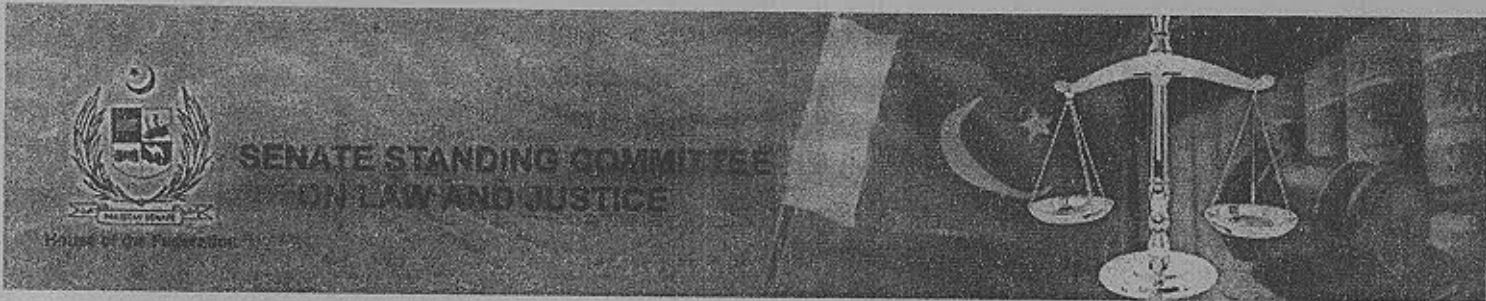




## **SENATE SECRETARIAT**

**Report No. 08**

### **REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE ISLAMABAD HIGH COURT (AMENDMENT) BILL, 2019”**

**PRESENTED BY**

**Senator Muhammad Javed Abbasi  
Chairman  
Standing Committee on Law and Justice**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE ISLAMABAD HIGH COURT (AMENDMENT) BILL, 2019"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Islamabad High Court (Amendment) Bill, 2019" introduced by Minister for Law and Justice in the Senate sitting held on 6<sup>th</sup> March, 2019. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

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

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Walid Iqbal	Member
14.	Senator Sitara Ayaz	Member
15.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 4<sup>th</sup> April, 2019, 18<sup>th</sup> April, 2019 and 16<sup>th</sup> May, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 16<sup>th</sup> May, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Farooq Hamid Naek



- iii. Senator Siraj ul Haq
- iv. Senator Muhammad Ali Khan Saif
- v. Senator Dr. Ghous Muhammad Khan Niazi
- vi. Senator Mustafa Nawaz Khokar
- vii. Senator Sana Jamali
- viii. Senator Sitara Ayaz

4. The Committee invited all relevant stakeholders including Supreme Court Bar Association, Pakistan Bar Council, Islamabad Bar Council and Islamabad High Court Bar Associations to seek input on the matter.

5. During the course of meetings Senator Barrister Dr. Muhammad Farogh Naseem, Minister for Law and Justice briefed the Committee that the Islamabad High Court (IHC) was established under Islamabad High Court Act, 2010 (XVII of 2010) and became functional after appointment of its Chief Justice on 3<sup>rd</sup> January, 2011. As per section 3(1) of the aforesaid Act, the existing sanctioned strength of Judges of Islamabad High Court is six plus one Chief Justice. The Registrar, Islamabad High court has informed that due to increase in litigation, the Chief Justice has desired to increase number of Judges of the Court from six plus one Chief Justice to nine plus one Chief Justice by amendment in section 3 of the said Act so that it can function at the maximum of its potential to eradicate the miseries of litigant public qua early disposal of long pending cases. The Chief Justice, Supreme Court of Pakistan has also given no objection for increase in number of judges of Islamabad High Court. Since creation of three additional posts of the Judge of Islamabad High Court involves financial implications, therefore No Objection Certificate of Finance Division is also obtained.

6. President, Islamabad High Court Bar Association informed the Committee that against the seven sanctioned posts currently there were only four judges in the IHC. There are over 18,000 cases pending adjudication in the Court. At present, there are 60 judges in the Lahore High Court, 40 in Sindh High Court, 20 in Khyber Pakhtunkhwa High Court and 15 in the Balochistan High Court. Every Judge in the Islamabad High Court is faced with a minimum pendency of 850 cases which needs to be addressed.



7. Members of the Bar were of the considered view that there is a dire need to increase the number of judges and called for increasing the number of judges to 11 and appointing the judges only from Islamabad.

8. Members of the Committee supported lawyer's contention of appointment of local lawyers as judges of the Islamabad High Court and Chairman Committee asked the Ministry of Law and Justice to initiate a Bill for amendment of Section 3 of the Islamabad High Court Act, 2010 in order to ensure that only lawyers practicing in the Islamabad High Court be appointed as judges of IHC. Minister for Law and Justice assured the Committee that the Government would bring an amendment to the Islamabad High Court Act to appoint IHC judges only from Islamabad.

9. Senator Mustafa Nawaz Khokar was of the view that the Bill may not be cleared till the new Bill amending Section 3 is introduced by the Government or the Government gives commitment that it will stand by its assurance. However, Senator Farooq H. Naek was of the considered view that since the Bill was introduced by the Government, it could either be rejected or recommended to be passed. He suggested that in case a lawmaker thinks that judges of the IHC must be appointed from the local bar, they could move the proposal as a 'Private Member Bill'.

10. All Members present supported the amendment and voted in favour of the Bill.

11. Accordingly, the Committee recommends that "The Islamabad High Court (Amendment) Bill, 2019", as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan. (Copy of Bill as passed by the National Assembly is annexed).



(RABEEA ANWAR)  
J.S / Secretary Committee



( SENATOR MUHAMMAD JAVED ABBASI)  
Chairman  
Standing Committee on Law & Justice

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

*further to amend the Islamabad High Court Act, 2010*

**WHEREAS** it is expedient further to amend the Islamabad High Court Act, 2010 (XVII of 2010), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**— (1) This Act may be called the Islamabad High Court (Amendment) Act, 2019.

(2) It shall come into force at once.

2. **Amendment of section 3, Act XVII of 2010.**— In the Islamabad High Court Act, 2010 (Act XVII of 2010), in section 3, in sub-section (1), for the word "six," the word "nine" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The Islamabad High Court was established under Islamabad High Court, Act, 2010 and became functional in January, 2011. The existing sanctioned strength of Judges of Islamabad High Court is six plus one Chief Justice as per section 3(1) of the aforesaid Act. As intimated by the Islamabad High Court, the present strength of Judges compared to number of pending cases is not sufficient, besides the institution of fresh cases which is increasing every year. It is, therefore, necessary to increase the strength of the Judges of the Islamabad High Court from seven to ten Judges including Chief Justice to overcome the difficulties of litigant public qua early disposal of long pending cases.

The Bill is designed to achieve the aforesaid object.

*Minister-in-Charge*