officer, or any other person making arrest</p>	<p>Section 46 pertains to the method of arrest. It has been proposed that subsection (4) may be added to provide certain safeguards to the citizens. The said safeguards are necessary to protect the constitutional rights of the citizens.</p>
54	<p>(1) No Change</p> <p><i>First</i>, No Change</p> <p>“Provided that where a person is arrested on the basis of suspicion, such arrest shall be reported to the officer in charge of the police station concerned immediately who if satisfied of the grounds of arrest shall record the same in writing”.</p> <p>Secondly,</p> <p>Thirdly, No Change</p> <p>Fourthly, No Change</p> <p>Fifthly, No Change</p> <p>Sixthly, any person reasonably suspected of being a deserter from the armed forces of Pakistan;</p> <p>Seventhly, No Change</p> <p>Eighthly, No Change</p> <p>Ninthly, No Change</p>	<p>Agreed. Section 54 of Cr.P.C authorize cases in which the police may arrest without warrant. Once a situation is that when a person is concerned in any cognizable offence or against whom reasonable complain has been made of credible information has been received or a reasonable suspicion exists of his having been so concerned. It has been proposed that to add a proviso to this clause to provide safeguard that where a person is arrested on the basis of the suspicion, such arrest shall be reported to the officer in charge of the police station concerned immediately and if the officer in charge of police station is satisfied of the grounds of arrest he shall record the same. The proposal against safeguard the constitutional right of the liberty of the people.</p>
54-A	<p>54-A- Procedure in case of arrest.— (1) A person, as soon as may be after his arrest, and in any case immediately on his confinement in the police station;-</p> <p>(i) Be informed in writing of the grounds of his arrest by the Police Officer on duty.</p> <p>(ii) Be allowed to inform his family of his whereabouts; and</p> <p>(iii) Be allowed to consult a legal practitioner of his choice. (approved by the LRC)</p> <p>(2) where the arrested person desires to consult, and be defended by, a legal practitioner, he shall be allowed a period of twenty-four hours within which to engage services of the legal practitioner and he shall be provided with all facilities to contact such legal practitioner.</p>	<p>Section 54-A is proposed to be inserted in the Cr. P.C to provide procedural safeguard in case of arrest of a person against the proposal is compatible in Article 10-A and Article 19-A of the Constitution of the Islamic Republic of Pakistan.</p> <p style="text-align: right;">الحق</p>

	<p>(3) No person shall be permitted to overhear consultation between the arrested person and his legal practitioner.</p> <p>Referred by Attorney General Office.</p>	
<p>59-A Reports No.17 And 49 of LJCP</p>	<p>Right to have someone informed when arrested.-</p> <p>(1) where a person is held in custody in a police station or other premises, he shall be entitled to have a friend or relative or other person, who is known to him or who is likely to take an interest in his welfare, told by officer-in-charge of the police station or other premises, as the case may be, about his arrest.</p> <p>(2) A police officer not below the rank of superintendent of police may only authorize delay where he has reasonable grounds of believing that telling the named person of the arrest shall-</p> <p>(a) lead to interference with harm to the evidence connected with a cognizable offence of interference with or physical injury to other person; or</p> <p>(b) lead to alerting of other person suspected of having committed such an offence but not yet arrested for it; or</p> <p>(c) hinder the recovery of any property obtained as a result of such an offence.</p>	<p>Another Section 59-A is proposed to be inserted to confer rights to have someone informed on arrest of the person. This proposal is consequence of the insertion of section 54-A as above.</p>
<p>94 Report No.102 and 106</p>	<p>94. Summons to produce document or other thing (1) No Change</p> <p>(a) for the purpose of investigation an offence under Sections 403, 406, 408 and 409 and Sections 421 to 424 (both inclusive) and Sections 465 to 477-A (both inclusive) and 489-F of the Pakistan Penal Code, with prior permission in writing of a Sessions Judge ; and</p> <p>(b) In other cases with the prior permission in writing of the High Court.</p> <p>(2) No Change</p> <p>(3) Nothing in this section shall be deemed to affect the Qanon-e-Shahabad Order 1984, Article 6 and 7 or to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph Authorities.</p>	<p>Section 94 of the Cr. P. C deals with the summons to produce documents or other thing. The said section enumerates the offences for purposes of that section, it has been proposed that section 489-F (dishonestly issuing a cheque) may be included in the already existing section. The proposal is supported . In Section 94 of Cr.P.C the expression the Evidence Act 1872 and the relevant section of that law are proposed to be updated by substitution with the words QANOON-e-Shahdat Order 1984. Since the Evidence Act has already repeated, it is necessary to effect the amendments.</p>
<p>99-A Report No.102</p>	<p>99-A. Power to declare certain publications forfeited and to issue search-warrants for the same: (1) Where- (a) any newspaper, or book as defined in the Press Newspaper news Agencies and Book Registration Ordinance 2002 or any other- law relating to press-and publication for the time being in force],.</p> <p>(b) any document, wherever printed, appears to the Provincial Government to contain any treasonable or seditious matter or any matter which is prejudicial to national integration or any mater which promotes or is intended to promote, feelings of enmity or hatred between different classes of the citizens of Pakistan or which is deliberately and maliciously intended to outrage the religious feelings of</p>	<p>In section 99-A of Cr.P.C name West Pakistan Press and Publications Ordinance 1963 has proposed to be substituted to reflect the existing law i.e. Press, Newspaper, News Agencies and Book Registration Ordinance 2002. the proposal is supported to update the law.</p> <p style="text-align: right;"><i>Handwritten signature</i></p>

