

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

F. No. 5(2)/2017-A-I

Islamabad, the 4th October, 2019.

OFFICE MEMORANDUM

Subject: - CONSULTATION WITH THE MINISTRY OF LAW AND JUSTICE UNDER RULES OF BUSINESS 1973.

Rules 7, 14, 27, 28, 29, 30 and 43 of the Rules of Business, 1973 ('the Rules') read with instruction 44 and Appendix F of the Secretariat Instruction provide the manner for consultation with Law and Justice Division on various legal issues. However, in many cases such procedure for consultation is not being followed.

2. The Ministries, Divisions, Attached Departments and subordinate offices thereof as well as other organizations including autonomous bodies are, therefore, urged to strictly adhere to *inter alia* the following instructions, which are based on the Rules:-

- (a) Requests should be made on legal questions arising out of any case or on the interpretation of any law by clearly identifying legal question involved. Requests for views/comments in this behalf shall not be responded.
- (b) The Law and Justice Division shall be consulted for scrutiny, examination and vetting of Bills, Ordinances, Presidential Orders and other legislative and legal instruments. Similarly, such consultation is required before the issue of or authorization of an order, rule, regulation, bye-law, notification, etc, in exercise of statutory powers; and before instituting and defending criminal and civil proceedings in a court of law in which the Government is involved.
- (c) Under sub-rule (2) of rule 14 of the Rules, no Division shall consult the Attorney General except through the Law and Justice Division and in accordance with the procedure laid down by that Division.
- (d) Draft Summaries for views/comments shall not be responded.
- (e) Requests for advice/opinion, by autonomous statutory bodies or other organizations, must be routed through the administrative Ministry or Division.
- (f) The practice or requesting representation in various meetings needs to be curbed as it is a deviation from normal procedure. This Division renders written advice/opinion. The officers of this Division, while writing advice or opinion, consult relevant laws, commentary or reference books, judgments of Superior Courts and discuss with colleagues, when necessary. Obviously, such facilities are not available in the meeting.
- (g) In case the participation of this Division's nominee or representative is essential or is a statutory requirement, the working paper, identifying the legal questions, shall be provided for proper preparation, at least five clear working days ahead of the scheduled date for the meeting. The decision to participate in the meetings shall rest with this Division.

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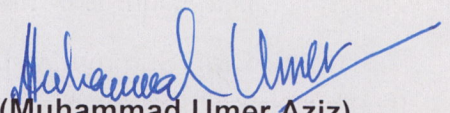
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- (h) Nomination of any officer of this Division, as a member of a committee etc, shall have to be made with prior consultation with this Division.
- (i) When time left for filing an appeal is less than seven days, an Officer of the administrative department, not below the rank of Deputy Secretary of the Ministry, should bring the file personally to the Solicitor General.
- (j) Such references to the Law and Justice Division from the Ministries/Divisions should be made preferably at the senior level.
- (k) In pursuance of the direction of the Hon'ble Supreme Court of Pakistan, Ministry of Law and Justice shall not advice any Interpretation/Opinion/Clarification on the Judgments of the Courts. However, Ministries/Divisions/Provincial Governments may approach directly to the concerned respective courts.
- (l) The cases of opinion shall be examined subject to the fulfillment of the following information;
 - a. Background of the case
 - b. Current scenario
 - c. Question of facts
 - d. Question of law

3. The above instructions do not apply to the meetings of /convened by the Cabinet, Cabinet Committees and the Committees of the Parliament.

4. This Division shall henceforth strictly adhere to its instructions.

5. This issues with the approval of the Secretary, Law and Justice Division.


(Muhammad Umer Aziz)
Joint Secretary
(Administration)

All Secretaries of Ministries/Divisions.

Copy for information to:-

- i. SO to Minister for Law and Justice.
- ii. PSO to Secretary, Law and Justice.

CP/15189
07/10/19

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