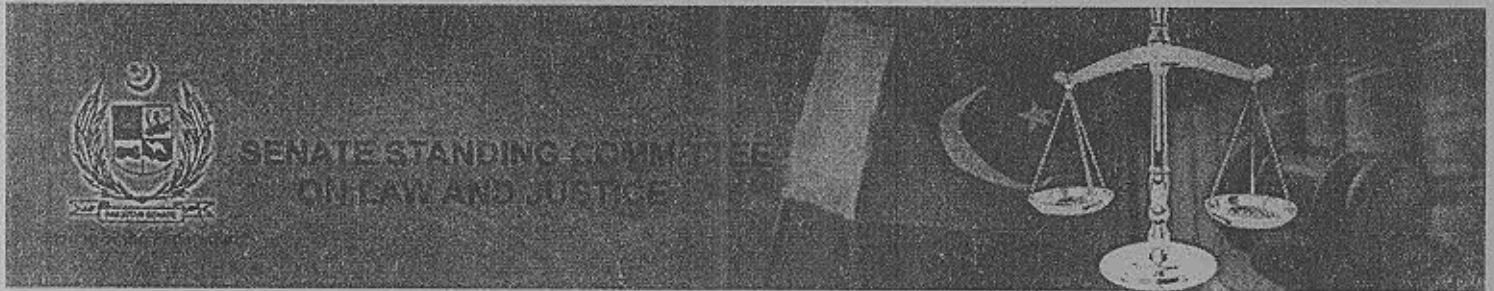




SENATE SECRETARIAT

Report No. 06

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



**“THE CODE OF CIVIL PROCEDURE (AMENDMENT)
BILL, 2018”**

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 2018"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Code of Civil Procedure (Amendment) Bill, 2018" introduced by Minister for Law and Justice in the Senate sitting held on 12th April, 2018. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Dr. Muhammad Farogh Naseem	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Walid Iqbal	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 5th September, 2018 and 14th January, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 14th January, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Mian Raza Rabbani
- iii. Senator Mir Hasil Khan Bizenjo


- iv. Senator Siraj ul Haq
- v. Senator Ayesha Raza Farooq
- vi. Senator Dr. Muhammad Farogh Naseem
- vii. Senator Musadik Masood Malik
- viii. Senator Dr. Ghous Muhammad Khan Niazi
- ix. Senator Mustafa Nawaz Khokar
- x. Senator Sana Jamali

4. Minister for Law and Justice briefed the Committee that the Code of Civil Procedure 1908 contains repeated redundant references to courts of small causes as these courts stand abolished after the promulgation of the Small Claims and Minor Offences Courts ordinance, 2002. To remove these references, amendments in the said Code are required.

5. The Members supported the Bill on the context that these are consequential amendments which should be carried out in order to omit redundant provisions/ references from the statute books. Therefore, all Members present voted in favour of the Bill.

6. Accordingly, the Committee recommends that "The Code of Civil Procedure (Amendment) Bill, 2018" as introduced in the Senate, may be passed by the House. (Copy of Bill is annexed).


 (RABEEA ANWAR)
 J.S / Secretary Committee


 (SENATOR MUHAMMAD JAVED ABBASI)
 Chairman
 Standing Committee on Law & Justice

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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) 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, 2018.

(2) It extends to whole of the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment in section 114 of Act V of 1908.— In the Code of Civil Procedure, 1908 (V of 1908), hereinafter referred to as the said Code, in section 114, in sub-section (1), in paragraph (c), the words "by a decision on a reference from a Court of Small Causes" shall be omitted.

3. Amendment in First Schedule of Act V of 1908.— In the said Code, in the First Schedule:

(a) In ORDER XX, in rule 4, sub-rule (1) shall be omitted;

(b) In ORDER XXXVIII, the rule 13 shall be omitted;

(c) In ORDER XLVI, in rule 6, sub-rule (1) shall be omitted;

(d) In ORDER XLVI, in rule 7, sub-rule (1) shall be omitted; and

(e) ORDER L shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Code of Civil Procedure, 1908 contains repeated redundant references to courts of small causes as these courts stand abolished after the promulgation of the Small and Minor Offences Courts Ordinance, 2002. To remove these references, amendments in the said Code are required. Hence this Bill.

**Chaudhry Mahmood Bashir Virk,
Minister for Law and Justice
Minister-in-Charge**