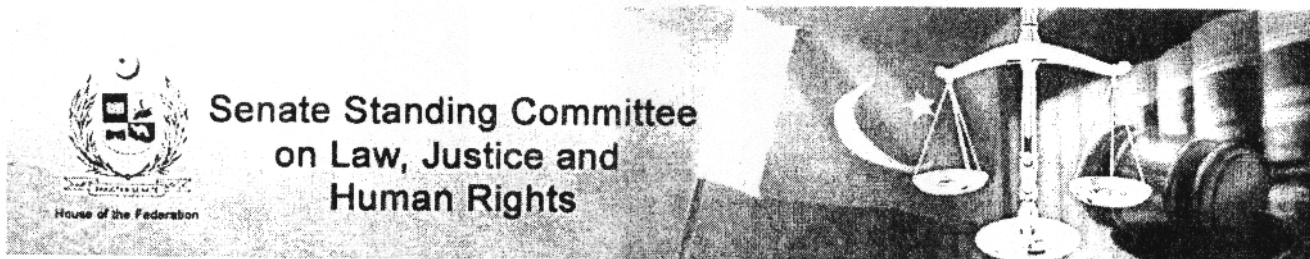


# **REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS**



## **“THE FEDERAL JUDICIAL ACADEMY (AMENDMENT) BILL, 2014”**

**Report No. 05  
(Thirteenth Parliamentary Year)**

**PRESENTED BY**

**SENATOR MUHAMMAD JAVED ABBASI  
CHAIRMAN**

## **SENATE SECRETARIAT**

### **REPORT OF THE STANDING COMMITTEE ON LAW, JUSTICE AND HUMAN RIGHTS ON "THE FEDERAL JUDICIAL ACADEMY (AMENDMENT) BILL, 2014"**

I, Chairman of the Standing Committee on Law, Justice and Human Rights, have the honour to present report on "The Federal Judicial Academy (Amendment) Bill 2014" introduced by Mr. Pervaiz Rashid, Minister for Law, Justice and Human Rights on 23<sup>rd</sup> April, 2014. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law, Justice and Human Rights is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Raja Muhammad Zafarul Haq	Member
3. Senator Aitzaz Ahsan	Member
4. Senator Mrs. Zahida Khan	Member
5. Senator Dr. Muhammad Farogh Naseem	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ms. Ayesha Raza Farooq	Member
8. Senator Nawabzada Saifullah Magsi	Member
9. Senator Saeed Ghani	Member
10. Senator Zaheerud Din Babar Awan	Member
11. Senator Farooq Hamid Naek	Member
12. Senator Saleem Zia	Member
13. Minister for Law, Justice and Human Rights	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 3<sup>rd</sup> March, 12<sup>th</sup> June, 2015, 1<sup>st</sup> July, 2015 and 8<sup>th</sup> September, 2015, respectively.

4. According to the Statement of Objects and Reasons the Federal Judicial Academy was established under Act No. XXVIII of 1997 for training of judicial and law officers and the quality of justice administered in the courts. Since then the Federal Judicial Academy is performing its functions in line with the aims and objectives of the



Academy given in the said Act. The Board of Governors of the Federal Judicial Academy decided to convert the Federal Judicial Academy into a center of Excellence with the status of degree awarding institute with enhanced functions to offer programmes for the study of law specialized courses in specific disciplines and judicial education/ training. The Chief Justice of Islamabad High Court also made a Member of the Board as Islamabad High Court was established later.

5. The Committee held extensive discussions and various stakeholders, including the Director General, Federal Judicial Academy, Higher Education Commission, Quaid-e-Azam University (Faculty of Law), International Islamic University (Faculty of Sharia and Law), were invited to seek input.

6. The Members were of the view that with the existing powers and mandate there is no bar on the academy for making it Centre of Excellence by raising its standards. Given the fact that a Bill for the grant of Charter of Federal Law University is already pending with the Cabinet (which fact was conveyed by the Ministry of Law, Justice and Human Rights), the Committee was of the view that there is no need to convert the Judicial Academy into a degree awarding institute as same will be fulfilled by establishment of Federal Law University, furthermore, main purpose of establishment of Federal Judicial Academy was to impart legal training to the serving judges which is a priority area.

7. The Committee endorsed the idea of including Chief Justice of Islamabad High Court in the composition of the Board of Governors of the Federal Judicial Academy, as proposed vide the instant Bill.

8. In view of the abovementioned, the Committee recommends that the Bill reported by the Committee, which only provides for insertion of Chief Justice of Islamabad High Court in the composition of the Board of Governors of the Federal Judicial Academy, may be passed by the House. The Bill reported by the Committee is annexed as "A" and the Bill introduced in the Senate is annexed as "B".



(RABEEA ANWAR)  
D.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)  
Chairman

[As reported by the Committee]

A

**BILL**

*Further to amend the Federal Judicial Academy Act, 1997*

**WHEREAS** it is expedient to amend the Federal Judicial Academy Act, 1997 (XXVIII of 1997), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short titled and commencement:**-- (1) This Act may be called the Federal Judicial Academy (Amendment) Act, 2015.

(2) It shall come into force at once.

