

The Repercussions of CPC Amendments 2020 on Lawyers Community in Khyber Pakhtunkhwa, Pakistan



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Abstract: *The Code of Civil Procedure establishes a thorough and effective mechanism for the trial of a lawsuit, from its inception to its conclusion. Rules adopted into the Code are intended to promote the legal system rather than to undermine its goals. The provisions of the Code of Civil Procedure 1908 emerged and were accepted as a result of many years of experience with English common law. In 2020, the Provincial Assembly of KPK implemented various procedural amendments known as the "amended code of civil procedure 1908 (Act V of 1908)". Over which lawyers are striking at the response to those amendments, which were also challenged in the High Court. Lawyers believe that it will reduce the number of civil cases and that they will be unable to charge large/massive fees to their clients on a regular basis, and that the CPC modifications have completely altered the civil trial, appeals, review and revision, and case conduct procedures. In 2020, the Provincial Assembly of KPK made significant procedural reforms known as the "amended code of civil procedure 1908 (Act V of 1908)". Which lawyers are criticizing the response to the amendments, which were also contested in the High Court. Lawyers feel it will lower the number of civil cases and that they will be unable to charge large/massive fees to their clients on a regular basis, and that the CPC revisions have entirely changed the civil trial, appeals, review and revision, and case conduct procedures. In 2020, the Provincial Assembly of KPK implemented important procedural amendments known as the "amended code of civil procedure 1908 (Act V of 1908)". Which lawyers are criticizing the response to the modifications, which were also challenged in the High Court? Lawyers believe it will reduce the number of civil lawsuits and limit their ability to collect large/massive fees to their clients on a regular basis, and that the CPC modifications have completely altered the civil trial, appeals, review and revision, and case conduct procedures.*

Keywords: Amendments, Civil Procedural code, Repercussions, lawyers community

Introduction

Since its inception, Pakistan went through a number of changes in its legal system. After the partition of the sub-continent, Pakistan and India came into existence. The newly formed state of Pakistan adopted the pre-existing legal system via the Independence Act 1947. Pakistan adopted the English law and its legal system

promulgated in British India was also adopted after independence. The legal system adopted in Pakistan is based on nineteenth century English Law. This resulted in the adoption of English Common Law in the legal system of Pakistan. In addition to that, the substantive law of Pakistan is also derived from English Common Law

(Lau,M.1994)¹. In the early period Government of India Act 1935 was promulgated as the interim constitution of Pakistan and constituent assemblies were formed to act as legislature of the newly formed dominions. The constituent assembly was given the task of framing the constitution according to the will and sentiments of the people of Pakistan. Objective Resolution was adopted on 12th March 1949 that laid down the basic principles upon which the constitution of the newly formed state of Pakistan shall be based. The foremost importance was given to the formulation of the new constitution. In 1956 the first constitution was developed with a unicameral legislature and both parts of Pakistan that is East Pakistan and West Pakistan were given equal representation in the house. The second constitution was enacted in 1962 that introduced federal and provincial assemblies. The federal assembly was the central legislature that was elected indirectly by the introduction of electoral college formed from “Basic Democrats”(Sial,O.2018)². These basic democracies were elected from East and West Pakistan as 40,000 from each side. The third and current constitution was promulgated in 1973. This constitution of 1973 introduced a parliamentary form of government with a bicameral legislature at the center consisting of National Assembly and Senate. Provincial assemblies were also established under this constitution. The provincial and national assembly under 1973 constitution will be elected on universal adult franchise directly whereas senate will be formed from electoral college consisting of provincial and national assembly members. The current form of legal system adopted in Pakistan is an amalgam of legal system of the United States of America and the British Legal System.

Objects of Study

The objects of this research project are to examine the 2020 revisions to the Code of Civil Procedure (CPC) in Khyber Pakhtunkhwa (KPK) and compare them to earlier adjustments, notably those made in India in 2002. The study's

goal is to examine the impact of these reforms on legal practice, specifically how they have altered attorneys' duties and obligations, resulting in major reactions such as strikes by the Khyber Pakhtunkhwa Bar Council. It will also look at the benefits and drawbacks of these changes, focussing on their success in providing inexpensive and timely justice. Furthermore, the research tries to explore the reasons for opposition to these changes, identifying the concerns of the legal community, and examining the problems in adopting these revisions.

