

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 2019

I, the Chairman of Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Code of Civil Procedure, 1908 (Act V of 1908) [The Code of Civil Procedure (Amendment) Bill, 2019] (Government Bill) referred to the Committee on 2nd May, 2019.

2. The Committee comprises the following:-

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| 1. Mr. Riaz Fatyana | Chairman |
| 2. Mr. Atta Ullah | Member |
| 3. Mr. Lal Chand | Member |
| 4. Mr. Muhammad Farooq Azam Malik | Member |
| 5. Ms. Kishwer Zehra | Member |
| 6. Ms. Maleeka Ali Bokhari | Member |
| 7. Mr. Muhammad Sana Ullah Khan Masti Khel | Member |
| 8. Malik Muhammad Ehsan Ullah Tiwana | Member |
| 9. Agha Hassan Baloch | Member |
| 10. Mr. Sher Ali Arbab | Member |
| 11. Ms. Shunila Ruth | Member |
| 12. Mr. Saad Waseem | Member |
| 13. Rana Sana Ullah Khan | Member |
| 14. Ch. Mehmood Bashir Virk | Member |
| 15. Mr. Usman Ibrahim | Member |
| 16. Khawaja Saad Rafique | Member |
| 17. Syed Hussain Tariq | Member |
| 18. Syed Naveed Qamar | Member |
| 19. Dr. Nafisa Shah | Member |
| 20. Ms. Aliya Kamran | Member |
| 21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice | Ex-officio Member |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 03rd July, 2019 and 21st August, 2019. The Committee recommends that the Bill as introduced may be passed by the National Assembly. However, the note of Dissent of Ms. Aliya Kamran and Ms. Naféesa Shah MNA's are placed as Annex-B and Annex-C respectively.

Sd/-
TAHIR HUSSAIN
Secretary
Islamabad, the 28th August, 2019

Sd/-
(Riaz Fatyana)
Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

A

Bill

further to amend the Code of Civil Procedure, 1908

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (Act V of 1908) for bringing procedural reforms in order to provide inexpensive and expeditious justice;

It is hereby enacted as follows:-

1. Short title, commencement and extent.—(1) This Act may be called the Code of Civil Procedure (Amendment) Act, 2019.

(2) It shall come into force at once.

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

2. Amendment of section 1, Act V of 1908.— In the Code of Civil Procedure, 1908 (Act V of 1908), hereinafter referred to as the said Act, in section 1, after sub-section (3), the following new sub-section shall be inserted, namely:-

“(4) The primary objective of this Code is to enable the Courts to-

- (a) deal with the cases justly and fairly;
- (b) encourage parties to alternate dispute resolution procedure if it considers appropriate;
- (c) save expense and time both of courts and litigants; and
- (d) enforce compliance with provisions of this Code.”.

3. Substitution of section 3, Act V of 1908.— In the said Act, for section 3, the following shall be substituted, namely:-

“**3. Subordination of Courts.**—For the purposes of this Code, the hierarchy and subordination of Civil Courts shall be the same as prescribed

in the West Pakistan Civil Courts Ordinance, 1962 (W.P. Ordinance No. II of 1962).”.

4. **Substitution of section 6, Act V of 1908.-** In the said Act, for section 6, the following shall be substituted, namely:-

“6. **Pecuniary jurisdiction.**— Save in so far as is provided for the Islamabad High Court exercising original civil jurisdiction at Islamabad, all civil suits shall be filed in the following manner, namely:—

- (a) where the amount or value of the subject matter of the suit is below rupees fifty million, the suit shall be filed in the court of Civil Judge, as may be prescribed by the High Court; and
- (b) where the amount or value of the subject matter of the suit is above rupees fifty million the suit shall be filed in the court of District Judge, as may be prescribed by the High Court.”.

5. **Omission of section 7, Act V of 1908.-** In the said Act, section 7 shall be omitted.

6. **Substitution of section 26, Act V of 1908.-** In the said Act, for section 26, the following shall be substituted, namely:-

“26. **Institution of suits through plaint or otherwise.-** (1) Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed.

(2) On presentation of the plaint, it shall be the duty of the Court to *prima facie*, satisfy itself of jurisdiction, cause of action and limitation:

Provided that if Court does not satisfy itself, it shall be bound to record reasons for doing so.