

[AS PASSED BY THE SENATE]

A

Bill

to amend the Mutual Legal Assistance (Criminal Matters) Act, 2020

WHEREAS it is expedient to amend the Mutual Legal Assistance (Criminal Matters) Act, 2020 (Act XXII of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act shall be called the Mutual Legal Assistance (Criminal Matters) (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXII of 2020.- In the Mutual Legal Assistance (Criminal Matters) (Amendment) Act 2020 (Act XXII of 2020), hereinafter referred to as the said Act, in section 2,-

(i) for clause (c), the following shall be substituted, namely:-

“(c) “central authority” means the secretary to the Ministry of Interior, Government of the Islamic Republic of Pakistan;”;

(ii) in clause (i), for the word “after”, the words “or for the property derived or obtained directly or indirectly from the offence of money laundering or property of corresponding value whether or not the order is based on”, shall be substituted.”; and

(iii) for clause (l), the following shall be substituted, namely:-

“(l) “criminal offence” means an offence punishable under the Pakistan Penal code (Act XLV of 1860) or under any law for the time being in force in Pakistan or an offence against law of a foreign country which is subject matter of mutual legal assistance arrangements;”.

3. Amendment of section 4, Act XXII of 2020.- In the said Act, in section 4,-

(i) after sub-section (1), the following new sub-section shall be inserted, namely:-

“(1A) All the request of mutual legal assistance shall be processed and decided by the central authority expeditiously.”; and

(ii) in sub-section (2),-

(a) in clause (a), for the word "offence", the word "matter" shall be substituted; and

(b) in clause (b), for the word "offence", the word "matter" shall be substituted.

4. Amendment of section 5, Act XXII of 2020.- In the said Act, in section 5, in sub-section (1), for the colon, a full-stop shall be substituted and thereafter the existing proviso shall be omitted.

5. Amendment of section 8, Act XXII of 2020.- In the said Act, in section 8, in sub-section (1), for the words "investigations commenced or proceedings instituted", the words "criminal matters", shall be substituted.

6. Amendment of section 17, Act XXII of 2020.- In the said Act, in section 17, in sub-section (1), clause (d) shall be omitted.

7. Amendment of section 18, Act XXII of 2020.- In the said Act, in section 18, in sub-section (1), for the words "Unless otherwise authorized by law", the words "Under the said Act", shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Increase in transnational organized crime has made it necessary for international community and Pakistan to improve effectiveness of legal instruments. Lack of uniformity in law and weak coordination mechanism between countries affects combating of crimes across borders. In order to overcome these challenges, essential legal cover was required. International cooperation in criminal matters through mutual legal assistance and extradition is intended to bridge existing gaps in respective countries toward effective law enforcement. The requested state will provide mutual legal support to the requesting state by executing necessary actions on its territory in any specific criminal case warranting shared assistance.

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Minister for Interior