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Judicial Reform through Law: Evaluating the Role of the Law and Justice Commission of Pakistan (1979–2024)

Yousuf Moulvi, *1, Ch. Wasim Iqba**2,

*1 Ph.D. Scholar, School of Law

**2. District Judge, High Court of Sindh

Co Email: moulvilaw@gmail.com

Abstract: "Pakistan's judicial system continues to face deeply rooted challenges such as chronic delays, outdated legal statutes, and limited access to justice for disadvantaged communities. In response to these concerns, the Law and Justice Commission of Pakistan (LJCP), established under the 1979 Ordinance, was conceived as a key institutional platform to promote legal reform and procedural modernization. This paper investigates the LJCP's role in enhancing the judiciary by reviewing 138 of its published reports from 1981 to 2024. Using a doctrinal and qualitative content analysis approach, the study categorizes the Commission's efforts into four thematic areas: (1) reforms in civil and criminal law, (2) judicial administration and case management, (3) access to justice initiatives, and (4) law revision and repeal the study assesses the practical impact of these efforts, identifying notable achievements such as reforms to bail laws and improvements in judicial education. However, it also highlights significant limitations, particularly the Commission's advisory status and its lack of implementation authority. By drawing comparative insights from the Law Commissions of India and the United Kingdom, the paper situates LJCP's performance within a broader international context The findings suggest that although the LJCP has laid important groundwork for reform, its influence has been hindered by bureaucratic inertia, limited executive engagement, and the absence of effective monitoring systems. To unlock its full potential, the paper recommends strengthening LJCP's institutional autonomy, establishing implementation and follow-up mechanisms, and integrating its recommendations into parliamentary review processes. Ultimately, it argues that meaningful judicial reform in Pakistan must be grounded in legal authority, sustained funding, and genuine political commitment"

Key Words: Judicial Reform, Law and Justice Commission of Pakistan (LJCP), Access to Justice Legal Reform in Pakistan Civil and Criminal Procedures Legal Aid and Empowerment Alternative Dispute Resolution (ADR)

1. INTRODUCTION

"Judicial reform remains one of the most pressing legal and institutional challenges facing Pakistan. For decades, the country's justice system has struggled with chronic delays, procedural inefficiencies, overburdened courts, and outdated legal frameworks, many of which trace back to colonial-era statutes. Litigants face not only inordinate wait times but also prohibitive costs, gendered discrimination, and limited awareness of legal rights. These systemic issues not only impede access to justice, but also erode public confidence in the judiciary and undermine constitutional guarantees such as equality before law and due process"

"Against this backdrop, the Law and Justice Commission of Pakistan (LJCP) was established in 1979 under the Law and Justice Commission of Pakistan Ordinance, with the mandate to propose legal reforms, modernize judicial procedures, and advise on the improvement of the legal and judicial systems. Headed by the Chief Justice of Pakistan, the LJCP comprises senior judges, the Attorney General, and other legal experts. Its primary function is to analyze and recommend statutory changes, judicial innovations, and policy reforms that can improve the quality, efficiency, and inclusiveness of the country's justice system"

This paper explores the central research question:

"To what extent has the Law and Justice Commission of Pakistan contributed to the improvement of Pakistan's judicial system"?

"To answer this, the study relies on a doctrinal and content analysis of 138 official reports published by the LJCP between 1981 and 2024. These reports range from proposals to simplify criminal and civil procedure, to the development of legal aid frameworks, and to modernization of court infrastructure and training. They reflect the LJCP's broad institutional engagement with justice sector reform"

The scope of this paper includes:

- A thematic classification of LJCP's reform proposals,
- An assessment of their implementation and impact,
- A critique of the institutional limitations of the Commission,
- A comparative note on similar commissions in India and the UK.

