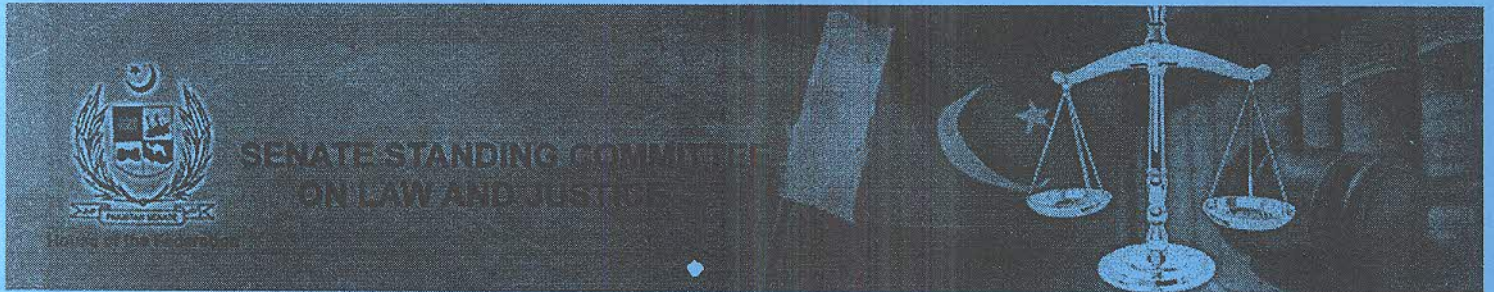


REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE PAKISTAN COMMISSIONS OF INQUIRY BILL, 2016”

Report No. 36

PRESENTED BY

SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE PAKISTAN COMMISSIONS OF INQUIRY BILL, 2016"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Pakistan Commissions of Inquiry Bill, 2016" as passed by the National Assembly and introduced in the Senate on 20th December, 2016. 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 Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 2nd January, 2017, 31st January, 2017, and 16th February, 2017, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 16th February, 2017, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Saleem Zia
- iii. Senator Syed Muzafar Hussain Shah
- iv. Senator Ms. Ayesha Raza Farooq
- v. Senator Saeed Ghani



4. As per the Statement of Objects and Reasons, "The existing law relating to appointment of Commissions of Inquiry and empowering them for the purpose is the Pakistan Commissions of Inquiry Act, 1956 (VI of 1956). The Act has been invoked for setting up fact-finding Commissions on a number of important national issues in the past. However on some matters the need has been perceived for a Commission with greater powers than those that can be conferred under the Act. It is, therefore, considered desirable that a new law be enacted enabling the Government to confer additional powers on a Commission of Inquiry where the nature of the issue is being inquired into so requires. Accordingly the Pakistan Commission of Inquiry Bill, 2016 has been prepared to achieve the aforesaid object.

5. Furthermore, during the course of meetings, Ministry of Law and Justice briefed the committee on the following broad contours of the Bill:

- a) The Federal Government may, by notification, constitute a Commission of Inquiry on any definite matter of public importance.
- b) Membership of the Commission shall be by notification in the Official Gazette so that any person having requisite experience on a specific issue can be made member or Chairman of the Commission.
- c) The time period of the Commission can be extended on the request of the Chairman of the Commission.
- d) The Commission will be fully empowered, and shall have powers of a civil court under the CPC, powers to authorize entry and search, order police investigation, punishment and contempt, etc.
- e) Enhanced powers of the Commission include the following, namely:-
 - i. Powers of criminal court under the Cr.P.C.
 - ii. Powers to constitute special teams comprising officers from executive authorities and experts in specific field;
 - iii. Powers to constitute international teams and seek international cooperation from foreign countries or agencies to get information, documents and evidence etc;
 - iv. Powers to issue letters of request to foreign judicial authorities for recording evidence, etc; and
 - v. Such other powers as are deemed necessary for conducting the inquiry.
- f) It will be the duty of all executive authorities in the Federation and Provinces to act in aid of the Commission.
- g) Any person shall have the right to provide information or document to the Commission; and
- h) Final report of the Commission shall be made public.

6. During the meeting dated 31st January, 2017, Senator Farooq H. Naek certain observation with regard to power of the Government to grant extension of time period of inquiry and non provision of time frame for making public the report of the Commission,

7. During the same meeting Senator Muhammad Ali Khan Saif referred to Clause 3 and stated that the term "matter of public importance" is a vague term; therefore, the same should be defined in order to determine basic contours of matters to be taken up by the Commission. He made reference to clauses 4, 5, 6, 7 and 10 and stated that the Commission is being given wide powers under the Code of Civil Procedure, 1908, which would result in duplicity of mandate of various agencies including the NAB and FIA.

8. In the light of observations made by the hon'ble members, the Ministry of Law and Justice was directed to review the Bill in order to improvise the same. Accordingly, Ministry of Law and Justice proposed certain amendments in clauses 3, 7 and 15 of the Bill.

9. The amendments, proposed by the Ministry of Law and Justice, were placed before the Committee in its meeting dated 16th February, 2017. The Committee, after extensive discussion, approved the amendments. During the said meeting, Senator Syed Muzaffar Hussain Shah made reference to clause 16 of the Bill and desired that the said provision should be clarified in order to ensure that relevant law will be applicable in cases of giving 'false evidence'. The Committee endorsed the hon'ble member's view point and drafted an amendment to the said clause.

10. In juxtaposition, the Committee proposed following amendments in the Bill:-

(i) In clause 3,

a) in sub-clause (1), the following explanation shall be added at the end, namely:-

"Explanation.- "matter of public importance" includes a matter of general interest or direct or vital concern to the public"

b) in sub-clause (5), in the proviso, after the word "Commission" the words and comma "for reasons to be recorded," shall be inserted;

(ii) In clause 7, sub-clause (2) shall be omitted.

(iii) In clause 15,-

a. After the word "public" occurring at the end, the following proviso shall be inserted, namely:-

