

(REPORT 43 OF 2020)



House of the Federation

SENATE SECRETARIAT

**REPORT OF THE
SENATE STANDING COMMITTEE ON INTERIOR**

ON

**“THE ISLAMABAD CAPITAL TERRITORY
LAW OFFICERS BILL, 2020”**

PRESENTED BY

**SENATOR A. RHMAN MALIK
Chairman
Standing Committee on Interior**

Am

SENATE SECRETARIAT

REPORT OF SENATE STANDING COMMITTEE ON INTERIOR ON
"THE ISLAMABAD CAPITAL TERRITORY LAW OFFICERS BILL,
2020" INTRODUCED BY SENATOR MUHAMMAD JAVED ABBASI

I, Chairman of Senate Standing Committee on Interior, have the Honour to present report on "The Islamabad Capital Territory Law Officers Bill, 2020 introduced by Senator Muhammad Javed Abbasi in the House on 13th July, 2020.

2. The Bill, upon introduction in the Senate, was referred to the Standing Committee for consideration and report back to the House.

3. The composition of the Standing Committee on Interior is as under: -

1.	Senator A. Rehman Malik	Chairman
2.	Senator Kalsoom Parveen	Member
3.	Senator Muhammad Javed Abbasi	Member
4.	Senator Muhammad Azam Khan Swati	Member
5.	Senator Muhammad Tahir Bizinjo	Member
6.	Senator Mian Muhammad Ateeq Shaikh	Member
7.	Senator Rana Maqbool Ahmad	Member
8.	Senator Muhammad Talha Mehmood	Member
9.	Senator Farooq Hamid Naek	Member
10.	Senator Kauda Babar	Member
11.	Senator Sardar Muhammad Shafiq Tareen	Member
12.	Senator Dr. Shahzad Waseem	Member
13.	Senator Haji Momin Khan Afridi	Member
14.	Minister for Interior	Ex-Officio Member

4. The Committee considered and discussed the Bill in its meeting held on 09th October, 2020. The following attended the Committee: -

1.	Senator A. Rehman Malik	Chairman
2.	Senator Kalsoom Parveen	Member
3.	Senator Shahzad Waseem	Member
4.	Senator Muhammad Javed Abbasi	Member / Mover
5.	Senator Sardar Muhammad Shafiq Tareen	Member
6.	Senator Mian Muhammad Ateeq Shaikh	Member
7.	Senator Kauda Babar	Mover
8.	Senator Rana Maqbool Ahmed	Mover

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5. The Mover briefed the Committee on the salient features of “The Islamabad Capital Territory Law Officers Bill, 2020” introduced by Senator Muhammad Javed Abbasi in the House on 13th July, 2020. He stated that The Islamabad Capital Territory has its own High Court and setup of the lower courts working under the Islamabad High Court. But there is no effective and sufficient law specifically dealing with the appointment of the law officers in the Islamabad Capital Territory. Hence, a law is immediately needed to deal with the issues related to the appointment of the law officers in the Islamabad Capital Territory.

6. The Committee deliberated on merits and demerits of the proposed legislation.

7. The Committee recommended that the “The Islamabad Capital Territory Law Officers Bill, 2020” may be passed as introduced in the House.

8. In view of the above, the Committee recommends that “The Islamabad Capital Territory Law Officers Bill, 2020” as introduced in the House, may be passed by the Senate. (Copy of the Bill is enclosed).



(TANVIR AHMED)
D.G./Secretary Committee



(SENATOR A. REHMAN MALIK)
Chairman Committee

ISLAMABAD, THE
09th October, 2020.

As
[TO BE INTRODUCED IN THE SENATE]

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BILL

to provide a law for the appointment of Law Officers in the Islamabad Capital Territory and for matters connected therewith and ancillary thereto

WHEREAS it is expedient to provide a law for the appointment of the Law Officers and facilitating other matters related to their appointment in the Islamabad Capital Territory,

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Islamabad Capital Territory Law Officers Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them,-

(a) "**Government**" means the Federal Government;

(b) "**High Court**" means any High Court in Pakistan;

(c) "**Law Officer**" means an Additional Advocate General and an Assistant Advocate General appointed under this Act; and

(d) "**Supreme Court**" means the Supreme Court of Pakistan.

3. Appointment of Law Officers.- (1) The Government may appoint such number of Law Officers in the Islamabad Capital Territory as it may consider necessary, for conducting Government litigation in the Supreme Court, High Court, Federal Shariat Court, Federal Service Tribunal and in any other Court in Islamabad Capital Territory.

(2) A Law Officer appointed under sub-section (1), shall hold office during the pleasure of Government and may be removed from office at any time without notice.

(3) A Law Officer shall receive such pay and allowances as the Government may determine.

4. Qualification of Law Officers.- (1) No person shall be qualified for appointment under sub-section (1) of section 3, unless:-

- (a) in case of Additional Advocate General:
 - (i) he is a citizen of Pakistan;
 - (ii) he is enrolled as an Advocate of Supreme Court or High Court and has for a period of not less than twelve years been an Advocate of the High Court;
 - (iii) furnish a list of twenty-five cases conducted by him in the Supreme Court or the High Court; and
 - (iv) he is registered voter member of the Islamabad Bar Council.
- (b) in case of Assistant Advocate General:
 - (i) he is a citizen of Pakistan;
 - (ii) he has for a period of not less than ten years been an Advocate of High Court;
 - (iii) furnish a list of twenty cases conducted by him in the High Court; and
 - (iv) he is registered voter member of the Islamabad Bar Council.

(2) No person shall be appointed as a Law Officer, if he is or has been a judge of the Supreme Court or the High Court.

(3) An Additional Advocate General shall not hold office, if he attains the age of sixty-five years and an Assistant Advocate General shall not hold office, if he attains the age of sixty-two years, unless they resign or are removed from office, as the case may be.

5. Resignation.- A Law Officer, may at any time by writing under his hand, submit his resignation to the Government.

6. Condition for services.- (1) A Law Officer shall not engage in private practice so long as he holds the office of Law Officer.

(2) A Law Officer shall be liable to serve in the Islamabad Capital Territory and may from time to time be deputed either at Islamabad High Court or that of the Supreme Court or Federal Shariat Court and Federal Service Tribunal.

(3) A Law Officer shall perform such functions and duties as may be assigned to him, and in the performance of such functions and duties, he shall be subject to the general supervision and control of the Advocate General Islamabad Capital Territory and the Government.

(4) A Law Officer appointed under this Act, shall be assigned such criminal or civil work during vacations as the Advocate General Islamabad Capital Territory may deem fit.

7. Ban on appointment of Legal Advisors.- After the commencement of this Act, no Legal Advisor or Special counsel shall be appointed by the Government for conducting the litigation concerning the departments under administrative control of the Islamabad Capital Territory except in circumstances which are unavoidable and necessary in the public interest.

8. Powers to make Rules.- The Federal Government may, from time to time, make and amend Rules for the effective implementation and enforcement of the Act.

STATEMENT OF OBJECTS AND REASONS

The Islamabad Capital Territory has its own High Court and setup of the lower courts working under the Islamabad High Court. But there is no effective and sufficient law specifically dealing with the appointment of the law officers in the Islamabad Capital Territory. Hence, a law is immediately needed to deal with the issues related to the appointment of the law officers in the Islamabad Capital Territory.

SENATOR MUHAMMAD JAVED ABBASI
Member-in-Charge