

As
~~[TO BE INTRODUCED IN THE SENATE]~~

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BILL

further to amend the Enforcement of Women's Property Rights Act, 2020

WHEREAS it is expedient to amend the Enforcement of Women's Property Rights Act, 2020 (XII of 2020), to ensure property rights for female citizens who are mostly deprived of right to own and possess their inherited property;

It is hereby enacted as follows:-

1. Short title and commencement. – (1) This Act may be called the Enforcement of Women's Property Rights (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 6, Act XII of 2020.— (1) In the Enforcement of Women's Property Rights Act, 2020 (XII of 2020), hereinafter referred to as the said Act, in section 6,-

(i) in sub-section (1) the word "preferably" shall be omitted;

(ii) for sub-section (2) the following shall be substituted, namely:-

"(2) Notwithstanding anything contained in any other law for the time being in force, the civil court shall entertain the reference under sub-section (1) as civil suit and shall decide the same within sixty days."

(iii) after sub-section (2) substituted as aforesaid, the following new sub-section (3), shall be inserted, namely:-

"(3) The proceedings of such suits shall be conducted under the provisions of the Code of Civil Procedure, 1908 (V of 1908)."

3. Insertion of new section 7A and 7B, Act XII of 2020.— In the said Act, after section 7, the following new sections shall be inserted, namely:-

7A. Procedure for suit already pending.-Notwithstanding anything contained in any other law for the time being in force, where the suit for possession through partition of inherited property of a woman is already pending in any court of law the same shall be decided within sixty days from the publication of this Act in the official Gazette.

7B. Notification of Judges to try Suits.- The District Judge shall designate the civil judges to exclusively try the cases of possession, partition and ownership mentioned under this Act."

4. Substitution of section 8, Act XII of 2020.— In the said Act, for section 8, the following shall be substituted, namely:-

8. Loss of rent.— (1) On initiation of proceedings under section 4 or culmination of proceedings under section 5 or where the reference is made to the court under section 6 or where the court is already seized with the matter under Section 7, the Ombudsman or the court, as the case may be, may also direct that the complainant be paid rent by the person depriving the said complainant of the use of the property or her share in the property the amount equivalent to the rent that the property would fetch at the prevalent market rate for the duration for which Ombudsman or the court decides the complainant was entitled to receive rent.

(2) Where the person depriving the possession fails to deposit the rent as directed by Court the court shall pass an order to seal the property till the rent is deposited or possession is delivered to the complainant and in case of Ombudsman he shall recommend the revenue authorities to seal the property till the rent is paid or possession is delivered."

STATEMENT OF OBJECTS AND REASONS

The Constitution of the Islamic Republic of Pakistan guarantees equal rights for the women. However, in practice women are deprived from their right of inheritance and right to own and possess their property. This amendment seeks to supplement the Enforcement of Women's Property Rights Act, 2020.