

SENATE OF PAKISTAN

CIF



REPORT NO. 25

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



Point of Public Importance was raised by Senator Sardar Muhammad Shafiq Tareen regarding "Circuit Benches of Balochistan High Court", in Senate sitting held on 7th October, 2022.

PRESENTED BY

Senator Syed Ali Zafar

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "POINT OF PUBLIC IMPORTANCE WAS RAISED BY SENATOR SARDAR MUHAMMAD SHAFIQ TAREEN REGARDING "CIRCUIT BENCHES OF BALOCHISTAN HIGH COURT"

I, Senator Syed Ali Zafar, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "Point of Public Importance was raised by Senator Sardar Muhammad Shafiq Tareen regarding "Circuit Benches of Balochistan High Court", in Senate sitting held on 7th October, 2022, and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1.	Senator Syed Ali Zafar	Chairman
2.	Senator Syed Shibli Faraz	Member
3.	Senator Rana Maqbool Ahmad	Member
4.	Senator Mian Raza Rabbani	Member
5.	Senator Farooq Hamid Naek	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Kamran Murtaza	Member
8.	Senator Muhammad Azam Khan Swati	Member
9.	Senator Walid Iqbal	Member
10.	Senator Manzoor Ahmed Kakar	Member
11.	Senator Musadik Masood Malik	Member
12.	Senator Samina Mumtaz Zehri	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 14th December, 2022, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

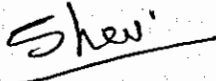
1.	Senator Farooq Hamid Naek	Member/Member-In-Charge
2.	Senator Rana Maqbool Ahmad	Member/Member-In-Charge
3.	Senator Mian Raza Rabbani	Member
4.	Senator Kamran Murtaza	Member
5.	Senator Palwasha Mohammad Zai Khan	Member-In-Charge
6.	Senator Mushtaq Ahmed Khan	Member In-Charge

7. Senator Engr. Rukhsana Zuberi	Member-In-Charge
8. Senator Sardar Muhammad Shafiq Tareen	Member-In-Charge
9. Senator Fawzia Arshad	Member-In-Charge
10. Minister for Law and Justice	Ex-Officio Member


2. The Chairman Committee then considered the Point of Public Importance, raised by Senator Sardar Muhammad Shafiq Tareen regarding "Circuit Benches of Balochistan High Court", in Senate sitting held on 7th October, 2022. Senator Sardar Muhammad Shafiq Tareen briefed the Committee that under the notification dated 13th November, 2022, by the Government of Balochistan, two (2) new Benches of High Court of Balochistan at Khuzdar and Loralai, were established, and alongwith already existed Benches at Sibbi and Turbat. But these benches are not functioning regularly since long despite appointment of number of Balochistan High Court Judges by filling vacancies at Balochistan High Court almost to the full strength recently. However, the government did not operationalize the said Benches in this regard. Members from Pakistan Bar Council, Balochistan Bar Council, Quetta Bar Association and other bar office holders presented their case, and it was informed that although the provinces of Punjab, KPK and Sindh had permanent Benches of High Courts in various cities as specified in the Constitution which are working on regular basis, yet the additional Benches are not operating on regular basis in Balochistan. They further informed that the matter has been raised at various forums but they failed to yield any result in operationalizing the Benches on regular basis so far. They further informed the Committee that Balochistan is a large province and litigants has to travel thousand kilometers to come to Quetta to for their litigation which is a time consuming which many cannot afford. They concluded their briefing that the Benches play an important role for enforcement for fundamental right and since Government of Balochistan is providing additional funding for operationalizing of benches and development of Infrastructure for the Benches, therefore, regularizing these benches should not be a problem. Chairman Committee noted with concern that since the Benches in Balochistan had been specified in the Constitution, it is the constitutional duty of the Government in the Province and it is a matter of enforcement of fundamental rights that those Benches has to be made operational. Minister for Law & Justice showed its serious concern and informed that the question of functionality of such benches shall be addressed by the Provincial government under Article 198(4) of the constitution that delegates such powers to the Federal Cabinet to decide upon such matter. He further assured that though his good office he will take up the matter with the relevant quarter for regular functioning of the High Court Benches in Balochistan. After due deliberation, it was unanimously agreed by the Committee to recommend

the Chief Justice of Balochistan High Court as well as the concerned Governor and the Chief Minister of the Province through a letter to fulfill their constitutional responsibility and play their role in regular operationalizing the benches in Balochistan High Court.

3. The Committee disposed off agenda item after the deliberation and recommended report to the House.



(Mir Shai Mazar Baloch)
DG/Secretary Committee



(Senator Syed Ali Zafar)
Chairman Committee