

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR ON THE MUTUAL LEGAL ASSISTANCE (CRIMINAL MATTERS) BILL, 2019

I, the Chairman of Standing Committee on Interior have the honor to present this report on the Bill to enact a law for mutual legal assistance in criminal matters [The Mutual Legal Assistance (Criminal Matter) Bill, 2019] (Government Bill) referred to the Committee on 13th September, 2019.

2. The Committee comprises the following:

1) Raja Khurram Shahzad Nawaz	Chairman
2) Mr. Sher Akbar Khan	Member
3) Mehar Ghulam Muhammad Lali	Member
4) Mr. Raza Nasrullah	Member
5) Khawaja Sheraz Mehmood	Member
6) Mr. Rahat Aman Ullah Bhatti	Member
7) Malik Karamat Ali Khokhar	Member
8) Sardar Talib Hassan Nakai	Member
9) Ms. Nafeesa Inayatullah Khan Khattak	Member
10) Mr. Muhammad Akhtar Mengal	Member
11) Malik Sohail Khan	Member
12) Syed Iftikhar Ul Hassan	Member
13) Mr. Mohammad Pervaiz Malik	Member
14) Mr. Nadeem Abbas	Member
15) Ms. Maryam Aurangzaib	Member
16) Syed Agha Rafiullah	Member
17) Nawab Muhammad Yousuf Talpur	Member
18) Mr. Abdul Qadir Patel	Member
19) Mr. Asmatullah	Member
20) Mr. Ijaz Ahmad Shah	Ex-officio Member
Minister for Interior	

3. The Committee considered the Bill as introduced in the National Assembly placed at **Annex-A**, in its meetings held on 04-10-2019, 24-10-2019 and 13-11-2019. The Committee recommended that the Bill as introduced may be passed by the National Assembly.

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(TAHIR HUSSAIN)

Secretary

Islamabad, the 26th, 2019

- sd-

(RAJA KHURRAM SHAHZAD NAWAZ)

Chairman

Standing Committee on Interior

(AS REPORTED BY THE STANDING COMMITTEE)

A

BILL

to enact a law for mutual legal assistance in criminal matters

WHEREAS it is expedient to enact a law relating to mutual legal assistance in criminal matters and matters connected therewith and ancillary thereto;

It is hereby enacted as follows

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Mutual Legal Assistance (Criminal Matters) Act, 2019.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(a) “agreement” means a treaty, agreement, memorandum of understanding, convention or other international arrangement to which Islamic Republic of Pakistan is a party and which contains provisions relating to mutual legal assistance in criminal matters;

(b) “appropriate authority” in relation to a foreign country, means a person or body in that country referred to in the agreement or reciprocal arrangement with Islamic Republic of Pakistan as the authority responsible for administering mutual legal assistance to and from such country;

(c) “central authority” means the Secretary to the Ministry of Interior, Government of Islamic Republic of Pakistan or such other officer of the Government, as the Secretary to the Ministry of Interior may, by notification in the official Gazette, designate to exercise powers and perform functions of the central authority under this Act.

(d) information system includes an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing any information;

(e) “data” means content data and traffic data;

- (f) "electronic" means electrical, digital, magnetic, optical, biometric, electrochemical, electromechanical, wireless or electromagnetic technology;
- (g) "computer system" means any device or a group of interconnected or related devices one or more of which, pursuant to a programme, performs automatic processing or recording data, and includes a mobile telephone and other telecommunication devices;
- (h) "confiscation" means deprivation of property by order of a court or competent authority subject to the prescribed procedure;
- (i) "confiscation order" means an order made by a court or other competent authority in Islamic Republic of Pakistan or a court of a country with whom Islamic Republic of Pakistan has entered into an agreement or reciprocal agreement or notified under sub-section (3) of section 3 of the confiscation of proceeds or instrumentalities of crime or terrorist property, whether or not the order is based on criminal conviction;
- (j) "court" means the court which has jurisdiction to try an offence for which a request has been made under this act;
- (k) "criminal matter" includes any investigation, prosecution or judicial proceedings relating to,-
 - (i) a criminal offence;
 - (ii) identification or tracing of proceeds or instrumentalities of crime or other related articles for evidentiary process;
 - (iii) the determination as to whether a property is proceeds or instrumentalities of crime, money laundering or terrorist property or corruption;
 - (iv) a confiscation order;
 - (v) the freezing or seizure of proceeds or instrumentalities of crime or terrorist property; or
 - (vi) an investigation carried out by a law enforcement agency with a view to refer the case for prosecution under the criminal law;
- (l) "criminal offence" means a thing punishable under Islamic Republic of Pakistan Penal Code 1860 or under any law of Islamic Republic of Pakistan;