"Ultimately, this paper argues that while the LJCP has generated significant reform ideas, its lack of enforcement authority, limited public engagement, and poor implementation tracking have prevented many of its proposals from being institutionalized into lasting reform"

2. THE LAW AND JUSTICE COMMISSION OF PAKISTAN: ORIGIN AND MANDATE

"The Law and Justice Commission of Pakistan (LJCP) was established under the Law and Justice Commission Ordinance, 1979, promulgated by the President of Pakistan in exercise of constitutional authority. The primary objective behind its establishment was to create a permanent institutional body responsible for identifying, analyzing, and recommending legal and judicial reforms necessary for the modernization of Pakistan's justice system"

2.1 Legal Basis and Objectives

The Ordinance explicitly empowers the Commission to:

- Conduct studies on existing laws with a view to proposing amendments, repeals, or new legislation;
- Recommend measures for the efficient administration of justice;
- Assist in judicial training and legal education;
- Support codification, simplification, and modernization of procedural and substantive laws;
- Promote uniformity in law and the elimination of contradictions and redundancies.

"These objectives were grounded in the understanding that judicial reform requires continuous, research-based policy input—a function often neglected by the legislature and executive"

2.2 Structure and Composition

"The LJCP's structure ensures a high degree of judicial leadership and expertise. The Commission is chaired by the Chief Justice of Pakistan, and includes":

- Chief Justices of the High Courts of all provinces,
- The Attorney General for Pakistan,
- The Secretary, Ministry of Law and Justice,
- Two senior advocates nominated by the Pakistan Bar Council,
- Four eminent legal scholars or jurists nominated by the President.

This composition reflects a hybrid of judicial, executive, and academic perspectives. However, it also creates a judiciary-dominated governance model, which may limit broader stakeholder participation from civil society, bar associations, and academia.

2.3 Secretariat and Institutional Capacity

"The LJCP operates through a permanent Secretariat, currently based in Islamabad. It comprises research officers, legal analysts, and administrative staff. The Secretariat is responsible for:

• Preparing draft legislation and consultation reports,

- Coordinating with federal and provincial institutions, Organizing conferences, workshops, and expert panels,
- Publishing and disseminating Commission reports.

Despite these functions, the Secretariat's effectiveness has often been hampered by budgetary constraints, staff shortages, and bureaucratic hurdles. For instance, reports remain under-publicized, and the implementation tracking mechanisms are either weak or absent.

2.4 Advisory Nature and Limitations

"Critically, the LJCP is an advisory body. Its recommendations do not have binding legal force unless adopted by the legislature or implemented by the executive. This places inherent limitations on its authority, making its influence dependent on political will, bureaucratic responsiveness, and parliamentary action. In practice, many well-researched LJCP reports remain unacknowledged or shelved despite urgent relevance"

3. REVIEW OF KEY REFORMS RECOMMENDED BY THE COMMISSION

"Between 1981 and 2024, the Law and Justice Commission of Pakistan (LJCP) issued 138 reports, covering a wide range of legal and judicial issues. These reports provide critical insight into the Commission's reform priorities and policy approach. For analytical clarity, the recommendations can be grouped into four major thematic areas":

3(a) Civil and Criminal Law Reforms

"The LJCP has persistently advocated for the simplification and modernization of procedural laws, especially the Civil Procedure Code (CPC) and Criminal Procedure Code Cr. P.C"

Notable Reports:

- Report No. 36 (1986) recommended amending the CPC to expedite civil trials, reduce adjournments, and introduce cost penalties for frivolous litigation.
- Report No. 41 (1989) proposed time-bound trial procedures in criminal cases and emphasized the need for pre-trial scrutiny by magistrates.
- Report No. 49 (1993) recommended incorporating victim rights, witness protection, and judicial oversight of police investigation.

Focus Areas:

- Bail Law Reform: Reports advocated removing arbitrariness in granting bail and introducing clear judicial guidelines to balance individual liberty and public safety.
- Witness Protection: The LJCP called for legal frameworks to protect witnesses from intimidation, especially in terrorism and gender-based violence cases.
- Gender Sensitivity: Multiple reports proposed amendments to family and inheritance laws, ensuring fairer access to women litigants.