Significant of study

This study is significant as it thoroughly examines the 2020 amendments to the Code of Civil Procedure (CPC) in Khyber Pakhtunkhwa (KPK), which are crucial legal reforms with wide-ranging effects on the justice system. By analyzing these changes, the study highlights their potential to improve the efficiency and accessibility of civil justice, addressing persistent issues of delay and cost. It also delves into the impact on the legal profession, particularly the resistance from lawyers, evidenced by the strikes organized by the Khyber Pakhtunkhwa Bar Council. Understanding these aspects is vital for policymakers, legal professionals, and scholars, as it provides key insights into the challenges and benefits of these procedural reforms. Additionally, the study contributes to the broader conversation on legal reform in Pakistan, offering recommendations to enhance the implementation of these amendments and ensure they achieve the goal of delivering timely and affordable justice

Governmental structure

The system of government introduced in Pakistan is based on principle of separation of powers. The powers are separated among the three pillars of Executive, Legislature, and the Judiciary. All these three pillars have defined powers under constitution and work independently without interference from other pillars. Under the current system as established

under (1973) constitution of Pakistan, Prime Minister is the head of the government with whom powers of running the business of the state vests. President represents the unity of federation that is among centre and provinces. President is a nominal figure in Pakistan with nominal powers of assenting to the acts of the parliament. The constitution provides a federal parliamentary form of government with three tier structures. The federal consist of federal parliament including national assembly and senate. The provinces consist of provincial assemblies and local governments representing districts at grass root level (Lau,M.1994)³.

Separation of Powers

The doctrine of separation of powers is a cornerstone of democratic governance, dividing the government into three distinct branches: the executive, the legislature, and the judiciary. Each branch has its own defined roles and responsibilities, ensuring that no single entity holds unchecked power. In Pakistan, this principle is enshrined in the Constitution, which delineates the powers and functions of each branch. The legislature is responsible for making laws, the executive for implementing them, and the judiciary for interpreting them

.The legislature is responsible for making new laws and amending old ones or bring the already made laws in consonance with needs of the hour. The federal legislature is responsible for legislating new laws for federal subjects and national policies whereas provincial assemblies make legislation for provincial subjects and issues.

However, this separation is not absolute; the branches are interdependent and work together to maintain a balanced system of governance. This is often referred to as a system of checks and balances, where each branch has the authority to limit the powers of the others to prevent any abuse of power.

The executive branch is responsible for implementing the writ of the government and maintain law and order in the state. Prime

Minister is the head of the executive branch and is responsible for running the affairs of the state.

The third and most important pillar of the state is judiciary. Judiciary is the supreme body for interpreting laws and adjudicate issues according to the law of the land. Judiciary is a supreme authority that adjudicates matters according to the legislated laws.(Sultana,2012)⁴

All these pillars work independently of each other and there are certain areas where one can stress on the jurisdictional limits of one pillar into the jurisdiction of another. Judiciary can keep a check and balance on the legislation and can withdraw any new legislation that is not in accordance with the constitution. Similarly, legislature can also keep a check on the executive and introduce laws for running the affairs of the state. Executive can also keep check on both judiciary and legislature as judiciary is appointed with the recommendations and assent from executive.

Therefore, the principle of separation of powers is well attracted in Pakistan in the strict sense and each pillar of the state has been defined in the constitution with their jurisdictions and powers.

Administration of Law and Justice

The administration of law and justice is overseen by the Law and Justice Division, which acts as an advisory and consultative body to the Federal Government. It provides legal guidance on constitutional and legal issues, including the development of new laws, amendments to existing ones, and drafting new legislation. Each province has its own Law Department operating under the Law and Justice Division, tasked with offering insights and advice on significant constitutional and legal matters. The Drafting Wing of the Division is responsible for drafting ordinances and bills, while the Division also manages all litigation on behalf of the Government of Pakistan.

Judicature in Pakistan

Court system of Pakistan is based on Supreme Court as the highest judicial organ of the state with the principal seat at Islamabad and one registry in each province of the state of Pakistan. The superior courts are entrusted with the protection of constitution. Apart from that it is the highest apex court of Pakistan where appeals from high courts are heard on criminal and civil matters. It is also entrusted with the power of protecting the fundamental rights and matter pertaining to public importance.

