

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD**

Dated the 16th March, 1994.

No. 175-178/LD/Leg/94. The following Act of the Assembly received the assent of the President on 9th day March, 1994 is hereby published for general information:-

(ACT XXIII OF 1994)

**AN
ACT**

to establish a Law Commission

WHEREAS it is expedient to establish a Law Commission for a systematic development and reform of the laws and to provide for matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

- 1. Short title, extent and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Law Commission Act, 1994.
(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.
- 2. Definitions:-** In this Act, unless there is anything repugnant in the subject or context.-
 - (a) "Chairman" means the Chairman of the Commission;
 - (b) "Commission" means the Commission established under Section 3;
 - (c) "Government" means the Azad Government of the state of Jammu and Kashmir' and
 - (d) "Member" means member of the Commission.

¹["**3. Composition of Commission:-** (1) There shall be a Law Commission of Azad Jammu and Kashmir, consisting of,-

- (a) the Chief Justice of Azad Jammu and Kashmir who shall be the Chairman, ex-officio;
- (b) the Chief Justice of Azad Jammu and Kashmir High Court, Member, ex-officio;
- (c) the Secretary, Law, Justice, parliamentary Affairs and Human Rights Department, Member, ex-officio;
- (d) Advocate General of Azad Jammu and Kashmir, Member, ex-officio;
- (e) an advocate of High Court or Supreme Court, to be appointed by the Government from amongst eminent lawyers; and

1 Subs. by the AJ&K Law Commission (Amdt.) Act, 2017 (Act XXXVI of 2017) dt. 13.09.2017. The original extract of Sec. 3 is reproduced as under:-

"3. Composition of Commission:- (1) There shall be a Law Commission consisting of a Chairman, and such number of members to be appointed by the Government.

- (2) The Chairman of the Commission shall be a person, who is, or has been or is qualified to be a judge of the High Court.
- (3) If a person other than a sitting judge of the High Court or Supreme Court is appointed as Chairman, he shall be entitled to the same salary, allowances and privileges as admissible to a Judge of the High Court.
- (4) The members of the Commission shall be appointed from amongst person who are or have been holders of a Judicial or administrative office, eminent lawyers or jurists, members of the Council of Islamic Ideology or teachers of law in a University or a College;
- (5) A member, other than an ex-officio member, shall hold office for a term of three years, but shall be eligible for re-appointment for another term.
- (6) A member, other than an ex-officio member, may resign his office by writing under his hand addressed to the President."

(f) a person having at least five years, preferably ten years experience in Islamic Law, research or instruction, to be appointed by the Government.

(2) In addition to the members referred to in sub-section (1), the Chairman may, in his discretion, appoint a suitable person or persons as Member for a specific period to perform specified functions.

(3) The Members of the Commission shall be appointed from amongst persons who are or have held a judicial or administrative office, eminent lawyers or jurists, members of the Council of Islamic Ideology or teachers of law in a university or college.

(4) A Member, other than an ex-officio Member, shall hold office for a term of three years but shall be eligible for re-appointment for another term.

(5) A member, other than an ex-officio Member, may resign from his office by writing under his hand addressed to the President.”]

4. Office:- (1) The office of the Commission shall be situated in Muzaffarabad or at such other place as the Government may specify.

5. Secretariat:- (1) The Commission shall have a Secretariat to be headed by the Secretary:

Provided that till the appointment of the Secretary Commission, the Secretary Law, Justice,

1 Subs. by the Azad Jammu and Kashmir Law Commission (Amendment) Act, 2020 (Act XX of 2020) dt. 25.06.2020. the original extract of Sec. 5 is reproduced as under:-

“5. Secretariat:- (1) The Commission shall have a Secretariat to be headed by a Secretary.

(2) The Secretary and other officers and employees of the Commission shall be appointed by Government on such terms and conditions as may be determine.

(3) The Commission may for the purpose of research. Engage for specified period as many persons as it considers necessary.

Parliamentary Affairs and Human Rights shall act as ex-officio Secretary of the Commission.

(2) The officers and employees of the Commission shall be appointed by the Commission in the manners and on such terms and conditions as may be prescribed.]

6. Function of the Commission:- (1) The Commission shall study and keep under review on a continuing systematic basis the statutes and other laws with a view to making recommendations to the Government for the improvement, modernization and reform thereof and, in particular; for-

- (i) making or bringing the laws into accord with the changing needs of the society, consistent with the ideology of Pakistan/Azad Kashmir and the concept of Islamic social justice;
- (ii) adopting of simple and effective procedure for the administration of laws to ensure substantial, inexpensive and speedy justice;
- (iii) arranging the codification and unification of laws in order to culminate multiplicity of laws on the same subject.
- (iv) removing anomalies in the laws
- (v) repealing absolute or unnecessary provisions in the laws;
- (vi) simplifying laws for easy comprehension and devising steps to make the society law-conscious;
- (vii) introduction of reforms in the administration of justice; and
- (viii) removing inconsistencies between the laws within the legislative competence of Assembly.

(2) The commission shall study the present system of legal education and make recommendations to the Government for improving the standard of legal education.

(3) The Government may refer to the Commission any matter relevant to its functions for opinion and advice.

¹“(4) The Commission shall take appropriate measures for,-

- (a) developing and augmenting human resources for efficient court administration and case management.
- (b) co-ordination of judiciary and executive; and
- (c) preparing schemes for access to justice, legal aid and protection of human rights.

5. The Commission shall administer and manage the Access to Justice Development Fund.”]

²“**6-A. Constitution of Committees:-** The Commission may constitute committees consisting of one or more of its Members, as it thinks fit, and may refer to them any matter relevant to the functions of the Commission for consideration and report.

6-B. Fund:- (1) There shall be established for the purposes of this Act, fund to be called the Access to justice Development Fund.

(2) The fund shall consist of,-

³“(a) funds/ budget/grant-in-aid by the Government;”]

(b) donations and contributions made by the individuals or institutions; and

(c) sums raised by the commission.

1 Added by the AJ&K Law Commission (Amdt.) Act, 2017 (Act XXXVI of 2017) dt. 13.09.2017

2 Added by *Ibid*

3 existing clauses (a) and (b) re-numbered as (b) and (c) and hereinbefore new cl. (a) added by the Azad Jammu and Kashmir Law Commission (Amendment) Act, 2020 (Act XX of 2020) dt. 25.06.2020.

- 6-C. Expenditure to be charged on the Fund**- The funds shall be utilized by the Commission for discharging its functions and duties under this Act.
- 6-D. Reports**:- The Commission shall publish an annual report of its activities and such other periodic or special reports requiring legislative or implementation effect as it may consider necessary. The Commission shall submit the reports to the President of Azad Jammu and Kashmir.”]
- 7. Application of Act VI of 1956**:- The provisions of the Pakistan Commissions of Inquiry Act, 1956 (VI of 1956), as adapted in Azad Jammu and Kashmir, shall apply to the Commission as if the Commission is a Commission appointed under that Act to which all the provisions of Section 5 thereof applied.
- 8. Assistance to Commission**:- All executive authorities in Azad Jammu and Kashmir shall assist the Commission in the performance of its functions.
- 9. Power to make rules**:- (1) The Commission may make rules to carrying out the purposes of this Act.
- (2) In Particular and without prejudice to the generality the foregoing provision, such rules may provide for payment the members of a travelling allowance and daily allowances in respect of journeys performed in connection with the functions of the commission.

Sd/-
(Syed Shakir Shah)
Deputy Secretary