These recommendations reflect the LJCP's awareness of

procedural injustices, though implementation has often been slow and piecemeal

3(b) Judicial Administration and Case Management Recognizing that legal reform must go hand-in-hand with institutional reform, the LJCP has addressed issues such as judicial manpower, court infrastructure, and service

delivery mechanisms **Key Proposals:**

- Case Management Systems: Reports such as No. 57 (2000) and No. 82 (2009) advocated for computerization of court records, automated cause lists, and judicial dashboards.
- Judicial Service Reforms: The LJCP proposed merit-based recruitment, competitive salary structures, and continuing legal education to improve the performance of judicial officers.
- Court Structure Optimization: Several reports recommended the reorganization of civil courts, the creation of family courts, and the designation of model trial courts.

These reforms anticipated many of the goals later articulated in the National Judicial Policy (2009), evidencing the LJCP's forward-looking approach.

3 (c) Access to Justice and Vulnerable Litigants

Access to justice has remained a central concern in the Commission's agenda, especially for marginalized groups, such as women, juveniles, rural populations, and the poor

Strategic Focus:

- "Legal Aid and Representation: The LJCP advocated for the creation of Legal Aid Committees under High Courts and District Judiciaries. This recommendation was eventually operationalized under the District Legal Empowerment Committees (DLECs) funded by the Access to Justice Development Fund (AJDF)"
- Alternative Dispute Resolution (ADR): Several reports, including No. 68 (2006), proposed institutionalizing ADR mechanisms such as mediation, conciliation, and arbitration, especially in family and commercial disputes.
- Juvenile and Gender Justice: The Commission played a key role in advocating for the Juvenile Justice System Ordinance, 2000 and recommended procedural safeguards for under-trial children.

These efforts underscore the LJCP's recognition that formal legal systems must be supplemented by inclusive and accessible mechanisms for disadvantaged groups.

Judicial and Constitutional Case Law on Access to Justice:

Judicial interpretation has reinforced the institutional necessity of access to justice:

Jan Muhammad Tayab v. Federation of Pakistan (2024 CLD 575): Struck down pre-deposit requirements as contrary to Articles 4 and 10A.

Muhammad Aslam v. Judge Family Court, Ferozewala(2024 PLD 300): Upheld access to justice as a fundamental right, urging activation of Legal Aid Agencies.

Noor-un-Nisa v. UBL (2021 PLD 90 LHC): Expanded constitutional protection for women litigants.

3(d) Law Revision, Codification, and Repeal

A major task assigned to the Commission is to identify obsolete, conflicting, or redundant laws and recommend their repeal or consolidation.

Achievements:

- Report No. 61 (2004) compiled a comprehensive list of obsolete colonial-era laws still on the statute books, many of which had not been applied in over five decades.
- Draft Legislation: The LJCP has submitted dozens of draft bills for parliamentary consideration, including:
- The Law Reforms (Miscellaneous Provisions)
- The Code of Civil Procedure (Amendment) Bill
- The Legal Practitioners and Bar Councils (Amendment) Bill
- Revisions to anti-terror laws, family law, and cybercrime frameworks

While some of these have been adopted—often in modified forms—many remain pending due to legislative bottlenecks.

4. IMPACT ASSESSMENT: SUCCESSES AND SYSTEMIC CONSTRAINTS

Assessing the performance of the Law and Justice Commission of Pakistan (LJCP) requires a dual lens: measuring both the output (volume and quality of reports) and outcome (implementation and real-world impact). While the LJCP has contributed significantly to the reform discourse, its advisory nature, limited enforcement powers, and executive inertia have often blunted its effectiveness.