Each province has high court. Both supreme courts and high courts have been established under constitution. High court also has original jurisdiction in certain matter falling under writ jurisdiction. It is a court of appeals for civil and criminal matters from lower courts. Each high court has one chief justice and other judges as their numbers vary from time to time according to the laid laws. At lower level other courts are established under the Acts of Parliament or provincial assemblies.⁵

District and Session court is the highest court at district level that is entrusted with the power of hearing appeals and in some civil and criminal matters original jurisdiction according to the laid territorial and pecuniary jurisdictions laid down to them. Auxiliary to District and Session Courts there are Additional District and Session courts that aid in the workload at district level. The lowest courts are the court of magistrates and civil judges where initial proceedings of a civil or criminal suit take place. It has original jurisdiction in civil and criminal matters according to the territorial and pecuniary jurisdictions laid down in the acts of parliament or provincial assemblies. There are other special courts established for special purposes that includes and is not limited to Labour Courts, Tax Tribunals, Service Tribunals, Family Courts, Anti-Terrorism courts, Board of Revenues etc.

(Hayat,2015)⁶

Proceedings of Courts

The Code of Civil Procedure 1908 prescribes the procedure for proceedings in civil cases. The Code is in two parts i.e. Sections, which contain the basic and fundamental principles and can be amended only by the legislature, and Orders, which contain rules of procedure and can be amended by the High Court. The Code is indeed a consolidating statute, prescribing detailed procedure for instituting suit (meaning who may file a suit, how and where), pleadings (filing complaints/written statements, their form and particulars), proceedings, writing of judgment and execution of decrees. The Code has been reviewed from time to time and its provisions amended to keep pace with time and changing conditions of the society. Similarly, the Code of Criminal Procedure 1898 prescribes the criminal procedure. The Qanun-e-Shahadat Order 1984 prescribes the competency of witnesses, the examination of witnesses, form of evidence and the procedure for presenting the same. The procedure prescribed in the law applies to judicial proceedings and investigations by a court of law in civil or criminal cases. The special courts follow the procedure prescribed in the above-mentioned codes, whereas some such courts follow special procedure, laid down in the respective statute.⁷

Code of Civil Procedure 1908

This Code of Civil Procedure 1908, is a consolidatory law and Courts can presume about this code that it did not intend or made to change the law. The Code of Civil Procedure 1908, is primarily a procedural law, however it contains substantive provisions as well. The law of procedure can be defined as the law of procedure is the branch of law which governs and regulate the process of litigation; all the residue and remaining part is the substantive law which relates not to the process of litigation, but to its

subject matter and purpose, therefore a right of appeal, a right to give evidence on one's own behalf, rules which define the remedy or the right, that part of criminal law which deals with punishments or the law which prescribes the measure of liability are the provisions of substantive law. The Code of Civil Procedure provides a comprehensive and effective mechanism for the trial of a suit, from its institution till its end or conclusion. The Code does not create new powers, but it regulates the exercise of powers which are already possessed.

Object of the Code of Civil Procedure 1908

The provisions of the Code of Civil Procedure (CPC) 1908 have developed from extensive experience with the common law of England. Key objectives of the CPC 1908 include consolidating, unifying, and amending laws related to court procedures and actions in civil cases. It aims to streamline and standardize procedural practices in civil courts to facilitate and ensure justice. The CPC 1908 comprises numerous sections designed to minimize interpretative flexibility and ensure fair justice for all parties involved. The Code should be interpreted liberally, avoiding technical objections that could undermine substantial justice. As the Supreme Court has emphasized, procedural laws support justice rather than contradict it, and must align with substantive law, providing no more and no less than what substantive law mandates. (Fardunji et al., 2010)

Commencement of the Code

The Code of Civil Procedure, 1908, came into force on January 1, 1909. The Amendment Act (104 of 1976) was passed by Parliament on August 23, 1976, and received Presidential assent on September 9, 1976, becoming Act 104 of 1976. It took effect on February 1, 1977, except for sections 12, 13, and 50, which came into force on May 1, 1977 (sections 12 and 50) and July 1, 1977 (section 13). The Code of Civil Procedure (Amendment) Act, 1999, received Presidential assent on December 30, 1999, and was enforced on July 1, 2002. Similarly, the Code of Civil Procedure (Amendment) Act, 2002, received Presidential assent on May 23, 2002, and was also enforced on July 1, 2002.

From 1909 to 2001, various amendments were made to the Code of Civil Procedure, and a rules committee was formed in India to oversee this process. The committee's task was to ensure that trials were conducted efficiently. Upon review, they found that rather than needing extensive amendments, the focus should be on understanding and implementing the existing procedures properly. Their research revealed that many provisions intended for enforcement had been overlooked. Consequently, they introduced targeted amendments aimed at reducing time wastage, encouraging proactive court management, and ensuring active participation from lawyers.