	<p>any such class, insulting the religion or religious belief of that class, that is to say, any matter the publication of which is punishable under Section 123-A or Section 124-A or Section 154-A or Section 295-A [or Section 298-A or Section 298-B or Section 298-C] of the Pakistan Penal Code, the Provincial Government may, by notification in the official Gazette station. The grounds of its opinion, declare every copy of the issue of the newspaper containing such platter and every copy of such book or other document to be forfeited to Government, and thereupon any police-officer may seize the same wherever found in Pakistan and any Magistrate may by warrant authorize any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonable suspected to be-</p> <p>(2) No Change</p>	
<p>Report No. 102</p>	<p>No Change</p> <p>(a) (No Change)</p> <p>(b) No Change</p> <p>(C) No Change</p> <p>No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the provisions of The Press, newspapers News Agencies and Book Registration Ordinance 2002 or any other law relating to Press and Publications for the time being in force] with reference to any matters contained in such publication, except by the order or under the authority of the Provincial Government or some officer empowered by the Provincial Government in this behalf.</p>	<p>Agreed</p> <p>The above comments apply to the proposed amendment of section 108.</p>
<p>Report No. 17 of JCP</p>	<p>Information in cognizable cases.-(1) Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book as the first investigation report (FIR) to be kept by such officer in such form as the Provincial Government may prescribed in this behalf.</p> <p>(2) Any information relating to commission of cognizable offence not entered in the book by an officer in charge of the police-station may be given to the Magistrate having ordinary jurisdiction in cases coming up from such police-station which shall be received in the manner given under sub-section (1).</p> <p>(3) Where an officer in-charge of police station refuses to record information relating to the commission of a cognizable offence he shall be liable to prosecution under Article 155 of the Police Order, 2002.</p>	<p>The views of Govt. of the Punjab regarding amendments in section 154 Cr.P.C have already been communicated by Home Department to Federal Govt. vide D.O No.PS/42-2016 dated 20.08.2016 (copy enclosed) These views are reiterated.</p> <p style="text-align: center;"><i>Bilal</i></p>
	<p>154 Information alleging commission of an offence.-(1) Every information relating to the commission of a cognizable</p>	<p>The views of Govt. of the Punjab regarding amendments in</p>

<p>Drafted by S.G Office</p>	<p>offence if given orally to an officer in charge of a police-station shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduce to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the Provincial Government may prescribed in this behalf.</p> <p>1. If information regarding the commission of cognizable offence given electronically where the facility is available in police station shall be entered in the daily diary of such police station and request be sent to authenticate the same in writing and forwarded to the concerned police station.</p> <p>2. Where a cognizable offence has been committed, the police office under sub-section (1) shall at once examine the informant and substance of the examination shall be reduced to writing by him or under his direction and be read over to the informant and every such information whether given in writing or reduced to writing shall be signed by the person giving it and the substance thereof shall be entered in the register maintained for registering such information report.</p> <p>3. Any information relating to commission of cognizable office not entered in the book by an officer in charge of the police-station may be given to the Magistrate having jurisdiction in cases who shall direct the police in-charge to follow the provision of sub-section (1)</p> <p>4. Where an officer in-charge of police station refuses to record information relating to the commission of a cognizable offence he shall be liable to prosecution under article 155 of the Police Order, 2002.</p>	<p>section 154 Cr.P.C have already been communicated by Home Department to Federal Govt. vide D.O No.PS/42-2016dated 20.08.2016 (copy enclosed) These views are reiterated.</p>
<p>155 Drafted by S.G Office</p>	<p>(1) No Change (2) No Change</p>	<p>No Change No change</p>
<p>156 Report No.17</p>	<p>Investigation into cognizable cases.-(1) Any officer in charge of a police-station shall, with or without the order of a Magistrate, investigation any cognizable cases which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.</p>	<p>By amending section 156 the discretion of the officer in charge of the police station has been ousted and proposal is supported</p>
<p>157 Drafted by S.G Office</p>	<p>Procedure where cognizable offence suspected. If, for information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute upon of his subordinate officers [not being below such rank as the (Provincial Government) may be general or special order prescribe in this behalf to proceed, to the spot to investigate the facts and circumstances of the case, and if necessary to take measures for the discovery and arrest of the offenders.</p> <p>(i) Provided that mere mentioning of the person in FIR shall not per-se be a ground for his arrest unless the investigating officer has reasonable grounds to believe, the information contained</p>	<p>As Proposed. The amendments proposed in section 157 have already been provided in police order 2002.</p> <p style="text-align: right;">لطف</p>

