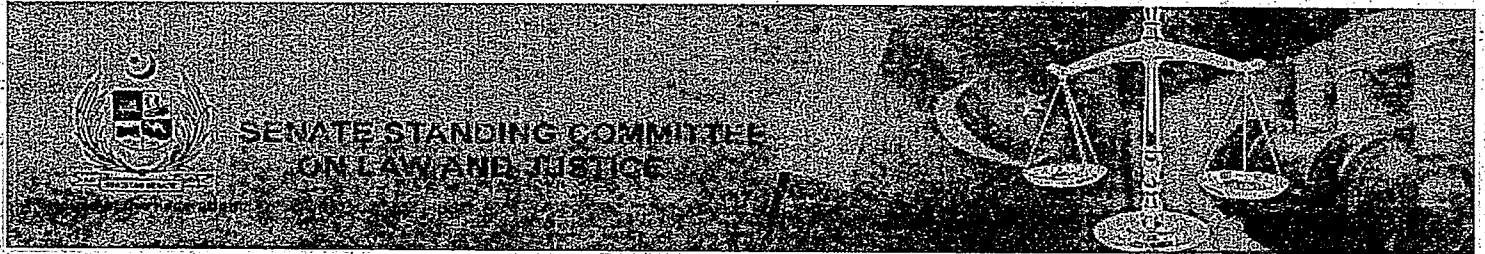


SENATE OF PAKISTAN



REPORT NO. 21

REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE



“THE SPECIFIC RELIEF (AMENDMENT) BILL, 2022”

PRESENTED BY

Senator Syed Ali Zafar

Chairman

Standing Committee on Law and Justice

SENATE SECRETARIAT

Subject:- REPORT OF THE SENATE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE SPECIFIC RELIEF (AMENDMENT) BILL, 2022"

I, Senator, Syed Ali Zafar, Chairman Standing Committee on Law and Justice, have the honour to submit, on behalf of the committee, this report on "The Specific Relief (Amendment) Bill, 2022", moved by Senator Rana Maqbool Ahmad in the Senate sitting held on 1st August, 2022 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 Muzafar Hussain Shah	Member
3. Senator Rana Maqbool Ahmad	Member
4. Senator Farooq Hamid Naek	Member
5. Senator Mian Raza Rabbani	Member
6. Senator Manzoor Ahmed Kakar	Member
7. Senator Musadik Masood Malik	Member
8. Senator Samina Mumtaz Zehri	Member
9. Senator Mustafa Nawaz Khokhar	Member
10. Senator Walid Iqbal	Member
11. Senator Syed Shibli Faraz	Member
12. Senator Muhammad Azam Khan Swati	Member
13. Senator Kamran Murtaza	Member
14. Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its sitting held on 18th August, 2022 at Committee Room No. 4, Parliament House, Islamabad. The following members of the Committee attended the meeting: -

1. Senator Syed Ali Zafar	Chairman
2. Senator Syed Muzaffar Hussain Shah	Member
3. Senator Rana Maqbool Ahmad	Member
4. Senator Farooq Hamid Naek	Member
5. Senator Muhammad Azam Khan Swati	Member
6. Senator Kamran Murtaza	Member
7. Senator Mushtaq Ahmad	Mover
8. Senator Mohammad Abdul Qadir	Mover
9. Minister for Law & Justice	Ex-Officio Member

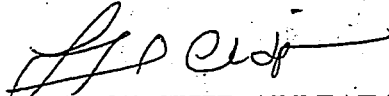
4. The Chairman Standing Committee took the agenda Item III, a bill that intends to amend Section 42 of the Specific Relief Act, 1877 (Act I of 1877) by insertion of new sub-section (2). The bill has been passed by the National Assembly and referred to Senate. He asked all the

Members of the Committee for voting on the either to pass the bill as refereed by the National Assembly or otherwise. The majority of Committee members opposed the bill as referred by the National Assembly and recommended not to pass the bill and report the bill to the house.

5. The bill "The Specific Relief (Amendment) Bill, 2022", moved by Senator Rana Maqbool Ahmad, stands rejected, and matter referred for report to the House. Copy of the Bill is (Attached as annexure-A).



(MIR SHAI MAZAR BALOCH)
DG/Secretary Committee



(SENATOR SYED ALI ZAFAR)
Chairman
Senate Standing Committee on Law and Justice

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Specific Relief Act, 1877

WHEREAS, it is expedient further to amend the Specific Relief Act, 1877 (Act I of 1877) for the purposes hereinafter appearing:

It is hereby enacted as follows:-

1. **Short Title and Commencement.**- (1) This Act may be called the Specific Relief (Amendment) Bill, 2022.

(2) It shall come into force at once.

2. **Amendment of section 42, Act I of 1877.**- In the Specific Relief Act, 1877, for Section 42, the following shall be substituted, namely:-

"42. Discretion of court as to declaration of status or right.- (1) Any person entitled to any character, or any right, to any property, may institute a suit against any person denying, or interested to deny, his title to such character or right, and the court may in its discretion make therein a declaration that he is so entitled and the plaintiff need not in such suit ask for any further relief.

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

(2) Notwithstanding anything contained in any other law for the time being enforced, a suit filed under sub-section (1), shall be decided by the court within six months and the appellate court shall decide the appeal not later than ninety days, as the case may be."

STATEMENT OF OBJECTS AND REASONS

The Inheritance right has been determined by Almighty Allah but unfortunately the women did not get their proper share even after in prolonged/protected judicial proceedings, the recent judgment of Supreme Court regarding the decision civil inheritance case in an eye penning i.e the decision after 100 years. Most of the women hesitate to knock on the door for their due right is because of the slow process.

2. Therefore, this amendment is the need of the hour so that women and her legal heirs may take their inheritance and justice may prevail.

Sd/-

SYED JAVED HUSNAIN,
Member, of National Assembly