

AS PASSED BY THE SENATE ON 22-11-2016.

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A

BILL

further to amend the Code of Civil Procedure, 1908 in its application to Islamabad Capital Territory

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908), in its application to 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, 2016.

(2) It shall apply to Islamabad Capital Territory.

(3) It shall come into force at once.

2. Amendment of section 91, Act V of 1908.- In the Code of Civil Procedure, 1908 (Act V of 1908), hereinafter referred to as the said Code, in section 91, in sub-section (1), for the words "having obtained the consent in writing of the Advocate General" the words "with the leave of the Court" shall be substituted.

3. Amendment of section 92, Act V of 1908.- In the said Code, in section 92,-

(a) in sub-section (1), for the words "consent in writing of the Advocate General" the words "leave of the Court" shall be substituted; and

(b) in sub-section (2), the words, commas, figures and brackets "Save as provided by the Religious Endowment Act, 1863 (XX of 1863)," shall be omitted and for the word "no" the word "No" shall be substituted.

4. Amendment of section 104, Act V of 1908.- In the said Code in section 104, after clause (ff), the following new clause shall be inserted, namely:-

“(fff) an order under section 91 or section 92 refusing leave to institute a suit;”.

STATEMENT OF OBJECTS AND REASONS

Under sections 91 and 92 of the Code of Civil Procedure, 1908 (Act V of 1908), in case of public nuisances and public charities, the Advocate General or two or more persons with the leave of the Court, may institute a suit for declaration and injunction or for such other relief as may be appropriate to the circumstances of the case. The Law and Justice Commission of Pakistan has recommended amendment in the said sections for institution of suit relating to public nuisances and public charities direct with the leave of court without permission of the Advocate General. The proposed amendment will result in expeditious disposal of cases.

The Bill is designed to achieve the aforesaid object.

Minister-in-Charge