



**SENATE SECRETARIAT**

**Report No. 20**

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



**“THE ENFORCEMENT OF WOMEN’S PROPERTY  
RIGHTS BILL, 2020”**

**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 ENFORCEMENT OF WOMEN’S PROPERTY RIGHTS BILL, 2020”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Enforcement of Women’s Property Rights Bill, 2020” as passed by the National Assembly and introduced in the Senate on 14<sup>th</sup> January, 2020. 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 Ghous Muhammad Khan Niazi	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Mustafa Nawaz Khokar	Member
10.	Senator Sana Jamali	Member
11.	Senator Walid Iqbal	Member
12.	Senator Zeeshan Khanzada	Member
13.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meetings held on 24<sup>th</sup> January, 2020 and 13<sup>th</sup> February, 2020 under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 13<sup>th</sup> February, 2020, which was attended by the following members:-


- i. Senator Muhammad Javed Abbasi
- ii. Senator Ghous Muhammad Khan Niazi
- iii. Senator Siraj ul Haq
- iv. Senator Syed Muzafar Hussain Shah *(the Hon’ble Senator was not present at the time of consideration of this Bill)*
- v. Senator Zeeshan Khanzada
- vi. Senator Sana Jamali

4. The Secretary Ministry for Law and Justice briefed the Committee that this Bill aims to protect and secure the rights of ownership and possession of women in properties and this Bill will extend to the whole of the Islamabad Capital Territory. Under the new law i.e. the Enforcement of Women's Property Rights Act, 2019 already existing institutions of Women Ombudsman will be utilized. The powers of Ombudsman under this Bill are going to be the same as the powers given to the Ombudsman under the Protection against Harassment of Women at the Workplace Act, 2010 (III of 2010). The Ombudsman has the power to receive complaints of any woman deprived of ownership or possession of properties and has the authority to pass corrective orders envisaged under this bill as deemed fit. If the Ombudsman after a summary inquiry finds that the complainant has been illegally deprived or dispossessed of her property, she shall direct the Deputy Commissioner or any private person or state functionary including the police to restore the possession or ownership. If the matter requires an in-depth enquiry, investigation or detailed recording of evidence or intricate adjudication the matter shall be referred to the concerned Civil Court preferably within sixty days. This will save women themselves from filing cases in Civil Courts. The complainant can be a woman directly or her representative or NGOs or the Ombudsman can take suo moto notice. As this law is being made for the ICT, other provinces are required to follow suit.

5. The Committee held extensive discussions and appreciated the underlying principle of the Bill which is protection of ownership and possession of properties of women by ensuring that such rights are not violated by means of harassment, coercion, force or fraud.

6. The Committee recommends that "The Enforcement of Women's Property Rights Bill, 2020", as passed by the National Assembly and introduced in the Senate, may be passed by the Senate of Pakistan. (Copy of Bill as passed by the National Assembly and introduced in the Senate is annexed).

  
(RABEEA ANWAR)  
J.S / Secretary Committee

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

[AS PASSED BY THE NATIONAL ASSEMBLY]

*A*

*Bill*

*to protect and secure the rights of ownership of women in the property*

WHEREAS it is expedient to provide for the protection of the rights of ownership and possession of properties owned by women, ensuring that such rights are not violated by means of harassment, coercion, force or fraud;

It is hereby enacted as follows:

1. **Short title, extent and commencement.**— (1) This Act shall be called the Enforcement of Women's Property Rights Act, 2020.

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

(3) It shall come into force at once.

2. **Definitions.**— In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them:—

(a) 'complainant' means a woman who files a complaint or for whom proceedings are initiated in respect of the title or possession of her property;

(b) 'Government' means the Federal Government;

(c) 'Ombudsman' means the Ombudsman appointed under section 7 of the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010);

(d) 'prescribed' means prescribed by rules;

(e) 'property' includes any moveable and immoveable property; and

(f) 'rules' mean rules made under this Act.

