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GOVERNMENT OF THE PUNJAB LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT

NOTIFICATION

10 February 2021

No.Legis:13-27/2019: The following Ordinance promulgated by Governor of the Punjab is hereby published for general information:

THE PUNJAB ENFORCEMENT OF WOMEN'S PROPERTY RIGHTS ORDINANCE 2021

(IX OF 2021)

An Ordinance

to protect and secure the rights of ownership of women in the property.

It is expedient to provide for protection of rights of ownership and possession of properties owned by women, ensuring that such rights are not violated by means of harassment, coercion, force or fraud.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. Short title, extent and commencement.- (1) This Ordinance may be cited as the Punjab Enforcement of Women's Property Rights Ordinance 2021.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.- In this Ordinance:

(a) "complainant" means a woman who files a complaint or for whom proceedings are initiated in respect of the title or possession of her property;

(b) "Government" means Government of the Punjab;

(c) "Ombudsperson" means the Ombudsperson appointed under section 7 of the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010);

(d) "prescribed" means prescribed by the rules;

(e) "property" includes any moveable and immoveable property; and

(f) "rules" means the rules made under this Ordinance.

3. Powers of the Ombudsperson.- In addition to the powers, functions and authority under this Ordinance and the rules, the Ombudsperson, for the purpose of this Ordinance, shall have the same powers, functions and authority as are vested in the Ombudsperson under the Protection against Harassment of Women at the Workplace Act, 2010 (IV of 2010).

4. Complaint to the Ombudsperson in case no proceedings in a court of law are pending.- (1) Any woman deprived of ownership or possession of her property, by any means, may file a complaint to the Ombudsperson if no proceedings in a court of law are pending regarding that property:

Provided that the Ombudsperson, on its own motion or on a complaint filed by any person including a non-governmental organization, may also initiate action under subsection (1) in relation to the ownership or possession of a woman's property, if no proceedings are pending in a court in respect of that property.

(2) The Ombudsperson shall make preliminary assessment of the complaint filed under subsection (1) whereafter he may, if the matter requires further probe or investigation, refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsperson.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsperson may, after calling any record, if deemed necessary, pass orders under section 5.

(4) The Ombudsperson upon receiving the report under subsection (2), may further conduct such summary enquiry and call for such record as he may deem fit.

(5) The Ombudsperson after confronting the report of the concerned Deputy Commissioner and the conclusion and findings of his own enquiry, shall call upon the complainant and her adversaries to submit objections, whereafter he may conduct a hearing, and pass orders under section 5, preferably within sixty days of receipt of the complaint under subsection (1).

5. Delivery of possession and transfer of ownership of property to women.- (1) On conclusion of the proceedings under section 4, if the Ombudsperson finds that the complainant has been illegally deprived of ownership or possession of her property, he shall direct the Deputy Commissioner or a state functionary or any private person to take steps so as to restore or confer possession or title of the property to the complainant, including measures to perfect such title.

(2) The Ombudsperson may, where deemed fit, direct the officer-in-charge of a police station for such assistance as may be required for the purposes of implementing the orders passed under subsection (1).

(3) The concerned Deputy Commissioner shall submit a compliance report within seven days to the Ombudsperson in respect of implementation of his orders.

6. Reference to court.- (1) Notwithstanding anything contained in sections 4 and 5, if upon preliminary assessment, or upon receiving the report of the Deputy Commissioner or upon conducting further summary enquiries by the Ombudsperson himself, he comes to the conclusion that matter requires in-depth enquiry, investigation or detailed recording of evidence or intricate adjudication, he shall formulate a reference along with all the reports and material collected and submit the same to the concerned Civil Court preferably within sixty days of receipt of the complaint under subsection (1) of section 4.

(2) Notwithstanding anything contained in any other law, the Civil Court shall entertain the reference under subsection (1), as a civil suit and proceed further in terms of the Code of Civil Procedure, 1908 (V of 1908) and the relevant rules.

7. Complaint to the Ombudsperson in case proceedings in a court of law are pending.- (1) Where proceedings in a court of law are pending in relation to the ownership or possession of any property claimed to be owned by a woman, she may file a complaint under this subsection to the Ombudsperson:

Provided that the Ombudsperson, on its own motion or on a complaint filed by any person including a non-governmental organization may also initiate action under subsection (1) in relation to the ownership or possession of a woman's property, even if proceedings are pending in a court in respect of that property.

(2) The Ombudsperson shall make a preliminary assessment of the complaint under subsection (1), whereafter he may, if the matter requires further probe or investigation, refer the matter to the concerned Deputy Commissioner, who, after calling the record, if necessary, and issuing notices to the complainant or her adversaries, conduct a summary enquiry and submit a report within fifteen days to the Ombudsperson.

(3) If the matter does not require any detailed probe, investigation or recording of evidence, the Ombudsperson may, after calling any record, if deemed necessary, file a report in the court of law, in which the case is pending, recommending that the proceedings in the court may be terminated or put in abeyance unconditionally or subject to any order of the court, and the Ombudsperson be permitted by the court to take further proceedings under this Act.

(4) Before filing of the report under subsection (3), the Ombudsperson shall call upon the complainant and her adversaries to submit objections, and conduct a hearing and pass orders, preferably within thirty days of the hearing, as to whether the Ombudsperson shall or shall not file a report under subsection (3).

(5) In case the Ombudsperson passes an order of not filing a report under subsection (3), he may advise the complainant to pursue the proceedings in the court of law and terminate the complaint.

(6) The Ombudsperson upon receiving the report under subsection (2), may further conduct such summary inquiry and call for such record as he may deem fit.

8. Loss of rent.- On culmination of proceedings under section 5, the Ombudsperson may also direct the complainant to be paid by the person depriving the said complainant of the use of the property, the amount equivalent to the rent that the property would fetch at the prevalent market rate, for the duration for which the complainant was deprived of the use of such property.

9. Execution of orders.- The Ombudsperson may direct any executive state functionary including the relevant Deputy Commissioner where the property of the Complainant is situated, to execute the orders in letter and spirit.

10. Appointment of officers, etc.- For carrying out the objects and purposes of this Ordinance, the Government shall appoint such officers as may be required, on such terms and conditions as may be prescribed.

11. Bar of Jurisdiction.- No court or other authority shall have jurisdiction:

- (a) to question the validity of any action taken, order made or anything purported to have been done under this Ordinance; or
- (b) to grant an injunction or stay or to make any interim order in relation to any proceeding before, or anything done or intended to be done or purporting to have been done by, or under the orders or at the instance of the Ombudsperson.

12. Power to make rules.- The Government may make rules to carry out the purposes of this Ordinance.

(PARVEZ ELAHI)
ACTING GOVERNOR OF THE PUNJAB

10/02/2021

BAHADAR ALI KHAN
Secretary
Government of the Punjab
Law and Parliamentary Affairs Department