

[AS PASSED BY THE SENATE]

A

BILL

further to amend the Code of Civil Procedure, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (V of 1908), in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2017.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 80, Act V of 1908.- In the Code of Civil Procedure, 1908 (V of 1908), hereinafter referred to as the said Code, in section 80,-

(i) in sub-section (1), for the words "two months" the words "one month" shall be substituted;

(ii) in sub-section (2), for the words "two months" occurring twice, the words "one month" shall be substituted; and

(iii) for the existing proviso, the following proviso shall be substituted, namely:-

"Provided that in a suit instituted without such notice, the Court shall allow not less than one month and not more than two months to the Government to submit its written statement."

3. Amendment of section 82, Act V of 1908. - In the said Code, in section 82,-

- (i) in sub-section (1), after the word "satisfied" occurring for the first time, the words "which shall not be more than six months from the date of decree" shall be inserted; and
- (ii) in sub-section (2), for the words "three months" the words "thirty days" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The main objective of the proposed Bill is to reduce the reasons of delay in the suits by or against the Government. In Article 25 of the Constitution "equality of citizens" states that all citizens are equal before the law and are entitled to equal protection of law. And these provisions of the Code of Civil Procedure contradict with the Constitutional provision regarding fundamental rights. So it is necessary that law should be according to the Constitutional principles. The proposed amendments will be helpful to the courts in expeditious disposal of the suits by or against the Government.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-In-Charge