	<p>therein is correct.</p> <p>(ii) Provided that the investigation officer shall arrest a person mentioned in FIR only if he has reasonable grounds to suspect that he has committed an offence.</p>	
7-A Drafted by Office	<p>157-A Information regarding fundamental rights.- Before commencing interrogation of any person who has been arrested on allegations of having committed an offence, the investigating officer shall inform him of the grounds for his arrest orally, as well as in writing, inform him that he has the following rights under the Constitution of the Islamic Republic of Pakistan, namely:-</p> <p>(a) that he has the right to consult and be defended by a legal practitioner of his choice;</p> <p>(b) that he has a right not to incriminate himself; and</p> <p>(c) that he has a right not to be tortured for the purpose of extracting any evidence.</p> <p>(2) Where the arrested person desires to consult, and be defended by, a legal practitioner, he shall be allowed a period of twenty-four hours within which to engage services of the legal practitioner and he shall be provided with all facilities to contact such legal practitioner.</p> <p>(3) No person shall be permitted to overhear consultation between the arrested person and his legal practitioner.”</p>	<p>The view of the LRC are supported to re-draft section 54-A by insertion of sub-section (2) and (3) of the proposed section 157-A . Section 158-A is corollary to section 157-A.</p>
58-A Drafted by Office	<p>158-A:- Rights of an arrested person not to be violated.- It shall be duty of all officers of police or other investigation agency to fully respect and not to violate the rights of an arrested person stated in section 157A. Violation of rights of an arrested person, shall be deemed to constitute an act of misconduct by the officer under the service law applicable to him attracting imposition of one of the penalties set out in that law.</p>	<p>As proposed.</p>
161 Drafted by Office	<p>Examination of witnesses by Police.-(1) Any Police officer making an investigation under this Chapter or any police officer not below the such rank as a Provincial Government may, be general or special order, prescribe in this behalf, acting on the requisition of such officer may examine orally any person supposed to be acquainted with the facts and circumstances of the cases.</p> <p>(2)Such person shall be bound to answer truthfully all questions relating to case put to him by such officer, other than question the answer to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.</p> <p>(3) No Change</p> <p>Provided that statement made under this sub-section may also be recorded by audio-video electronic means.</p>	<p>The views of Govt. of the Punjab regarding amendments in section 161 Cr.P.C have already been communicated by Home Department to Federal Govt. vide D.O No.PS/42-2016 dated 20.08.2016 (copy enclosed) These views are reiterated.</p> <p>As Proposed.</p> <p>No Change</p> <p>As Proposed</p>

Handwritten signature



NO. DS(Judl) 1-1/2016
GOVERNMENT OF THE PUNJAB
HOME DEPARTMENT

Lahore, 20th February, 2017

To,

Secretary,
Law & Justice Commission,
Government of Pakistan

Subject: **LIST OF NON-IMPLEMENTED APPROVED RECOMMENDATIONS OF THE LAW & JUSTICE COMMISSION**

Please refer to this Department's letter dated 13th January, 2017 and 6th February, 2017.

2. I have been directed to enclose the compliance status of Government of Punjab with respect to the ten (10) reports/recommendations of the Law & Justice Commission of Pakistan.

Deputy Secretary (JUDICIAL)

CC:

1. PSO to Home Secretary, Punjab.
2. PA to Special Secretary, Home Department, Punjab.
3. PA to AS (Judicial), Home Department, Punjab

1

**RECOMMENDATIONS ALREADY COVERED UNDER
OTHER LAWS**

Sr. No	Report No. and Year	Recommendations of the Commission	Laws Administered by	Comments of Government of Punjab
1.	110/2009	Repeal of Public Gambling Act, 1867.	Home Department	The recommendation is for the Province of KPK and Baluchistan.
2.	5/1981-84	Rent Restriction Laws. Draft Rental Premises Ordinance, 1982.	Home Department	Need not to be implemented as a new law Punjab Rented Premises Act 2010 has been enacted.
3.	73/2005-6	Amendment of Section 10 of the W.Pak. Family Courts Act, 1964.	Home Department	The recommendation has already been catered/implemented through Punjab Family Courts (Amendment) Act 2015 (XI of 2015)
4.	83/2006	Amendment of Rules Framed under the Stamp Act, 1899.	BOR, Punjab	The Punjab e-Stamp Rules 2016 have been made and notified which cater most of the recommendations of the Commission.
5.	96/2007-08	Amendment in Succession Act, 1925.	Federal Government	It pertains to Federal the Government, however, the recommendation refer to amendment of formal nature.
6.	122/2011	Amendment in Pre-emption Laws. The Commission recommended that since the issue pertains to implementation of judgment of the Supreme Court, therefore, the matter may be referred to the Secretary, of Law, Justice and Parliamentary Affairs for implementation of the judgment.	BOR	Need no comments the matter has been referred to Federal Secretary, of Law, Justice and Parliamentary Affairs.
7.	136/2014	Addition of section 9A in the Muslim Family Laws Ordinance, 1961.	Local Government and Community development Department	The recommendations have already been catered through Punjab Muslim Family Laws (Amendment) Act 2015 (XIII of 2015).
8.	28/	Elimination of Child Labour	Labour	The Punjab

