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SENATE OF PAKISTAN



REPORT NO. 38

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



**“THE ENFORCEMENT OF WOMEN’S PROPERTY RIGHTS (AMENDMENT)
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 (AMENDMENT) BILL, 2020"

I, Senator Muhammad Javed Abbasi, Chairman Standing Committee on Law and Justice, have the honor to submit, on behalf of the Committee, this report on "The Enforcement of Women's Property Rights (Amendment) Bill, 2020", introduced by Senator Sirajul Haq, in the Senate sitting held on 26th October, 2020 and referred to the Committee for consideration and report.

2. The composition of the Committee is as under:-

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Mian Raza Rabbani	Member
3. Senator Farooq Hamid Naek	Member
4. Senator Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Ayesha Raza Farooq	Member
8. Senator Dr. Ghous Muhammad Khan Niazi	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Sana Jamali	Member
11. Senator Walid Iqbal	Member
12. Senator Muhammad Ali Khan Saif	Member
13. Senator Musadik Masood Malik	Member
14. Minister for Law and Justice	Ex-Officio Member

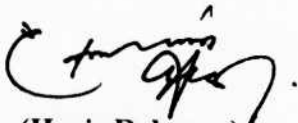
3. The Committee considered the Bill in its meeting on 28th December 2020, with the following in attendance:

1. Senator Muhammad Javed Abbasi	Chairman
2. Senator Sana Jamali	Member
3. Senator Walid Iqbal	Member
4. Senator Zeeshan Khanzada	Member
5. Senator Sirajul Haq	Member/Member In-Charge

4. Member In-Charge Senator Sirajul Haq briefed the members about background of agenda item. He explained that under Protection Against Harassment of Women at Workplace Act 2010, the office of Ombudsperson was established in 2013 which deals with cases of sexual harassment against women at work place. The Enforcement of Women's Property Rights Act 2020 provided that property cases of women shall also be dealt by the same Ombudsperson. Noting that property matters are considerably different from harassment cases, he proposed that Wafaqi Mohtasib should deal with matters related to properties of women, which will be better for women in terms of social norms and easy access due to presence of Wafaqi Mohtasib offices in all parts of the country.

5. Ministry of Law and Justice opposed the Bill on the grounds that Enforcement of Women's Property Rights Act 2020 is a new legislation which provides a summary procedure for redressal of grievances to women deprived from their property rights. The proposed amendment will defeat the purpose of newly enacted legislation. Chairman Committee also observed that since Enforcement of Women Property Rights Act 2020 extends only to the Islamabad Capital Territory, the question of difficulty in access to the Ombudsperson does not arise. After detailed discussion, the Member In-Charge agreed to withdraw his Bill.

6. The Committee recommended that the House may grant leave to Senator Senator Sirajul Haq to withdraw "The Enforcement of Women's Property Rights (Amendment) Bill, 2020". The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



(Haris Rehman)
DS / Secretary Committee



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

As
[TO BE INTRODUCED IN THE SENATE]

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further to amend the Enforcement of Women's Property Rights Act, 2020

WHEREAS it is expedient to amend the Enforcement of Women's Property Rights Act, 2020, (XII of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Enforcement of Women's Property Rights (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Act XII of 2020. - In the Enforcement of Women's Property Rights Act, 2020 (XII of 2020), hereinafter referred to as the said Act, in section 2, for paragraph (c), the following shall be substituted, namely:-

"(c) "Ombudsman" means the Ombudsman appointed under section 3 of the Establishment of the office of Wafaqi Mohtasib (Ombudsman) Order, 1983;"

3. Amendment of section 3, Act XII of 2020.- In the said Act, in section 3, for the expression "the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010)" the expression "the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983" shall be substituted.

4. Omission of section 7, Act XII of 2020.- In the said Act, section 7, shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Enforcement of Women's Property Rights Act, 2020 deals with the matters where any woman is deprived of her property rights so that it is necessary that powers and function must be derived from the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

In the Act, the appointment of Mohtasib was proposed to be made under the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010) now through this amendment it is proposed to be changed with the Establishment of the Office of Wafaqi Mohtasib (Ombudsman) Order, 1983.

In above amendment mohtasib is powered only in the situation where case is not pending in the court.

SENATOR SIRAJUL HAQ
 Member-in-Charge