

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE CIVIL COURTS (AMENDMENT) BILL, 2016”

Report No. 31

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CIVIL COURTS (AMENDMENT) BILL, 2016"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Civil Courts (Amendment) Bill, 2016" as passed by the National Assembly and introduced in the Senate on 7th October, 2016. 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 Aitzaz Ahsan	Member
3.	Senator Saleem Zia	Member
4.	Senator Dr. Muhammad Ali Khan Saif	Member
5.	Senator Syed Muzafar Hussain Shah	Member
6.	Senator Nehal Hashmi	Member
7.	Senator Ms. Ayesha Raza Farooq	Member
8.	Senator Nawabzada Saifullah Magsi	Member
9.	Senator Saeed Ghani	Member
10.	Senator Zaheer ud Din Babar Awan	Member
11.	Senator Mrs. Zahida Khan	Member
12.	Senator Farooq Hamid Naek	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 31st October, 16th November, 2016, 13th December, 2016 and 20th December, 2016. Final consideration of the Bill was held in the meeting dated 20th December, 2016, which was attended by the following members:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Syed Muzafar Hussain Shah	Member
3.	Senator Zaheer ud Din Babar Awan	Member

4. During the course of meetings the Secretary, Ministry of Law and Justice briefed the Committee and stated that the Bill seeks to amend the West Pakistan Civil Courts Ordinance, 1962 (W.P Ordinance No. II of 1962) to the extent of Islamabad Capital Territory to give unlimited pecuniary jurisdiction to District Judge and Additional District Judge, Islamabad

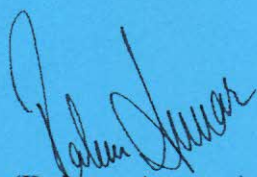
with respect to an appeal from any order or decree passed by a Civil Judge so that the burden on High Court is reduced.

5. The Committee did not agree with the proposed amendment on the following grounds:-

- (i) Provision of additional forum of appeal will add to the agony of litigants as the cost of litigation will be escalated and duration of litigation will be prolonged.
- (ii) A recent legislation titled as the "Islamabad High Court (Amendment) Act, 2016", has amended section 4 of the Islamabad High Court Act, 2010. As a consequence of said amendment original jurisdiction of Islamabad High Court in suits and proceedings having pecuniary value of ten million rupees or more has been transferred to the civil courts. This transfer will result in reducing the workload on Judges of Islamabad High Court.

6. All Members present in the meeting opposed the instant Bill.

7. In view of the position explained vide paras 5 and 6, the Committee recommends that the "The Civil Courts (Amendment) Bill, 2016" as passed by the National Assembly and introduced in the Senate on 7th October, 2016, may not be passed by the Senate of Pakistan. (Copy of Bill as passed by the National Assembly is annexed).



(Rabeea Anwar)
J.S / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman
Standing Committee on Law and Justice

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*further to amend the Civil Courts Ordinance, 1962 in its applications to
Islamabad Capital Territory*

WHEREAS it is expedient further to amend the Civil Courts Ordinance, 1962 (W.P Ordinance II of 1962), in its application to Islamabad Capital territory for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title extent and commencement.**—(1) This Act may be called the Civil Courts (Amendment) Act, 2016.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Amendment of section 18, W.P. Ordinance II of 1962.**— In the Civil Courts Ordinance, 1962 (W.P Ordinance II of 1962), in section 18, for sub-section (1), the following shall be substituted, namely:-

“(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie to the District Judge.”.

- 2 -

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the West Pakistan Civil Courts Ordinance, 1962 (W.P Ordinance No. II of 1962) to the extent of Islamabad Capital Territory to give unlimited pecuniary jurisdiction to District Judge and Additional District Judge, Islamabad with respect to an appeal from any order or decree passed by a Civil Judge.

2. The Bill is designed to achieve the aforesaid object.

MR. ZAHID HAMID
Minister for Law and Justice
Member-in-charge