	1998-99		Department	Restriction on Employment of Children Act 2016 has been enacted which cater the recommendations.
9.	14/1992	<ol style="list-style-type: none"> 1. NWFP Urban Rent Restriction (Amendment) ACT, 1993. 2. Baluchistan Urban Rent Restriction (Amendment) ACT, 1993. 3. Sind Rented Premises (Amendment) ACT, 1993 4. The Punjab Urban Rent Restriction (Amendment) ACT, 1993. 		The recommendations pertain to other provinces and the one that pertain to Punjab has need not be implemented as Punjab Rented Premises Act 2009 has already been enacted in Punjab.
10.	138/2014	<p>Paper containing consolidated Legislative Proposal Regarding Amendments in the:</p> <ol style="list-style-type: none"> i. Muslim Family Laws Ordinance, 1961 and Rules made thereunder concerning nikahnama ii. WP Family Courts Act, 1964 and Rules framed thereunder and iii. Dowry and bridal Gift (Restriction) Act, 1976 and rules made thereunder. 	Home Department and Local Government and Community Development Department	The recommendations by and large have already been catered through Punjab Muslim Family Laws (Amendment) Act, 2015 (XIII of 2015 and Punjab Marriage Function Ordinance, 2016.

SLW



No. 07 - 2017/06 - ETPB,
Board of Revenue, Punjab
Special Cell (E.T.P.B.)
Lahore, dated 10-01-2017.

The Secretary,
Law & Parliamentary Affairs Department,
Government of the Punjab,
Civil Secretariat, Lahore.

subject: **NON IMPLEMENTED APPROVED RECOMMENDATIONS OF LAW & JUSTICE COMMISSION.**

I am directed to refer to the subject captioned above and find enclosed herewith a letter received from Deputy Secretary (Judicial), Home Department, Government of the Punjab for sharing the views/comments/implementation status within one week for onward submission to Law & Justice Commission, Islamabad.

2. That after 18th Amendment of the Constitution of Islamic Republic of Pakistan, 1973, the Evacuee Trust Properties stand transferred to the Provinces but the Federal government has not handed over the record/properties to the Provinces. Therefore, a Constitution Petition No. 12/2012 dated 23.02.2012 was filed in the Honourable Supreme Court of Pakistan through your good office, over the controversy of devolution of Evacuee Trust Property Board of Pakistan to the Provinces in the wake of 18th Constitutional Amendment-2010.

3. Now, the Law and Justice Commission, Pakistan has approved the amendment in the Evacuee Trust Properties (Management and Disposal) Act, 1975 for implementation of the judgment in respect of Supreme Court (Shariat Appellate Bench) dated March 25, 2000.

4. I am further directed to request you to opine/advise in the matter please.

[Signature]
Additional Secretary
Special Cell (ETPB)
Board of Revenue, Punjab

CC:

1. Secretary, Law & Justice Commission of Pakistan, Islamabad.
2. Deputy Secretary (Judicial) Home Department, Punjab w.r.t. his letter No. DS(Judl)1-1/2016 dated 31.12.2016.
3. PSO to Senior Member, Board of Revenue, Punjab.
4. PSO to Home Secretary, Punjab.

Office of the Secretary
Law & Justice Commission of Pakistan
No./Date of Receipt 28-1-17
Diary No. 74
Entrusted to [Signature]
Dated 25.1.2017

CS Research

[Signature]
25/1/17

BEFORE THE HON'BLE SUPREME COURT OF PAKISTAN**Criminal Petition No.449 CP/2015****Abu Malik Naseem**

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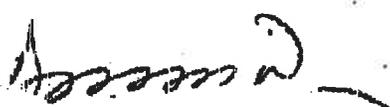
Petitioner**Vs.****The State**

.....

Respondents.

In compliance of order dated 25.08.2015 passed in Criminal Appeal No.449 of 2015 filed by Abu Malik Naseem it is submitted that following policy documents / Laws are presently being applied for release of convicts on Probation & Parole in Sindh Province and the same are submitted as desired by the Hon'ble Supreme Court of Pakistan:-

- (i) Minutes of the meeting dated 30th May 2009 held at Lahore under Chairmanship of Registrar, Supreme Court/Secretary, NJPMC discuss the issues related to Probation/Parole.
- (ii) Notification No.HD(PRS-I)11-286/08 dated 22.10.2009 issued Sindh Home Department notifying the composition of Parole Committee in pursuance of discussion in the meeting dated 30.08.2009 held at Lahore under the Chairmanship of Registrar, Supreme Court/Secretary, NJPMC related to Probation/Parole.
- (iii) The Sindh Good Conduct Prisoners Probational Release Rules, 2001
- (iv) The Good Conduct Prisoners Probational Release Act, 1926.
- (v) The Probation of Offenders Ordinance, 1960.
- (vi) West Pakistan Probation of Offenders Rules, 1962
- (vii) Juvenile Justice System Ordinance, 2000.
- (viii) Juvenile Justice System Rules, 2001.
- (ix) List of offenders placed / released on Probation under Probation of Offenders Ordinance, 1960.
- (x) List of Prisoners placed / released on Parole under Good Conduct Probational Release Act, 1926 and Rules 2001.