In 2002, India introduced several amendments to the Code of Civil Procedure, some of which were later adopted by Khyber Pakhtunkhwa (KPK) in 2020 to ensure affordable and speedy justice. The KPK Provincial Assembly enacted these procedural reforms as the "Amended Code of Civil Procedure 1908 (Act V of 1908)," which received Presidential assent on February 18, 2020, and came into force on February 22, 2020. Prior to this, in 2019, KPK's Parliament had made amendments that sparked strikes, leading to their withdrawal through an ordinance. This study, using doctrinal methodology, will analyze these amendments in detail, explore their impact on lawyers, and discuss the advantages and disadvantages, as well as the reasons behind the strikes held by the Khyber Pakhtunkhwa Bar Council in response to these changes.

The Code of Civil Procedure (CPC) was originally enforced in 1908, and while it has undergone many amendments since, significant landmark changes were made in 2020. These amendments were implemented in Punjab on November 1, 2020, and in Khyber Pakhtunkhwa on November 12, 2020, sparking strikes from lawyers in response. The Khyber Pakhtunkhwa Government introduced amendments to the Code of Civil Procedure (CPC), which they claimed were essential for providing speedy justice in civil cases. However, these changes sparked province-wide protests from the legal community. In response, the government has now prepared a draft to repeal some of these amendments. (Khan, J. A., 2020, November 4)

Causes Behind Lawyers' protest

Lawyers claim that the 2020 CPC revisions have radically altered the century-old system of civil adjudication. According to the legal profession, the CPC modifications have completely altered the civil trial, appeal, review, and revision procedures, as well as case conduct. Especially in the forum and technique of recording the evidence, and it is also disrupting the hierarchy for determining appeals. Lawyers allege that the CPC modifications eliminated the forum for appealing civil judges' decisions, and that appeals must now be lodged in the High Court rather than the district courts. As a result, the High Court will be overburdened with appeals, despite the fact that the High Court's number of judges is insufficient and has not been raised. Similarly, in the new narcotics law, bail provision has not been granted, therefore accused persons who would be arrested in narcotics charges have to move before the High Court rather than the special court.

As a result, the Khyber Pakhtunkhwa administration has provided the mutually agreed-upon text to the court of law and submitted a synopsis of that draft for cabinet approval, demonstrating their solemnity and seriousness. Once cleared by the cabinet, we should be able to return to work without much difficulty.

One of the eminent Advocates also filed a writ case to challenge the CPC revisions. Another distinguished lawyer, has also challenged the CPC modifications before the Bannu High Court Bench.

As a result, the Khyber Pakhtunkhwa administration has delivered the mutually agreed-upon language to the court of law and presented a synopsis of that draft for cabinet approval, displaying their solemnity and seriousness. Once cleared by the cabinet, we should be able to resume to work with little problem.

According to, a senior lawyer at the Supreme Court of KPK and the representative body of lawyers, the draft may not be ideal, but it is the most feasible solution given the circumstances and positions involved. He stated that removing

the CPC amendments would end the lawyers' strikes in Khyber Pakhtunkhwa (KPK). Following prolonged protests, several meetings were conducted between the KPK administration and a representative group of lawyers, which included the Presidents of all district bar associations in the province. The KPK administration formed a committee to negotiate with lawyers' representatives. The Committee includes the Advocate General of the province, the provincial Minister of Law, and the Secretary of Law from the KPK government. The legal professionals were represented by members of the KPK Bar Council and a team of experts.

Negotiations between attorneys' representatives and a committee formed by the KPK government were initiated to quell demonstrations, and as an interim solution, the enforcement/operation of the amending Act was delayed through an Ordinance in January 2020 until April 15, 2020. The negotiations were then halted because to the Covid-19 epidemic, resulting in an extension until July 15, 2020. Later thereafter, the two parties resumed their negotiations. After so many protracted sessions of frenetic deliberations and discussions over various sections of the proposed CPC amendment Act, to make it realistic for the general public and soot (Khan, 2020)

Significance of CPC amendments, 2020 in KPK

Some of the significance and circumstances that led to the amendment of the Code of Civil Procedure, 1908, in 2020 included Provide inexpensive and efficient justice. Provide a seamless and quick procedure. Prevent courts from becoming overburdened with unnecessary cases. Minimize and reduce the reasons of case delays. To provide prompt justice to litigants in civil cases. To ensure fairness in justice. Discourage parties from wasting the time of the court and the injured parties. To modernize the CPC in order to make the procedure more viable. Finish cases promptly based on their merits. Avoid superfluous dates. Provide relief to people on an institutional level. Avoid long and slow processes.

