

**REPORT OF THE STANDING COMMITTEE ON
LAW AND JUSTICE**



“THE CONTEMPT OF COURT (AMENDMENT) BILL, 2016”

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE CONTEMPT OF COURT (AMENDMENT) BILL, 2016"

1. Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Contempt of Court (Amendment) Bill, 2016" introduced by Senator Farhatullah Babar, on 7th March, 2016. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1. <i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2. <i>Senator Saleem Zia</i>	<i>Member</i>
3. <i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4. <i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5. <i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6. <i>Senator Nehal Hashmi</i>	<i>Member</i>
7. <i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8. <i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9. <i>Senator Soeed Ghani</i>	<i>Member</i>
10. <i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>
11. <i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12. <i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13. <i>Minister for Law and Justice</i>	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meetings held on 18th March, 2016, 31st March, 2016, 14th April, 2016 and 31st May, 2016. The Report was finalized in the meeting dated 31st May, 2016, which was attended by the following Members:-

1. <i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2. <i>Senator Saleem Zia</i>	<i>Member</i>
3. <i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4. <i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>



5	<i>Senator Saeed Ghani</i>	<i>Member</i>
6	<i>Senator Zaheer ud Din Babar Awan</i>	<i>Member</i>

4. According to the Statement of Objects and Reasons “It is an acknowledged principle that the dignity of a judge and courts must rest more on the conduct of honorable judges, the soundness and speaking nature of their verdicts more than resort to the contempt of court law. Dignity of courts that rests merely on resort to contempt law is said to be resting on fragile foundations. To emphasize the point regarding the authority and dignity of a court and to partially address this issue the amendment in section 3 of the Contempt of Court Ordinance, 2003 is proposed. For upholding the same principle the Bill seeks to retain the punishment of imprisonment and fine or both in case of criminal and judicial contempt but seeks to delete the punishment of six months imprisonment in case of civil contempt while retaining the provision of fine.

5. The Ministry of Law and Justice opposed the Bill in the following terms:-

“The Contempt of Court (Amendment) Bill, 2016, seeks to amend Ordinance IV of 2003, whereas, Ordinance V of 2003 is in force. The Bill merits opposition, that in case the expression “to lower the authority of the Court” is omitted, it will give delinquent an opportunity to ridicule the Court. Further in the current scenario, punishment provided in the law seems deficient and further reducing the same will be counterproductive for smooth discipline of the Court.”

5. The Committee invited the Bar Councils in order to seek their input on the instant Bill. Accordingly, meeting dated 31st March, 2016, was attended by Ch. Muhammad Hussain, Advocate Supreme Court, Punjab Bar Council, Mr. Salahuddin Ahmed, Vice Chairman Sindh Bar Council Mr. Tariq Mehmood Jahangiri, President Islamabad High Court Bar Association and Mr. Afnan Karim Kundi, Additional

Attorney General of Pakistan. There was a general consensus that powers be enhanced instead of curtailing the same.

7. In the meeting dated 31st May, 2016, the Chairman Committee apprised the Committee that the Mover has made a written request for withdrawal of the said Bill as he intends to introduce a revised Bill. The Committee was of the opinion that leave to withdraw the Bill can only be granted by the House, however, the Committee can place this fact before the House that the mover intends to withdraw the Bill.

8. Accordingly, the Committee recommends that the "The Contempt of Court (Amendment) Bill, 2016", as introduced in the Senate on 7th March, 2016, may be treated as withdrawn from the House. (Bill annexed as "A")



(RABEEA ANWAR)
J.S / Secretary Committee



(SENATOR MUHAMMAD JAVED ABBASI)
Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

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further to amend the Contempt of Court Ordinance, 2003

WHEREAS it is expedient further to amend the Contempt of Court Ordinance, 2003 (Ordinance No. IV of 2003) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Contempt of Court (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance IV of 2003.- In the Contempt of Court Ordinance, 2003 (Ordinance No. IV of 2003), hereinafter referred to as the said Ordinance, in section 3, the words, "or to lower the authority of a court", shall be omitted.

3. Amendment of section 5, Ordinance IV of 2003.- In the said Ordinance, in section 5, for sub-section (1), the following shall be substituted, namely:-

"(1) Subject to sub-section (2), any person who commits contempt of Court shall be punished,-

- (a) with imprisonment which may extend to six months simple imprisonment, or with fine which may extend to one hundred thousand rupees, or with both, in case of criminal contempt and judicial contempt; and
- (b) with fine which may extend to one hundred thousand rupees, in case of civil contempt."

STATEMENT OF OBJECTS AND REASONS

It is an acknowledged principle that the dignity of a judge and courts must rest more on the conduct of honorable judges, the soundness and speaking nature of their verdicts more than resort to the contempt of court law. Dignity of courts that rests merely on resort to contempt law is said to be resting on fragile foundations.

To emphasize the point regarding the authority and dignity of a court and to partially address this issue the amendment in section 3 of the Contempt of Court Ordinance, 2003 is proposed. For upholding the same principle the Bill seeks to retain the punishment of imprisonment and fine or both in case of criminal and judicial contempt but seeks to delete the punishment of six months imprisonment in case of civil contempt while retaining the provision of fine.

SENATOR FARHATULLAH BABAR
Member in charge