(ADNANULLAH ZARDARI)

FOCAL PERSON TO ACS (HOME)
On behalf of Additional Chief Secretary (Home)



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

Dated Peshawar the 27/12/2016

NOTIFICATION:

No: Legis 4 (2) 2015: In pursuance of Law & Justice Commission Government of Pakistan letter No: F.10/2015/IS (Research)/Court dated: 05/12/2016, the Competent Authority has been pleased to constitute a Committee comprising the following Officers:-

1. Mr. Muhammad Salim, Sr: Librarian, Ref: & Research Officer
2. Mr. Azmatullah Khan, Section Officer (Opinion-I)
3. Ms. Hamsheeda Begum, Assistant Legal Drafter-II
4. Ms. Saima Anwar, Assistant Legal Drafter-IV

TORs of the Committee is as under:

The Committee is requested to examine the reports received from Law & Justice Commission Government of Pakistan as mentioned in above quoted letter first and bifurcate the Laws relating to various Departments and give suggestions accordingly so to forward the same to the relevant Department for necessary action.

Secretary to Govt. of Khyber Pakhtunkhwa
Law, Parliamentary Affairs & Human Rights
Department

Endst. No. & Date Even 129/54-60

Copy is forwarded to the:-

1. Joint Secretary Law & Justice Commission Govt: of Pakistan w/r to above quoted letter.
2. All members of the Committee for necessary action.
3. The PS to Secretary Law Department

(RIZWAN ULLAH KHAN
SECTION OFFICER (GENERAL)

Ullah
27/12

SO (Law)
D. No. 257



**GOVERNMENT OF THE KHYBER PAKHTUNKHWA,
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

No. Legis 4(2)2015/2266-69
Dated: Pesh : The : 17-1-2017

To

The Secretary,
Provincial Assembly,
Government of the Khyber Pakhtunkhwa.

**SUBJECT: RE: CRIMINAL PETITION NO.449 OF 2015 ABU MALIK
NASEEM VS THE STATE.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose
herewith:—

- (i) a copy of the letter of Law and Justice Commission of Pakistan (Annex-I);
- (ii) report of the Committee of the Law Department, constituted in pursuance of the above mentioned letter (Annex-II);
- (iii) list of bifurcated Laws (Annex-III); and
- (iv) copies of unimplemented reports of Law and Justice Commission of Pakistan and actions suggested in the National Judicial Policy (Annex-IV).

2. The Administrative Departments are requested to take necessary actions at their ends.

Yours faithfully,

(SAIMA SOHAIL)
ASSISTANT LEGAL DRAFTER-IV

Endst: No. & date even:-

Copy is forwarded for information to:

1. Joint Secretary Law and Justice Commission of Pakistan.
2. PS to Secretary, Government of the Khyber Pakhtunkhwa Law Department.
3. PA to Legal Drafter, Law Department.

ASSISTANT LEGAL DRAFTER-IV

DM. 4721/2 5/2/17

1st Reminder:



**GOVERNMENT OF THE KHYBER PAKHTUNKHWA.
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

No.Legis 4(2)2015/5721-24
Dated: Pesh : The : 21-2-2017

To

The Secretary,
Provincial Assembly,
Government of the Khyber Pakhtunkhwa.

**SUBJECT: RE: CRIMINAL PETITION NO.449 OF 2015 ABU MALIK
NASEEM VS THE STATE.**

Dear Sir,

I am directed to refer to this Department letter No.Legis:
4(2)2015/2266-69, dated 17-1-2017, on the subject noted above and to
request you to kindly convey your response to this Department, as soon as
possible, for onward submission of report to Law and Justice Commission
of Pakistan.

Yours faithfully,

(SAIMA SOHAIL)
ASSISTANT LEGAL DRAFTER-IV

Endst: No. & date even:-

Copy is forwarded for information to:

1. Joint Secretary Law and Justice Commission of Pakistan.
2. PS to Secretary, Government of the Khyber Pakhtunkhwa Law Department.
3. PA to Legal Drafter, Law Department.

ASSISTANT LEGAL DRAFTER-IV

Uls
07/3
SO(LAW)

2nd Reminder:



**GOVERNMENT OF THE KHYBER PAKHTUNKHWA.
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

No.Legis 4(2)2015/9093-96
Dated: Pesh : The : 10-3-2017

To

The Secretary,
Provincial Assembly,
Government of the Khyber Pakhtunkhwa.