Review of Civil Proceedings

Civil proceedings take a long time to adjudicate, and there are several reasons for this, as explained in the interview in Appendix A. The main cause for such delays is the court's inability to hear cases owing to overcrowding. A judge must carry out the entire judicial process on his or her own, even if there are too many cases. A mechanism must be created in which the recording of evidence should be handed to senior lawyers while maintaining decorum so that judges can be relieved of the stressful duty of recording testimony. Any changes required in civil procedures should be implemented following consultation with all parties involved, including the judges, lawyers, and parties themselves. Their worries about the proceedings are based on personal experience, and the duty should be assigned to a committee consisting of representatives from each of these groups. Appendix A contains information about the changes in procedures and how such changes should be regarded.

Conclusion

To conclude it is hereby stated that law is the body of rules which are followed by the courts in order to lay down and for the determination of duties and rights and applied by the Sovereignty and it has binding and authoritative value. Law is the definite rule enforced by the sovereign authority of the state, violation of which results in punishment. Law is imperative, compulsory, obligatory in its nature and if not followed by the subjects then punishment would be ultimately result. There are two main sources of law, one is a formal source, and the other is a material source which has been discussed above and there are some legal sources from where the law gets its authentic power, those sources are legislation, precedent, custom, and agreement. Legislation, precedent and custom are the pure source of law, and agreement is right. The Code of Civil Procedure 1908, is a consolidatory law and Courts can presume about this code that it did not intend or made to change the law. The Code of Civil Procedure 1908, is primarily a procedural law, however it contains substantive provisions as well. The law of procedure can be defined as the law of procedure is the branch of

law which governs and regulate the process of litigation; all the residue and remaining part is the substantive law which relates not to the process of litigation, but to its subject matter and purpose. The Code of Civil Procedure provides a comprehensive and effective mechanism for the trial of a suit, from its institution till its end or conclusion. Rules incorporated in the Code are made for the advancement of the Justice not to operate as to defeat the ends of the justice. The provisions of the Code of Civil Procedure 1908, have evolved and been adopted as a matter of the long years of experience arising out of the common law of England. This Code consolidates, unify and amend the laws which are relating to the procedure and course of action of the Courts of Civil Judicature. So we can say that it consolidates and collects all the laws which are relating to the procedure and practice to be adopted by Civil Courts and it is designed and composed to facilitate, encourage and ensure justice. It consists of a number of sections which leaves no room and loophole for the elasticity of interpretation and therefore provides justice to both sides. This Code is designed to provide a civil justice system, because it is very important to the maintenance and perpetuation of a civilised society. The law itself lay out the basic structure within which industry and commerce operate. It safeguards the rights of individuals of society, it regulates their dealings with others, and it enforces and imposes the duties of the government. Therefore the administration of the civil justice system plays a crucial role in maintaining this structure. As we know the Code of civil procedure 1908 came into force on 21st March 1908, since so many amendments were made in CPC from time to time. In 2001 committee was formed in India with the task to ensure that the process of trial should be expedient therefore they simply made some amendments in CPC in 2002, and recently some of them were adopted by KPK in 2020 which can be considered as major Landmark amendments in CPC, and it has been amended through the proper process of Legislative authority in order to provide in-expensive and expeditious Justice. In this regard in 2020 Provincial Assembly of KPK brought some procedural reforms which is known as

