

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to provide for Evening Courts

WHEREAS it is expedient to take appropriate steps for speedy disposal of cases pending in the courts;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Evening Courts Act, 2018.

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

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Court" means the Evening Court notified under section 3;
- (b) "Government" in respect of Islamabad Capital Territory means the Federal Government;
- (c) "High Court" means the High Court concerned of a Province and includes Islamabad High Court;
- (d) "Judge" means any person designated under section 5, to work as Judge of the Court;
- (e) "member of staff" means any person or an employee working in a court under the supervision and control of a High Court;
- (f) "prescribed" means prescribed by rules made under this Act; and

(g) "Schedule" means Schedule to this Act.

3. Evening Courts.— The Government, may, in consultation with the High Court, notify any court to be an Evening Court under this Act.

4. Jurisdiction of the Court.— (1) Subject to sub-section (3), the Court shall have jurisdiction in respect of civil matters specified in Part-I of the Schedule and criminal matters specified in Part-II of the Schedule.

(2) The jurisdiction of the Court shall be concurrent with other courts of equivalent jurisdiction under the supervision and control of the High Court.

(3) A case relating to any matter falling in the Schedule shall be referred to the Evening Court only with the mutual consent of the parties, failing such consent it shall proceed in the same court in which it is pending.

5. Appointment of Judges.— (1) The Government, in consultation with the High Court, may designate any serving Judicial Officer to work as Judge, and he shall be entitled to such special allowance as the Government may by order specify.

(2) The Government may appoint any retired Judicial Officer or an advocate having at least ten years standing at the Bar as Judge on the terms and conditions as may be notified in consultation with the Chief Justice of the High Court concerned.

6. Appointment of members of staff of the Evening Court.— (1) The Government may designate any serving member of the staff in a court under the supervision and control of a High Court to work as a member of the staff of the Court:

Provided that no such serving member shall be appointed as a member of the staff of the Court without his consent.

(2) The Government may appoint any retired member of the staff as member of staff of the Court on such terms and conditions as may be determined in this behalf.

7. Working Hours.— The working hours of the Court shall be such as may be notified by the Government, on both weekdays and on specified holidays.

8. Supervision and control.— Subject to overall control of the High Court, the District and Sessions Judge in a district shall supervise and monitor the functioning of the Courts under this Act.

9. Savings.— Save as otherwise provided in this Act, the law and rules in force as applicable to courts under the supervision and control of a High Court shall also be applicable to the Courts under this Act.

10. Power to amend the Schedule.— The Government may, by notification in the official Gazette, amend the Schedule by adding or altering any entry therein or omitting any entry therefrom.

11. Power to remove difficulty.— If any difficulty arises in giving effect to any provision of this Act, the Government may make such order not inconsistent with the provisions of this Act as may be necessary to remove the difficulty.

12. Power to make rules.— The Government may, in consultation with all the High Courts, make rules to carry out the purposes of this Act.

Schedule
[see section 4]

Part-I
Civil matters

1. A dispute between a landlord and tenant.
2. Pre-emption cases.
3. Matters under the Family Courts Act, 1964 (W.P. XXXV of 1964).
4. Rent matters
5. Cases transferred by the District Judge or the High Court.
6. Cases mentioned in Order XXXVII and Order L, of the Code of civil Procedure 1908, (V of 1908).

Part-II
Criminal matters

1. Cases pertaining to offences triable summarily under Chapter XXII of the Code of Criminal Procedure, 1898.
2. Criminal matters under the Small Claims and Minor Offences Courts Ordinance, 2002, not covered under serial No.1.
3. The cases transferred by the Sessions Judge or the High Court.

STATEMENT OF OBJECTS AND REASONS

Right to speedy justice is an essential system of any effective civil and criminal justice system. There is a well known saying that "Justice delayed is Justice denied". Unfortunately huge pendency of cases combined with large number of new institutions has placed increasingly heavy burden on the subordinate judiciary. It is, therefore, proposed to notify some courts as Evening Courts to decide certain specified categories of civil and criminal cases, which will help clear the backlog and expedite disposal of such cases.

The B II is designed to achieve the aforesaid objects.

MR. ZAHID HAMID,
Minister, for Law and Justice
Minister-in-Charge