**SUBJECT: RE: CRIMINAL PETITION NO.449 OF 2015 ABU MALIK
NASEEM VS THE STATE.**

Dear Sir,

I am directed to refer to this Department letter No.Legis: 4(2)2015/2266-69, dated 17-1-2017, on the subject noted above and to request you to kindly convey your response to this Department, within one month, for onward submission of report to Law and Justice Commission of Pakistan, otherwise report will be furnished to Law and Justice Commission as well as Chief Minister Secretariat for further necessary action.

Yours faithfully,

(SAIMA SOHAIL)
ASSISTANT LEGAL DRAFTER-IV

Endst: No. & date even:-

Copy is forwarded for information to:

1. Joint Secretary Law and Justice Commission of Pakistan.
2. PS to Secretary, Government of the Khyber Pakhtunkhwa Law Department.
3. PA to Legal Drafter, Law Department.

ASSISTANT LEGAL DRAFTER-IV

2nd Reminder:



GOVERNMENT OF THE KHYBER PAKHTUNKHWA.
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No. Legis 4(2)2015/9528-48 W/E
Dated: Pesh: The : 14-3-2017

To

The Secretary,
Government of Khyber Pakhtunkhwa,

1. Forestry, Environment & Wildlife Department.
2. Labour Department.
3. Higher Education, Archives and Libraries Department.
4. Zakat, Ushr, Social Welfare, Special Education and Women Empowerment Department.
5. Finance Department.
6. Excise and Taxation Department.
7. Industries, Commerce and Technical Education Department.
8. Information and Public Relations Department.
9. Energy and Power Department.
10. Irrigation Department.
11. Planning and Development Department.
12. Agriculture Department.
13. Food Department.
14. Public Health and Engineering Department.
15. Transport Department.
16. Housing Department.
17. Communication and Works Department.
18. Auqaf, Hajj, Religious Affairs and Minority Affairs Department.
19. Local Government.
20. Revenue and Estate Department.
21. Elementary and Secondary Education Department.

P/2 of 11

22. Establishment Department.
23. Home Department.

SUBJECT: RE: CRIMINAL PETITION NO.449 OF 2015 ABU MALIK NASEEM VS THE STATE.

Dear Sir,

I am directed to refer to this Department letter No.Legis: 4(2)2015/2025-59, dated 17-1-2017, on the subject noted above and to request you to kindly convey your response to this Department, within one month, for onward submission of report to Law and Justice Commission of Pakistan, otherwise report will be furnished to Law and Justice Commission as well as Chief Minister Secretariat for further necessary action.

40
2/3
SD(Law)

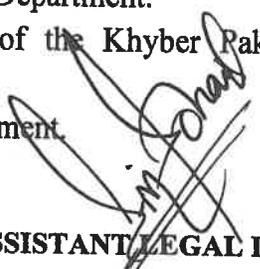
Yours faithfully,

(SAIMA SOHAIL)
ASSISTANT LEGAL DRAFTER-IV

Endst: No. & date even:-

Copy is forwarded for information to:

- /1. Joint Secretary Law and Justice Commission of Pakistan.
2. Section Officer, Law Department with request to expedite the process regarding reports related to Law Department.
3. PS to Secretary, Government of the Khyber Pakhtunkhwa Law Department.
4. PA to Legal Drafter, Law Department.


ASSISTANT LEGAL DRAFTER- IV



No. Legis: 2-221/Law/2016/356-6/
GOVERNMENT OF BALOCHISTAN
LAW AND PARLIAMENTARY AFFAIRS
DEPARTMENT

Dated Quetta, the 16 January, 2017.

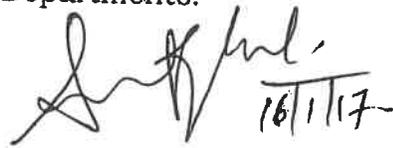
To

The Secretary,
Law and Justice Commission of Pakistan,
Supreme Court of Pakistan Building,
Constitution Avenue, Islamabad

Attention: - Mr. Nasrullah Khan.

Subject: RE:CRIMINAL PETITION NO.449 OF 2015 ABU
MALIK NASEEM VS. THE STATE.

The undersigned is directed to refer to your letter No. F.10/2015/JS(Research)/Court, dated 5th December, 2016 on the subject cited above and to say that the requisite information asked vide serial No. 66 at page 131 pertaining to this Department is under process and also kindly find enclosed herewith a copy of list regarding reports sent to other relevant Departments.


(SAEED IQBAL)
Deputy Draftsman (Legis;)

Copy forwarded to:

1. The Secretary, Ministry of Law and Justice, Government of Pakistan Islamabad.
2. The Secretary, Law Justice and Human Rights, Government of Pakistan Islamabad. Supreme Court Building Islamabad.
3. The Advocate General Balochistan, Quetta.
4. The Additional Secretary (Staff) to Chief Secretary, Balochistan, Quetta.
5. Mr. Ayaz Ahmed Sawati, Additional Advocate General, Balochistan at Islamabad

Office of the Secretary
Law & Justice Commission of Pakistan
No./Date of Receipt 19-1-2017
Diary No. 56
Entrusted to JS Research
Dated _____

(SAEED IQBAL)
Deputy Draftsman (Legis;)



No. Legis: 2-221/Law/2016/1076-5
GOVERNMENT OF BALOCHISTAN
LAW AND PARLIAMENTARY AFFAIRS
DEPARTMENT

Dated Quetta, the 30 January, 2017.