"amended code of civil procedure 1908 (Act V of 1908)". Over which lawyers are striking at the response of those amendments and these amendments were also challenged before High Court. Lawyers think that it will decrease the ratio of civil cases and they cannot take huge/massive amount of fees from their clients on every date and that the CPC amendments have totally changed the civil procedure of trials, procedure of appeals, review and revision, and conduct of cases. Especially in the forum and procedure of recording the evidence and it is also disturbing the hierarchy for determination of appeals. Lawyers claim that these amendments of CPC abolished the forum of appeal against the judgements of Civil judges and not only that, appeal has to be filed in High Court instead of district judge. And therefore high Court will be overburdened with the appeals whereas numbers of judges of the High Court is not enough and had not been increased. Actually it will not decrease the ratio of civil cases because as people have the concept about the Civil cases that, it is a very lengthy and slow process therefore most of the people don't bring their disputes before the court of law and resolve their disputes outside the court through arbitration or Jirga. Actually this Act made very significant and very important changes in CPC over which the government claimed that it would be very helpful and it was necessary to amend some provisions of CPC for providing speedy justice to litigants in civil nature cases. Further is that implementation of these amendments in CPC will also avoid unnecessary delays as well as adjournments of civil cases and enable speedy decision of civil cases with the best possible manner with the use of modern devices and modern facilities and procedures which also improve management system of the cases and it will also provide relief to people at institutional level. These amendments were made with the aim and objective of providing in-expensive and expeditious Justice, smooth and speedy procedure, prevent courts from overburden of unnecessary case to minimize and reduce the causes of delay in cases, to provide speedy justice to litigants in civil nature cases, to ensure fair justice, to discourage parties from wasting the time of court and aggrieved party, to avoid

unnecessary dates, to give modern touch to the CPC for the purpose of feasible process, and to finish cases quickly on merits.

Recommendations

The CPC has two dimensions: section-wise provisions (Sections 1–158) and rule-wise provisions (51 orders in all, as noted in the Schedule). There is an unbreakable link between certain sections of the provision and the rule envisioned in the relevant Orders. Amendments in section are the prerogative of legislative assembly, however under section 122 of CPC, High Courts are empowered to adopt rules. . Unfortunately, there is no adjustment in the regulation, rendering this amendment ineffectual and unbalanced. Before introducing such import legislation, bar councils should be contacted and given their confidence. Such bills must be published prior to their initiation. The amendment about the first regular appeal is particularly contentious, and it casts a pall over the entire modified law. The District Court, which had previously served as the first court of appeal, was skipped, and the High Court was designated as the forum of first appeal directly. The change that eliminates the District and Sessions Court forums causes challenges for plaintiffs in remote places and imposes a significant financial burden on them. High Courts are already overburdened, and these revisions add to the backlog. There will be a need for a framing regulation governing evidence through the Commission, their fees, and other incidental considerations.

Both parties, whether plaintiff/defendant, appellant/respondent, or petitioner/respondent, should be required to provide evidence to support their claims or issues. They should be required to prove their created proof, whether it is documentary or oral in nature. It should be completed promptly as directed by the court, with proper diligence and without delay. The court then has responsibility for ensuring that the proceedings go smoothly. The court should maintain an appropriate atmosphere when conducting sessions. Courtrooms are small, there is an excessive rush, and persons within are bounced around. Both witnesses and lawyers are unable to conduct evidence proceedings, dealing

a significant damage to justice. They tend to conduct evidence in a disorderly manner in order to accomplish it given the limited resources and disordered environment.

Then there are the obligations of the lawyers; as we can see, every other day, lawyers go on strike, which halts proceedings and delays justice. Not only do lawyers have this approach toward the court, but other government organizations do as well, refusing to attend court proceedings when asked. This should be halted, and the law should be amended to provide alternative remedies and harsh punishments, as this attitude impedes justice and harms the persons involved. The parties are called on each date, and the absence of any required individual causes the proceedings to be postponed until a later date. The majority of those affected are the case's parties, who must quit their jobs to attend the hearings.

Keeping all of these factors in mind, adjustments should be made after engaging with all parties responsible for ensuring fair and efficient trials. As witnessed in other countries, they deploy current instruments and technologies to ensure that the procedures run properly. Many other countries have adopted the practice of holding hearings via video links, and the same should be done here. As with new legislation, staff should be trained on how to conduct hearings via video link.

Rules should be made with expert opinion from technical experts and all the technology that is required should be made available to every corner of the jurisdiction. A comprehensive training session on computer operation should be given to the staff before implementation of new legislation.

All new laws that are made in Civil Procedure Code should be according to the constitution and it is written in the constitution that no law can be made against the provisions given in the constitution. So, any new legislation should not contradict fundamental rights and the principles of policy, and the rules of natural justice.

Amendments should be made where necessary and after proper scrutiny. The procedure of court should be conducted by using modern

devices where necessary. As judges are burdened with many other tasks while conducting court procedures, the process of recording evidence should be granted to a commission consisting of senior lawyers and retired judges but it should be conducted in an atmosphere that should make the parties compliant to the formalities. It should be conducted within the court atmosphere to maintain order while recording evidence and too avoid confrontations and conflicts.

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