3. **Powers of the Ombudsman.**— In addition to the powers, functions and authority under this Act and rules made hereunder, the Ombudsman, for the purpose of this Act, shall have the same powers, functions and authority as are vested in the Ombudsman for the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

**4. Complaint to the Ombudsman in case no proceedings in a court of law are pending.** - (1) Any woman deprived of ownership or possession of her property, by any means, may file a complaint to the Ombudsman if no proceedings in a court of law are pending regarding that property:

Provided that the Ombudsman, on its own motion or on a complaint filed by any person including a non-governmental organization, may also initiate action under sub-section (1) in relation to the ownership or possession of a woman's property, if no proceedings are pending in a court in respect of that property.

(2) The Ombudsman shall make a preliminary assessment of the complaint filed under sub-section (1) whereafter he may, if the matter requires further probe or investigation, refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsman.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsman may, after calling any record, if deemed necessary, pass orders under section 5.

(4) The Ombudsman upon receiving the report under sub-section (2), may further conduct such summary enquiry and call for such record as he may deem fit.

(5) The Ombudsman after confronting the report of the concerned Deputy Commissioner and the conclusion and findings of his own enquiry, shall call upon the complainant and her adversaries to submit objections, whereafter he may conduct a hearing, and pass orders under section 5, preferably within sixty days of receipt of the complaint under sub-section (1).

**5. Delivery of possession and transfer of ownership of property to women etc.—**(1) On conclusion of the proceedings under section 4, if the Ombudsman finds that the complainant has been illegally deprived of ownership or possession of her property, he shall direct the Deputy Commissioner or a state functionary or any private

person to take steps so as to restore or confer possession or title of the property to the complainant, including measures to perfect such title.

(2) The Ombudsman may, where deemed fit, direct the officer-in-charge of a police station for such assistance as may be required for the purposes of implementing the orders passed under sub-section (1).

(3) The concerned Deputy Commissioner shall submit a compliance report within seven days to the Ombudsman in respect of implementation of his orders.

6. Reference to court.- (1) Notwithstanding anything contained in sections 4 and 5, if upon preliminary assessment, or upon receiving the report of the Deputy Commissioner or upon conducting further summary enquiries by the Ombudsman himself, he comes to the conclusion that the matter requires in-depth enquiry, investigation or detailed recording of evidence or intricate adjudication, he shall formulate a reference along with all the reports and material collected and submit the same to the concerned Civil Court preferably within sixty days of receipt of the complaint under sub-section (1) of section 4.

(2) Notwithstanding anything contained in any other law, the Civil Court shall entertain the reference under sub-section (1), as a civil suit and proceed further in terms of the Code of Civil Procedure, 1908 (Act V of 1908) and the relevant rules.

7. Complaint to the Ombudsman in case proceedings in a court of law are pending.— (1) Where proceedings in a court of law are pending in relation to the ownership or possession of any property claimed to be owned by a woman, she may file a complaint under this sub-section to the Ombudsman:

Provided that the Ombudsman, on its own motion or on a complaint filed by any person including a non-governmental organization may also initiate action under sub-section (1) in relation to the ownership or possession of a woman's property, even if proceedings are pending in a court in respect of that property.

(2) The Ombudsman shall make a preliminary assessment of the complaint under sub-section (1), whereafter he may, if the matter requires further probe or investigation,

refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsman.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsman may, after calling any record, if deemed necessary, may file a report in the court of law, in which the case is pending, recommending that the proceedings in the court may be terminated or put in abeyance unconditionally or subject to any court order and the Ombudsman be permitted by the court to take further proceedings under this Act.

(4) Before filing of the report under sub-section (3), the Ombudsman shall call upon the complainant and her adversaries to submit objections, and conduct a hearing and pass orders, preferably within thirty days of the hearing, as to whether the Ombudsman will or will not file a report under sub-section (3).

(5) In case the Ombudsman passes an order of not filing a report under sub-section (3), he may advise the complainant to pursue the proceedings in the court of law and terminate the complaint.

(6) The Ombudsman upon receiving the report under sub-section (2), may further conduct such summary inquiry and call for such record as he may deem fit.

8. **Loss of rent.**— On culmination of proceedings under section 5, the Ombudsman may also direct the complainant to be paid by the person depriving the said complainant of the use of the property, the amount equivalent to the rent that the property would fetch at the prevalent market rate, for the duration for which the complainant was deprived of the use of such property.

9. **Execution of orders.**— The Ombudsman may direct any executive state functionary including the relevant Deputy Commissioner where the property of the Complainant is situated, to execute the orders in letter and spirit.