To

The Secretary,
Law and Justice Commission of Pakistan,
Supreme Court of Pakistan Building,
Constitution Avenue, Islamabad.

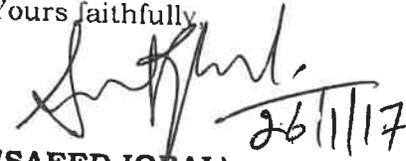
Subject:- **CRIMINAL PETITION NO.449 OF 2015 ABU MALIK
NASEEM V/S THE STATE**

Dear sir,

I am directed to refer to the subject cited above and to forward herewith a copy of letter No. SO(Coord:)2-23/SW/2016/13, dated 13th January, 2017 sent by the Secretary, Government of Balochistan, Social Welfare, Special Education, Literacy, non-Formal Education & Human Rights Department, for information.

Office of the Secretary
Law & Justice Commission of Pakistan
No./Date of Receipt 11-2-17
Diary No. 122
Entrusted to OS Research
Dated 11. 2. 2017.

Yours faithfully


26/1/17

(SAEED IQBAL)

Deputy Draftsman (Legis;)

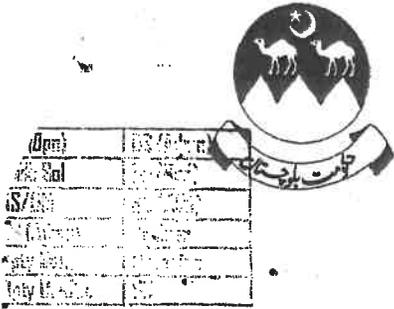
Copy forwarded for information to the Secretary, Government of Balochistan, Social Welfare, Special Education, Literacy, non-Formal Education & Human Rights Department, Quetta with reference to letter referred to above.

(SAEED IQBAL)

Deputy Draftsman (Legis;)

SD(LAW)

4/11/17
D.N. 349



NO.SO(Coord:)2-23/SW/2016/13
GOVERNMENT OF BALOCHISTAN
SOCIAL WELFARE, SPECIAL EDUCATION,
LITERACY, NON FORMAL EDUCATION
& HUMAN RIGHTS DEPARTMENT
SAY NO TO CORRUPTION

Dated Quetta, the 13th January, 2017.

To

The Secretary,
Government of Balochistan,
Law & Parliamentary Affairs Department,
Quetta.

Subject:- CRIMINAL PETITION NO.449 OF 2015 ABU MALIK
NASEEM VS THE STATE

PAKISTAN LAW COMMISSION REPORTS NO.1 TO 131
(1981 TO 2013).

PR No- 74

The undersigned is directed to refer to your letter No. Legis-2-204/Law/2016/10423-28, dated 23rd December, 2016 on the subject cited above and to convey implementation status as desired:

*2-221
13/1/17*

The Child Marriage is one of the major reasons that hinder the development in education and health sector not only this, but some other issues which society faces are off shoots of this social problem. Social Welfare Department is trying to address the issue by ensuring positive legislation in this regard. The Child Marriage Prohibition Bill has been conscripted and consultation made with the all the stake holders in order to build consensus. The said draft Bill was vetted by the Law Department and shared with the Provincial Standing Committee Members and moved Provincial Cabinet for unanimous Approval.

Recommendations of LJCP are already included in draft bill of The Child Marriage Prohibition Bill which is as follows:

1. Child marriage to be dissolved by the court.

*13/01/2017
Important & urgent
Pl: update the progress
and send accordingly
to h&JC.
AS/DM:
13/1/17*

Secretary
Law Department
265
13/1/17
Legis:
1/17

2. Requirement of Computerized National Identity Card for registration of marriage. ✓
3. Custody and maintenance and residence to female contracting party to child marriage. ✓
4. Powers of court to issue injunction prohibiting child marriage. ✓
5. The government shall be responsible to arrange capacity building of all Nikah Registrar and Nikah Khawan on the implementation of this law within six months of the passage of this law.
6. Punishments for male adult for marrying a child, punishment for solemnizing a child marriage and Punishment for promoting or permitting solemnizing a child marriages and fine has been enhanced as mentioned in the section 11,12, and 13 of the said bill.

Trafficking of children for use as Camel Jockeys and engaging in Hazardous Employment (Report No.41) comes in domain of Labour Department.