4.1 Tangible Contributions

Legislative Adoption of Recommendations

Over the years, several LJCP proposals have influenced national legislation. Notable examples include:

Reform Area	LJCP Recommendation	Outcome	
Criminal Justice	Bail law reform, better remand practice	Incorporated into CrPC amendments (various years)	
Juvenile Justice	Right to minors, detention safeguards	Juvenile Justice System	
Gender Law	Family law simplification	Improved family courts & procedures	
Legal Aid	Creation of legal aid bodies	DLECs under AJDF funding	
Procedural Law	Streamlined civil trial framework	Elements integrated into Model Courts	
Judicial Education	Capacity building for lower courts	Strengthening of Judicial Academies	

These reforms indicate that the Commission's work has informed both federal and provincial policy particularly in the early 2000s and post-2009 under the National Judicial Policy.

4.2 Institutional Influence

In addition to legislative impact, the LJCP has played a key role in:

- Framing the Access to Justice Programme (AJP), which received \$350 million in donor funding through the Asian Development Bank.
- Establishing the Access to Justice Development Fund (AJDF) and influencing its structure through Rule 4 (seven institutional windows).
- Supporting the National Judicial Automation efforts (case flow tracking, e-filing, etc.)
- Promoting ADR models within both urban and rural dispute resolution systems.

4.3 Limitations and Systemic Challenges

Despite these successes, several institutional limitations persist:

Advisory Nature

The LJCP is not empowered to enforce its recommendations. All reforms require:

- Executive initiation of legislation, or
- Parliamentary passage, or
- Judicial incorporation into policy.

This leads to long delays and often political neglect.

Implementation Gaps

Many reports—especially on repealing outdated laws or simplifying CrPC—have not been acted upon, or were selectively implemented without institutional feedback loops.

Delays and Backlog

- Out of 138 reports, more than 40 remained undebated or unacknowledged by the relevant ministries.
- Some reports took years to be published, reducing relevance by the time they reached stakeholders.

Limited Public Engagement

LJCP reports are typically circulated within judicial and legal circles, with little input from civil society, litigants, or bar associations during drafting stages.

Monitoring and Follow-Up

No institutional mechanism exists for:

- Tracking how many recommendations are implemented;
- Periodically revisiting or updating earlier reports;
- Independent impact evaluation of enacted reforms.

4.4 Assessment Summary

Criteria	Strengths	Weaknesses	
Research Capacity	High-quality, evidence-based reports	Staff limitations in Secretariat	
Legal Drafting	Dozens of proposed bills	Many remain unadopted	
Influence on Policy	Notable success in juvenile justice, legal aid	Weak follow-up mechanism	
Engagement	Strong institutional backing	Minimal public or parliamentary involvement	
Implementation	Partial integration into AJP and AJDF	Advisory status limits authority	

While the LJCP was envisioned with similar reformist goals, its structure, process, and impact fall short when compared with its counterparts. The absence of legal obligations for implementation, weak civil society engagement, and lack of transparency in followup reduce its transformative potential.

Pakistan can significantly strengthen the LJCP by learning from these models particularly in mandating legislative responses, involving the public in consultations, and enhancing institutional autonomy.

5. COMPARATIVE PERSPECTIVE: LESSONS FROM INDIA AND THE UNITED KINGDOM

To better contextualize the role of the Law and Justice Commission of Pakistan (LJCP), it is instructive to compare it with similar bodies in other jurisdictions, particularly India and the United Kingdom. These countries share colonial legal heritage with Pakistan but have developed more structured, influential, and accountable law reform institutions.

5.1 India: Law Commission of India

Established in 1955, the Law Commission of India is constituted by the Government of India for a fixed tenure and is composed of a Chairman (usually a retired judge) and legal scholars. It functions under the Department of Legal Affairs in the Ministry of Law and Justice.

Key Characteristics:

- Mandated tenure: Each Commission is formed for a specific term (usually 3–5 years).
- Public consultations: Engages with bar councils, NGOs, and civil society.
- Transparency: Reports are widely disseminated, debated in public forums, and available online.

