

# SENATE OF PAKISTAN



## REPORT NO. 1

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



**“THE ENFORCEMENT OF WOMEN’S PROPERTY RIGHTS (AMENDMENT) BILL, 2021”**

**PRESENTED BY**

**Senator Syed Ali Zafar**

**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, 2021"

I, Senator Syed Ali Zafar, 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, 2021", moved by Mr. Ali Muhammad Khan, Minister of State for Parliamentary Affairs, on behalf of Senator Dr. Muhammad Farogh Naseem, Minister for Law and Justice, in the Senate sitting held on 18<sup>th</sup> June, 2021 and referred to the Committee for consideration and report.

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

1. Senator Syed Ali Zafar	Chairman
2. Senator Syed Shibli Faraz	Member
3. Senator Azam Nazeer Tarar	Member
4. Senator Mian Raza Rabbani	Member
5. Senator Farooq Hamid Naek	Member
6. Senator Syed Muzafar Hussain Shah	Member
7. Senator Kamran Murtaza	Member
8. Senator Saleem Mandviwalla	Member
9. Senator Walid Iqbal	Member
10. Senator Manzoor Ahmed Kakar	Member
11. Senator Musadik Masood Malik	Member
12. Senator Muhammad Hamayun Mohmand	Member
13. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 1<sup>st</sup> July, 2021, under the Chairmanship of Senator Syed Ali Zafar, with the following in attendance:

1. Senator Syed Ali Zafar	Chairman
2. Senator Syed Shibli Faraz	Member
3. Senator Azam Nazeer Tarar	Member
4. Senator Mian Raza Rabbani	Member
5. Senator Farooq Hamid Naek	Member
6. Senator Walid Iqbal	Member

7.	Senator Musadik Masood Malik	Member
8.	Senator Muhammad Hamayun Mohmand	Member
9.	Minister for Law and Justice	Ex-Officio Member
10.	Parliamentary Secretary for Law and Justice	Special Invitee

4. A detailed discussion was held on the Bill. The Chairman Committee informed that "The Enforcement of Women's Property Rights Act 2017" (the Act), provides for a woman to approach the Ombudsman for a summary trial, if her rights of ownership and possession of properties are infringed. He added that the amendment under consideration provides for a representation to the President against an order passed by the Ombudsman for fair and just adjudication of the case. Senator Mian Raza Rabbani opined that Section 5 of the Act provides that the Deputy Commissioner or a State functionary or any private person may be directed by the Ombudsman to take steps to restore the possession, with the help of police, if the complainant has been illegally deprived of ownership; and thereafter a compliance report regarding putting the complainant in possession of property shall be submitted by the Deputy Commissioner. In this scenario, if the order has been passed and thereupon the possession has been granted, the representation to the President will serve little or no purpose.

5. Based on the arguments of Senator Mian Raza Rabbani, Senator Farooq Hamid Naek proposed following amendment in the Bill:

**"(4) Any Person aggrieved by a decision of Ombudsman under sub-section (1), may, within thirty days of the decision, make a representation to the President, who may pass such order thereon as he may deem fit irrespective of implementation of the decision of the Ombudsman."**

However Senator Rabbani did not agree to the amendment, maintaining that his argument was about validity of the representation once Ombudsman's decision had been complied with and not on implementation of the decision on representation.

6. Senator Musadik Masood Malik noted that beneficiaries of Ombudsman's decisions would always be women who had been deprived of their right of inheritance and therefore no delay in compliance of the decision is warranted merely on the basis of expectation or pendency of a representation to the President against such decision.

7. The Minister for Law & Justice explained that the right to file representation to the President against an order of an Ombudsman was already prescribed at the draft stage of the original law however somehow it was left out of the final draft. He also noted that right of representation was provided in every other law of ombudsmen. He asserted that the question of

redundancy of existing provision of compliance did not arise because the decision of Ombudsman will be valid until and unless reversed by the President when represented against. He too disagreed with the amendment proposed by Senator Farooq Hamid Naek.

8. After detailed deliberations, the Committee Chairman put the Bill to vote whereupon it was passed, without any amendment, by majority vote. Senator Mian Raza Rabbani voted against the Bill.

9. The Committee recommended that "The Enforcement of Women's Property Rights (Amendment) Bill, 2021," as passed by the National Assembly and introduced in the Senate, may be passed by the Senate. 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 Syed Ali Zafar)  
Chairman, Standing Committee on Law and Justice

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

*to amend the Enforcement of Women's Property Rights Act, 2020 (XII of 2020)*

**WHEREAS** it is expedient to amend the Enforcement of Women's Property Rights Act, 2020 (XII of 2020) for the purpose 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, 2021.

(2) It shall come into force at once.

**2. Amendment of section 5, Act XII of 2020.**— In the Enforcement of Women's Property Rights Act, 2020 (XII of 2020), in section 5, after sub-section (3), the following sub-section (4) shall be inserted, namely:-

“(4) Any person aggrieved by a decision of Ombudsman under sub-section (1), may, within thirty days of decision, make a representation to the President, who may pass such order thereon as he may deem fit.”

**STATEMENT OF OBJECT AND REASONS**

The Enforcement of Women's Property Rights Act, 2020 (XII of 2020) provides for protection of rights of ownership and possession of properties owned by woman ensuring that such rights are not violated by means of harassment, coercion, force or fraud. Section 5 of the said Act empowers the Ombudsman to pass orders on complaints filed before her in respect of title or possession of property to the complainant. However, there was no forum of appeal or representation against the orders of Ombudsman. Hence to ensure fair and just adjudication of the case, an amendment was introduced in the said Act to provide for right of representation against the said orders within thirty days.

**Minister-in-Charge**