(GHULAM NABI BUTT)
Section Officer (Coord.)
Ph: # 9203038

Copy forwarded to:-

1. The PS to Secretary, Social Welfare Department Balochistan, Quetta.
2. M/File.

**MINUTES OF THE HOME SECRETARIES' MEETING
HELD ON 15-3-2017 AT ISLAMABAD**

PRESENT

Mr. Qazi Shahid Pervez	Home Secretary Sindh
Mr. Siraj Ahmad	Special Home Secretary, Khyber Pakhtunkhwa
Mr. Arshad Mahmood	Director, Reclamation & Probation, Punjab
Mr. Mirza Shahid Saleem Baig	Deputy Inspector General Prisons, Punjab
Mr. Manzoor Hussain	Assistant Director, Reclamation and Probation, Sindh
Mr. Mohammed Sarwar Khan	Secretary Law and Justice Commission of Pakistan
Mr. Nasrullah Khan	Joint Secretary, Law & Justice Commission of Pakistan
Mrs. Tanveer Badar Jajja	Section Officer, Law & Justice Commission of Pakistan

1. The Home Secretary Government of Sindh, Special Home Secretary, Government of Khyber Pakhtunkhwa and on behalf of the Home Secretary Punjab, the Director Probation and Reclamation, Government of Punjab and Deputy Inspector General Prisons attended the meeting. However, neither the Home Secretary Balochistan nor any other officer on his behalf attended the meeting.
2. After welcoming the participants, Mr. Mohammed Sarwar Khan, Secretary Law and Justice Commission of Pakistan (LJCP), explained the background of the meeting. The participants were informed that pursuant to the directions of the Hon'ble Supreme Court of Pakistan dated 8 February 2017 in Criminal Miscellaneous Application No. 1566/2016 in Criminal Petition No. 449/2016, the LJCP is compiling a report suggesting ways and means for effective and timely implementation of the recommendations of the National Judicial (Policy Making) Committee and National Judicial Policy. Therefore, in order to formulate suggestions, this meeting has been convened.

DELIBERATIONS

3. The representatives of the provincial governments were of the view that due to deficient resources and absence of proper monitoring mechanism the institution of Probation and Reclamation is "dysfunctional" in supervising and rehabilitating the probationers and parolees. Though after enforcement of National Judicial Policy there is visible increase in the number of offenders released on probation but due to non-availability of requisite human resource and infrastructure desired results are not being achieved. They admitted that for various reasons there is a decrease in the numbers convicts released on parole by the provincial governments.
4. The representatives of the Sindh and Punjab Province shared the statistics of offenders and convicts released on probation and parole, working and sanctioned strength of the probation and parole officers. The Director Reclamation and Probation, Government of Punjab also shared the details of budgetary allocation for the last six years and also informed the meeting that the Government of Punjab is implementing a "Rule of Law Roadmap" for strengthening the criminal justice system which includes the capacity building of the parole and probation service.

RECOMMENDATIONS

After deliberations, the meeting unanimously resolved as under:

- i. In all the provinces parole committees having a mixed representation of officials and public representatives are constituted to review the cases of eligible deserving convicts. Though the Good Conduct Probation Release Act 1926 and rules made thereunder provide the procedure and eligibility criteria for conditional release of a prisoner, however, there is no guidelines or Standard Operating Procedure (SOPs) or policy guidelines for the parole committees to consider the cases of deserving prisoners. The meeting unanimously recommended for notifying SOPs/policy guidelines on which a prisoner is to be released to ensure fairness and transparency in the functions of the parole committees.
- ii. There is no monitoring mechanism to regulate the working and performance of the probation officers resulting in complete failure of rehabilitation efforts. The provincial governments should devise and implement a comprehensive workable M&E framework to regulate and monitor the affairs of the probationers / parolees for their reintegration in the society as a law abiding citizen.

1. Reclamation and Parole:

- a. Report the number of meetings held with Jail Superintendents to identify possible parolees-provide schedule to the HC and SCP through LJCP.
- b. Report number of Parole Board meetings –provide schedule to the SCP through LJCP
- c. Report monthly numbers of parolees and probationers to the HC and the SCP through LJCP

2. Provincial Judicial Academies:

- a. Develop and Provide trainings to sub-ordinate judiciary, parole and probation officers, and members of the Parole Boards on probation and parole laws- provide schedule to the SCP through LJCP

3. Provincial Ombudsman:

- a. Investigate and make recommendations to the SCP for improving the provision of parole for entitled prisoners.
- b. Formulate and implement a system to monitor and report on the provision of parole and probation.

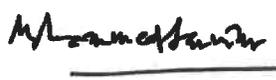
4. Provincial Justice Committees:

- a. For detailed action planning and monitoring for effective implementation of the parole and probation laws.

Drafted by


Nasrullah Khan
Joint Secretary LJCP

Approved by


Mohammed Sarwar Khan
Secretary LJCP

Dated: 15 March 2017 at Islamabad.

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

CMA No. -----/2017

IN

Crl. M.A. No. 1566 of 2016 in CRP No. 449/2015

Criminal Miscellaneous Application No. 1566 of 2016 in Criminal Petition No. 449/2015

ABU MALIK NASEEM

PETITIONER

VERSUS

THE STATE

RESPONDENT

AFFIDAVIT OF THE FACTS

I, Mohammed Sarwar Khan, Secretary Law and Justice Commission of Pakistan take oath and state that the facts as stated in the report are true and correct to the best of my knowledge and belief;

Sworn at Islamabad on the 28th day of April 2017.

Deponent