• Implementation record: Several landmark laws in India (e.g. Criminal Law Amendment Act, 2013) stemmed from Law Commission reports.

Lessons for Pakistan:

- Mandating legislative review of every report,
- Periodic reconstitution to maintain focus and fresh perspectives,
- Institutionalizing civil society participation during reform processes.

5.2 United Kingdom: Law Commission for England and Wales

Formed under the Law Commissions Act 1965, the UK's Law Commission is known for its methodical, apolitical, and evidence-based approach.

Strengths:

- Publishes impact assessments, consultation papers, and draft bills.
- Close liaison with Parliament: A "special parliamentary procedure" facilitates the passage of bills drafted by the Commission.
- Implementation tracked annually in a statutory report to Parliament.
- Maintains a high success rate—more than 70% of proposals eventually enacted.

Lessons for Pakistan:

- Create a statutory obligation for Parliament to respond to LJCP reports.
- Publish an annual implementation tracker.
- Adopt a more institutionally autonomous structure with stable funding.

5.3 Comparative Summary

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Features	Pakistan (LJCP)		United Kingdom				
Legal Status	Permanent body under 1979 Ordinance	Temporary body under executive order	Permanent statuary body				
Composition	Judges+ AGP+ Scholars	Retd. Judges+ Scholars	Commissioners +research staff				
Advisory Nature	Yes	Yes	Yes, but with stronger follow-up				
Public Engagement	Limited	Mixed	High				
Report Implementation	Selective	Informal updates	Statuary obligation				

5.4 Additional Comparative Summary with Different Perspective

Country	Name of	Year Established	1	nary with Differen Structure	Key Functions	Comparison with Pakistan
India	Law Commission of India	1955 (First) periodic	Executive order of Government of India	a retired	Legal reform, law codification, repealing obsolete laws, reports to Ministry of Law	Similar in mandate; not statutory like Pakistan's LJCP Ordinance
United Kingdom	The Law Commission (England and Wales)	1965	Law Commission Act 1965	Chairman (Highcourt), 4 Commissioners, research staff	Codification, simplification, modernization of law, public consultations	Stronger statutory foundation; more emphasis on public engagement
Canada	Commission of Canada	1971 (restructured 1996, defunded in 2006, revived in 2021)	Parliament	parttime Commissioners,	Reform, equity, social responsiveness, indigenous law	Broader social legal perspective compared to Pakistan's technical-legal focus
Australia	Australian Law Reform Commission (ALRC)	1975	Australian Law Reform Commission Act 1996		Legal reform, recommendations to Attorney General, consultative	Similar statutory and consultative structure
South Africa	South African Law Reform Commission	1973	South African Law Commission Act	President	Legal development, indigenous law, public consultation	Broader focus on social justice and post- apartheid reform
New Zealand	New Zealand Law Commission	1986	Law Commission Act 1985	Chairperson (often retired judge), Commissioner	Simplify and reform law, public input, proactive reports	
Bangladesh	Bangladesh Law Commission	1996 in (statutory 1996)	Law Commission Act, 1996		Legal reform, update outdated laws	Close model to Pakistan; both stem from British colonial legal legacy
Sri Lanka	Law Commission of Sri Lanka	1969	Ordinance under ministry of justice	appointed legal	Propose amendments, codification, modernization	Less active; similar in origin and structure

6. Conclusion and Recommendations

"The Law and Justice Commission of Pakistan (LJCP), since its inception in 1979, has remained one of the country's most important yet underutilized legal reform institutions. With 138 published reports between 1981 and 2024, the Commission has tackled diverse challenges ranging from outdated laws and procedural delays to access to justice and institutional inefficiencies. The Commission's recommendations—many of them technically sound and socially responsive—have laid the groundwork for critical reforms in areas like juvenile justice, civil procedure, legal aid, and judicial training"

