

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB REPORT OF THE STANDING COMMITTEE ON HOME AFFAIRS REGARDING THE PUNJAB CIVIL COURTS (AMENDMENT) BILL 2016 (BILL NO. 26 OF 2016)

The Punjab Civil Courts (Amendment) Bill 2016 (Bill No. 26 of 2016) was referred to the Standing Committee on Home Affairs on 27 June 2016. The Committee considered the Bill in its meeting held on 2 August 2016.

2. The following were present:—

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| 1. | Makdum Syed Muhammad Masood Alam, MPA (PP-285) | Chairman |
| 2. | Mehr Ijaz Ahmad Achalana, MPA (PP-265)/
Parliamentary Secretary for Home | <i>ex-officio</i> Member |
| 3. | Chaudhry Lal Hussain, MPA (PP-26) | Member |
| 4. | Major (Retd) Moeen Nawaz Warraich, MPA (PP-109) | Member |
| 5. | Rana Muhammad Afzal, MPA (PP-128) | Member |
| 6. | Mrs Kanwal Nauman, MPA (W-321) | Member |
| 7. | Mr Awais Qasim Khan, MPA (PP-132) | Member |

3. Mr Kaiser Saleem, Additional Secretary, Home Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Director, Law and Parliamentary Affairs Department apprised the Committee about the aims and objects of the Bill. He stated that it was necessary further to amend the Punjab Civil Courts Ordinance, 1962 (II of 1962) to increase the pecuniary jurisdiction of the District Appellate Courts, to update the law in the backdrop of the current legal dispensation, and for incidental purposes. He explained that under section 9 of the Punjab Civil Courts Ordinance, 1962, the Hon'ble Lahore High Court increased the pecuniary jurisdiction of Civil Judges class-II and class-III in original civil suits wherein the subject matter in amount or value did not exceed rupees five million and rupees one million, respectively. That amendment, *inter alia* had provided for changes in the pecuniary jurisdiction of the Additional District Judges and District Judges so that appeals against the judgments of the civil judges class-II and class-III may not directly laid to the High Court and the pecuniary jurisdiction of the Additional District Judges and District Judges may also be brought at par with the pecuniary jurisdiction of the Banking Courts. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having the view point of the Administrative Department and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) LONG TITLE

before the word "to" occurring in the beginning, the word "further" be added.

(2) PREAMBLE

after the word "necessary" occurring in line 1, the word "further" be added.

(3) CLAUSE 1

in the marginal heading the comma and word ", extent" be omitted.

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

(MAKDUM SYED MUHAMMAD MASOOD ALAM)

Lahore
2 August 2016

Chairman
Standing Committee on Home Affairs

Lahore
2 August 2016


(RAI MUMTAZ HUSSAIN BABAR)
Secretary

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 26 of 2016

THE PUNJAB CIVIL COURTS (AMENDMENT) BILL 2016

**A
BILL**

to amend the Punjab Civil Courts Ordinance, 1962.

It is necessary to amend the Punjab Civil Courts Ordinance, 1962 (II of 1962) to increase the pecuniary jurisdiction of the District Appellate Courts, to update the law in the backdrop of the current legal dispensation, and for incidental purposes.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.**— (1) This Act may be cited as the Punjab Civil Courts (Amendment) Act 2016.
(2) It shall come into force at once.
2. **Amendment in section 1 of Ordinance II of 1962.**— In the Punjab Civil Courts Ordinance, 1962 (II of 1962), for brevity cited as the Ordinance, in section 1:
 - (a) for subsection (2), the following shall be substituted:
“(2) It extends to whole of the Punjab.”; and
 - (b) for subsection (3), the following shall be substituted:
“(3) It shall come into force at once.”
3. **Amendment in section 2 of Ordinance II of 1962.**— In the Ordinance, in section 2:
 - (i) for clause (a), the following shall be substituted:
“(a) “Government” means Government of the Punjab.”;
 - (ii) for clause (b), the following shall be substituted:
“(b) “High Court” means Lahore High Court.”; and
 - (iii) for clause (f), the following shall be substituted:
“(f) “small cause” means a suit or claim cognizable by a court established under the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002).”.
4. **Amendment in section 3 of Ordinance II of 1962.**— In the Ordinance, in section 3, for the expression “the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887”, the expression “a court established under the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002)” shall be substituted.
5. **Omission of section 11 of Ordinance II of 1962.**— In the Ordinance, section 11 shall be omitted.
6. **Amendment in section 18 of Ordinance II of 1962.**— In the Ordinance, in section 18, in subsection (1), in clause (a), for the words “twenty five hundred thousand”, the words “fifty million” shall be substituted.

7. **Omission of section 28 of Ordinance II of 1962.**— In the Ordinance, section 28 shall be omitted.
8. **Omission of the Schedule of Ordinance II of 1962.**— In the Ordinance, the Schedule shall be omitted.
9. **Repeal.**— The Punjab Civil Courts (Amendment) Ordinance, 2016 (XII of 2016) is hereby repealed.

MINISTER INCHARGE

Lahore:
27 June 2016

RAI MUMTAZ HUSSAIN BABAR
Secretary

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HOME AFFAIRS)**

**A
BILL**

further to amend the Punjab Civil Courts Ordinance, 1962.

It is necessary further to amend the Punjab Civil Courts Ordinance, 1962 (II of 1962) to increase the pecuniary jurisdiction of the District Appellate Courts, to update the law in the backdrop of the current legal dispensation, and for incidental purposes.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. **Short title and commencement.**— (1) This Act may be cited as the Punjab Civil Courts (Amendment) Act 2016.
(2) It shall come into force at once.
 2. **Amendment in section 1 of Ordinance II of 1962.**— In the Punjab Civil Courts Ordinance, 1962 (II of 1962), for brevity cited as the Ordinance, in section 1:
 - (a) for subsection (2), the following shall be substituted:
“(2) It extends to whole of the Punjab.”; and
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 - (i) for clause (a), the following shall be substituted:
“(a) “Government” means Government of the Punjab.”;
 - (ii) for clause (b), the following shall be substituted:
“(b) “High Court” means Lahore High Court.”; and
 - (iii) for clause (f), the following shall be substituted:
“(f) “small cause” means a suit or claim cognizable by a court established under the Small Claims and Minor Offences Courts Ordinance, 2002 (XXVI of 2002).”.
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 5. **Omission of section 11 of Ordinance II of 1962.**— In the Ordinance, section 11 shall be omitted.
 6. **Amendment in section 18 of Ordinance II of 1962.**— In the Ordinance, in section 18, in subsection (1), in clause (a), for the words “twenty five hundred thousand”, the words “fifty million” shall be substituted.
 7. **Omission of section 28 of Ordinance II of 1962.**— In the Ordinance, section 28 shall be omitted.
 8. **Omission of the Schedule of Ordinance II of 1962.**— In the Ordinance, the Schedule shall be omitted.
 9. **Repeal.**— The Punjab Civil Courts (Amendment) Ordinance, 2016 (XII of 2016) is hereby repealed.
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