

## **SENATE SECRETARIAT**

F.No.1(4)/2018-21/C-I (4)

Islamabad, the 18<sup>th</sup> March, 2019

### **REVISED NOTICE**

Reference this secretariat notice of even number dated 15<sup>th</sup> March, 2019 Meeting of the Senate Special Committee on Law Reforms will be held on 20<sup>th</sup> March, 2019 at 02:00 p.m. in Committee Room No. 3, Parliament House, Islamabad **Will now be held at 03:00 p.m. on same venue and agenda.**

2. The agenda before the Committee would be as under:-

i. To consider the amendments in the following laws:-

d) Guardian and Wards Act 1861

e) Muslim Family Law ordinance, 1961

f) Succession Act 1888

Special emphasis shall be made on the Right of custody (Hizanat) as it has not been codified yet. To consult both Sunni and Shia law as there is marked difference in both laws regarding the right of custody. The other aspect which needs discussion is right of woman in terms of finance after divorce. In Islamic law the only share woman gets after divorce is Haq Mehr and maintenance during Iddat whereas in western countries a woman gets alimony of 50% of the heritage of her spouse after divorce. The draft of amendments may also be sent to Council of Islamic Ideology or it may be called for their views on the proposed amendments.

ii. To consider the tiers in the Judicial System. The Legislative Drafting Unit under the supervision of Advisor Senate has undertaken the task regarding the tiers in the judicial system in which LDU has prepared a working paper with respect to four tiers of judicial system.

iii. To consider the policy of Special Courts and merging them with the Ordinary Courts.

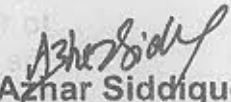
iv. In compliance of the Judgment of the Lahore High Court (PLD 2018 L 322) what action by the Ministry of Law and Justice has been taken.

v. The Supreme Court of Pakistan while deciding the case of Talat Ishaq Vs. NAB (PLD 2019, S.C 112) had observed that the legislature may consider the amendment to National Accountability Bureau Ordinance 1992 so as to enable an accused person to apply for his bail before the relevant Accountability Court in the first instance moreover it was also observed that the time frame for conclusion of trial specified in section 16(a) is unrealistic. It may be considered and revised by the Legislature. The Ministry of Interior should apprise The Law Reforms Committee about the action taken by it in this behalf by appropriate amendments of National Accountability Bureau Ordinance 1992.

vi. The Supreme Court of Pakistan in case Muhammad Ibarahim Sheikh Vs. Government of Pakistan (PLD 2019 S.C 133) had directed that the Federal Government shall formulate the guidelines and parameters for excise of powers under section 14(3) of the Pakistan Citizenship Act 1951. The Federal Government shall also reconsider section 11 of the National Data Base and Registered Authority Ordinance 2000 and section 14 of Pakistan Citizenship Act and remove the contradictions arising there from in the law. The Ministry of Interior may apprise The Law Reforms Committee about the action taken by it in this behalf.

- vii. The supreme court of Pakistan in the case of Maluna Allah vasaya and others Vs. Federation of Pakistan (PLD 2019 Islamabad 62) Islamabad High Court had directed that in order to get CNIC, Passport, Birth Certificate and entry in Voters List, an affidavit must be sworn by the applicant based on the definition of Muslim and Non-Muslim provided by article 260 (3a & b) of The Constitution. It should also be a requirement for appointment in all Government, Semi government Institutions especially Judiciary, Armed Forces and Civil Services. Civil Servant Act 1994 and other relevant statutes, therefore, needed amendment. The Ministry of Interior may apprise The Law Reforms Committee as to the action taken in this behalf by The Ministry.
- viii. The Illegal Disposition Act 2005 provides the punishment of imprisonment to a person who illegally dispossesses other person but does not provide any right of appeal. The convicted persons challenge their conviction through constitutional petitions under article 199 of The Constitution of Islamic Republic of Pakistan 1973. The parameter of a constitution petition and criminal appeals are quite different. Therefore The Law Reforms Committee may suggest amendments in The Illegal Dispossession Act 2005 for providing the right of appeal in the said act.
- ix. Any other item with the permission of the Chair.

3. Members are requested to kindly make it convenient to attend the meeting.

  
(Azhar Siddique)

D.D/Secretary Committee  
Ph. No. 9103297  
Fax No. 9213448

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|---|---|-------------------|
| 1 | <b>Senator Farooq H. Naek</b>             | <b>Convener</b>   |
| 2 | Senator Muhammad Javed Abbasi             | Member            |
| 3 | Senator Rana Maqbool Ahmed                | Member            |
| 4 | Senator Muhammad Azam Khan Swati          | Member            |
| 5 | Senator Anwar ul Haq Kakar                | Member            |
| 6 | Senator Muhammad Ali Khan Saif            | Member            |
| 7 | Former Senator Ch. Muhammad Anwar Bhinder | Expert/Consultant |
| 8 | Raja Inam Amin Minhas                     | Expert/Consultant |
| 9 | Justice (R) Muhammad Raza Khan            | Advisor           |