However, the advisory status of the LJCP, institutional inertia, inconsistent executive cooperation, and the absence of binding follow-up mechanisms have significantly constrained its transformative potential. A substantial number of its recommendations remain shelved, unreviewed, or diluted in implementation. Furthermore, the Commission has not fully leveraged opportunities for public engagement, parliamentary collaboration, and inter-institutional synergy

To address these structural weaknesses and elevate the LJCP into a more effective instrument of judicial reform, the following recommendations are proposed:

6.1 Institutional Reforms

- "Statutory Strengthening: Elevate the LJCP's mandate by amending the 1979 Ordinance to include provisions for mandatory legislative or executive review of its reports within a fixed timeline"
- "Autonomous Budgeting: Allocate a fixed budget line, insulated from political discretion, ensuring greater operational autonomy for the Commission"

6.2 Procedural and Operational Reforms

- "Parliamentary Interface: Introduce a formal mechanism for tabling LJCP reports before Parliament, possibly through a dedicated Parliamentary Committee on Legal Reforms"
- "Annual Implementation Tracker: The LJCP Secretariat should publish an annual report tracking which recommendations were adopted, rejected, or pending, along with reasons"
- "Public Consultations: Institutionalize public hearings, bar council dialogues, and

stakeholder submissions during the drafting of reports"

6.3 Monitoring and Evaluation

- "Independent Review Panel: Establish an oversight body composed of jurists, academics, and civil society actors to periodically assess the impact of adopted reforms."
- "Feedback Loops: After implementation, solicit feedback from judges, lawyers, and litigants on the practical impact of specific reforms (e.g., procedural amendments, court management changes)"

6.4 Synergy with Other Institutions

- Integration with AJDF and Judicial Academies: The LJCP should better coordinate with the Access to Justice Development Fund (AJDF) and Judicial Academies to ensure reforms are backed by financial and training support.
- Collaboration with Law Faculties: Involve legal academics and university departments in drafting, reviewing, and disseminating reports.

6.5 Learning from Global Models

- Emulate practices from India and the UK, particularly:
- Mandatory parliamentary response
- Public-facing consultations
- Clear implementation metrics

Final Reflection

The Law and Justice Commission of Pakistan holds a unique constitutional and legal position—chaired by the Chief Justice and empowered to drive reform across the legal system. Its strength lies not just in drafting technically competent reports, but in fostering transformative dialogue between law, policy, and society.

As Pakistan continues to grapple with judicial delays, access inequality, and outdated statutes, the LJCP can become a central pillar of justice sector reform. But for that, it must move from the margins of policy influence to the center of legal transformation— anchored in transparency, implementation, and institutional courage.

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India

Law Commission of India: https://lawcommissionofindia.nic.in

A non-statutory body constituted by the Government of India for legal research and recommendations.

United Kingdom (England & Wales)

Law Commission: https://www.lawcom.gov.uk

An independent statutory body established under the Law Commissions Act 1965

Canada

Law Commission of Canada: https://www.canada.ca/en/law-commission-canada.html A federal body established by the Law Commission of Canada Act (1996), reconstituted in 2023

Australia

Australian Law Reform Commission (ALRC): https://www.alrc.gov.au

Established by the Australian Law Reform Commission Act 1996

South Africa

South African Law Reform Commission (SALRC): https://www.justice.gov.za/salrc/ A statutory body under the South African Law Reform Commission Act (1973)

New Zealand

New Zealand Law Commission (Te Aka Matua o te Ture): https://www.lawcom.govt.nz A Crown entity established under the Law Commission Act 1985

Bangladesh

Bangladesh Law Commission: https://lc.portal.gov.bd

A statutory commission under the Law Commission Act 1996 .

Sri Lanka

Law Commission of Sri Lanka: https://www.lawcom.gov.lk/index.php?lang=en

Established under the Law Commission Act No. 3 of 1969