**2. Amendment of section 5, Act XXVIII of 1997:**-- In the said Act, in section 5, after clause (vii), the following new clause shall be inserted, namely;

“(viia) the Chief Justice of Islamabad High Court                      Member”

**STATEMENT OF OBJECTS AND REASONS**

The proposed amendment in the Federal Judicial Academy Act, 1997 is required to incorporate the Chief Justice of Islamabad High Court as a Member of the Board of Governors of the Federal Judicial Academy as Islamabad High Court was established later in time.

This Bill is designed to achieve the aforesaid objects.

**Minister-In-charge**

REGISTERED No.  $\frac{M - 302}{L - 7646}$ 

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## PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW, JUSTICE AND HUMAN RIGHTS

*Islamabad, the 10th April, 2014*

No. F. 2(1)/2014-Pub.—The following Ordinance promulgated by the President is hereby published for general information:—

ORDINANCE No. V OF 2014

AN

ORDINANCE

*further to amend the Federal Judicial Academy Act, 1997*

WHEREAS it is expedient to amend the Federal Judicial Academy Act, 1997 (XXVIII of 1997), for the purposes hereinafter appearing;

AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

(33)

[4359 (2014)/Ex. Gaz.]

Price : Rs. 3.00



NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and commencement.**—(1) This Ordinance may be called the Federal Judicial Academy (Amendment) Ordinance, 2014.

(2) It shall come into force at once.

2. **Amendment of section 2, Act XXVIII of 1997.**—(1) In the Federal Judicial Academy Act, 1997 (XXVIII of 1997), hereinafter referred to as the said Act, in section 2, after clause (b), the following new clause shall be inserted, namely:-

“(bb)“Centre of Excellence” means the Centre of Excellence for Law and Judicial Education.”

3. **Amendment of section 3, Act XXVIII of 1997.**—In the said Act, in section 3, for the heading and sub-section (1), the following shall be substituted, namely:-

“Conversion of Academy into Centre of Excellence.—(1) The Academy shall stand converted into a Centre of Excellence for Law and Judicial Education.”

4. **Substitution of name of Academy.**—In the said Act, in sub-sections (2) and (3) of section 3 and sections 4 to 14 (both inclusive), for the word “Academy” wherever occurring, the words “Centre of Excellence” shall be substituted.

5. **Amendment of section 4, Act XXVIII of 1997.**— In the said Act, in section 4,—

- (i) in clause (a), the word “and” occurring for the second time shall be omitted and after the word “personnel”, the commas and words “lawyers, investigators, prosecutors, prison officers and government officers etc.” shall be added;

(ii) in clause (b), the word "and" occurring for the second time shall be omitted and after the word "personnel", the commas and words "lawyers, investigators, prosecutors, prison officers and government officers etc." shall be added;

(iii) in clause (c), the word "and" at the end shall be omitted; and

(iv) in clause (d), for the full stop at the end, a semi-colon and the word "and" shall be substituted and after clause (d) amended as aforesaid, the following new clause shall be added, namely:-

"(e) imparting legal and judicial education/training at graduation and higher level in various disciplines of law/judicial education."

6. **Amendment of section 5, Act XXVIII of 1997.**— In the said Act, in section 5, after clause (vii), the following new clause shall be inserted, namely;

"(viii) The Chief Justice of Islamabad High Court Member".

7. **Amendment of section 6, Act XXVIII of 1997.**— In the said Act, in section 6, after clause (a), the following new clauses shall be inserted, namely:-

"(aa) award degrees, diplomas and certificate;

(ab) approve academic and, research programmes;"

8. **Amendment of section 9, Act XXVIII of 1997.**— In the said Act, in section 9, in sub-section (5), after the word "committees", the words "Including an Academic Council" shall be inserted.

9. **Amendment of section 11, Act XXVIII of 1997.**— In the said Act, in section 11, in sub-section (4), for words and commas "Academy immediately before the commencement of this Act, other than the persons so serving on deputation, shall stand transferred to the Academy and become employees of the Academy", the words, commas, brackets and figure "Federal Judicial Academy immediately before the commencement of the Federal Judicial Academy (Amendment) Ordinance, 2014, other than the persons so serving on deputation shall stand transferred to the Centre of Excellence and become employees of the Centre of Excellence" shall be substituted.

10. **Insertion to new sections, Act XXVIII of 1997.**—In the said Act, after section 15, the following new section shall be inserted, namely:—

“16. **Power to make regulations.**—The Board may make regulations concerning academic matters not inconsistent with the rules, as it may consider necessary for carrying out the purposes of this Act.”.

MAMNOON HUSSAIN,  
*President.*

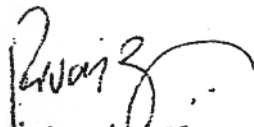
BARRISTER ZAFARULLAH KHAN,  
*Secretary.*



## STATEMENT OF OBJECTS AND REASONS

The Federal Judicial Academy was established under Act No. XXVIII of 1997 for training of judicial and law officers and the quality of justice administered in the courts. Since then the Federal Judicial Academy is performing its functions in line with the aims and objectives of the Academy given in the said Act. The Board of Governors of the Federal Judicial Academy decided to convert the Federal Judicial Academy into a Center of Excellence with the status of degree awarding institute with enhanced functions to offer programmes for the study of law specialized courses in specific disciplines and judicial education/training. The Chief Justice of Islamabad High Court also made a Member of the Board as Islamabad High Court was established later.

2. The Bill is designed to achieve the aforesaid object.

  
Minister-in-Charge