

LAW AND JUSTICE COMMISSION OF PAKISTAN



LAW REFORM REPORT NO. 141

**Amendment in Order XXXIII, Rule 1 of
the Code of Civil Procedure, 1908**
(Suits by Paupers)

2026

Contents

Foreword	3
Background and Rationale for The Proposed Amendment.....	4
Provisions Requiring Amendment	6
Recommendations of the Commission	7

Foreword

The Law and Justice Commission of Pakistan, in pursuance of its statutory mandate to examine existing laws and recommend reforms for improving the administration of justice, has reviewed the pecuniary threshold prescribed in the Explanation to Order XXXIII, Rule 1 of the Code of Civil Procedure, 1908 relating to suits by paupers.

Order XXXIII embodies an important procedural safeguard intended to ensure that financial incapacity does not prevent a person from seeking judicial redress. It enables a person who satisfies the prescribed statutory criteria to institute a civil suit without payment of court-fee. However, the pecuniary limit contained in the Explanation to Rule 1 was fixed several decades ago and no longer reflects contemporary economic conditions or the present value of money.

Recognising the need to preserve meaningful access to justice, the Hon'ble Chief Justice of the High Court of Balochistan proposed that the obsolete pecuniary threshold prescribed in the Explanation to Order XXXIII, Rule 1 be suitably revised. The proposal was considered by the Law and Justice Commission of Pakistan at its 48th meeting held on 11 June 2026, and the Commission unanimously agreed that the prescribed amount requires revision to ensure that the provision continues to fulfil its intended purpose.

This Report identifies the provision requiring amendment, explains the reasons necessitating the proposed reform, and records the recommendations of the Commission.

It is hoped that the recommendation contained in this Report will facilitate timely revision of the existing pecuniary threshold, thereby preserving the effectiveness of the provision and ensuring continued access to justice for deserving litigants.

Justice Yahya Afridi

Chairperson

Law and Justice Commission of Pakistan

Background and Rationale for The Proposed Amendment

(Order XXXIII, Rule 1 of the Code of Civil Procedure, 1908)

1. Introduction

Equal access to justice constitutes one of the fundamental objectives of every legal system governed by the rule of law. Financial incapacity should not become a barrier preventing a person from seeking enforcement of legal rights before a court of law.

Recognising this principle, the Code of Civil Procedure, 1908 incorporates a special procedure under Order XXXIII permitting pauper persons to institute civil suits without payment of the prescribed court-fee, subject to fulfilment of the statutory conditions.

The effectiveness of this beneficial provision depends upon the continued relevance of the statutory criteria used to determine whether a person qualifies as a pauper person. Where those criteria cease to correspond with prevailing economic conditions, the purpose underlying the provision is substantially undermined.

2. Background of the Proposal

The proposal for amendment originated from the Hon'ble Chief Justice of the High Court of Balochistan, who pointed out that the monetary threshold prescribed in Order XXXIII, Rule 1 has remained unchanged for several decades despite significant economic changes.

During the 48th meeting of the Law and Justice Commission of Pakistan held on 11 June 2026, His Lordship explained that the prescribed amount no longer reflects the present value of money or contemporary economic conditions. Consequently, the existing threshold has ceased to serve as an appropriate indicator of indigency. It was observed that revision of the pecuniary limit is necessary to preserve the effectiveness of the provision and ensure continued access to justice for deserving litigants.

3. Existing Legal Framework

Order XXXIII of the Code of Civil Procedure, 1908 provides a special procedural mechanism enabling pauper persons to institute civil suits without payment of court-fees.

Rule 1 defines the circumstances in which a person may be regarded as an indigent person. One of the determining factors is the value of the property

owned by the applicant, excluding property exempt from attachment and the subject matter of the suit.

The monetary threshold presently prescribed in the Rule was introduced many decades ago when the economic conditions prevailing in the country were substantially different from those existing today.

While the underlying legal principle embodied in Order XXXIII remains sound, the prescribed pecuniary limit has become obsolete because of inflation, depreciation in the purchasing power of money and the considerable increase in property values over time.

4. Need for Revision of Monetary Thresholds

The Commission considers revision of the pecuniary limit prescribed in Order XXXIII, Rule 1 to be both necessary and timely. The existing monetary threshold was fixed several decades ago and no longer reflects present-day economic conditions. Inflation, the decline in the purchasing power of money and the substantial increase in the value of movable and immovable property have rendered the prescribed amount obsolete.

The object of Order XXXIII is to ensure that genuine financial hardship does not prevent a person from seeking judicial redress. An outdated pecuniary threshold may exclude deserving litigants from availing the benefit of the provision merely because they possess assets of nominal value which, in present-day economic conditions, are insufficient to enable them to pay the requisite court-fee.

The proposed amendment is limited in scope. It does not alter the substantive law governing suits by indigent persons; rather, it merely updates the statutory benchmark for determining indigency so as to preserve the object of the provision and ensure its continued effectiveness in contemporary economic conditions.

Provisions Requiring Amendment

(Order XXXIII, Rule 1 of the Code of Civil Procedure, 1908)

Order XXXIII, Rule 1 permits a person who is unable to pay the prescribed court-fee to institute a suit as a pauper. The Explanation to the Rule provides that, where no court-fee is prescribed, a person shall be regarded as a pauper only if he is not possessed of property worth more than **one thousand rupees**, excluding his necessary wearing apparel and the subject matter of the suit.

The prescribed pecuniary limit was fixed several decades ago and no longer reflects present-day economic conditions or the current value of money. Owing to inflation and the substantial increase in property values, the existing threshold has become obsolete and no longer provides a realistic measure of a person's financial capacity to institute civil proceedings.

The Commission is of the considered view that revision of the prescribed pecuniary limit is necessary to preserve the beneficial object of Order XXXIII by ensuring that persons genuinely lacking sufficient means to institute civil proceedings are not denied access to justice because of an outdated statutory benchmark.

The proposed amendment is limited in scope. It does not alter the concept of a pauper or the procedure governing suits instituted under Order XXXIII; rather, it merely updates the pecuniary threshold contained in the Explanation to Rule 1 so as to align it with contemporary economic realities.

Recommendations of the Commission

After due deliberation, the Commission, at its 48th meeting held on 11 June 2026, unanimously recommended that the pecuniary threshold prescribed in the Explanation to Order XXXIII, Rule 1 of the Code of Civil Procedure, 1908 be suitably revised to reflect present-day economic conditions.

Since amendment of the Rules contained in the First Schedule to the Code of Civil Procedure, 1908 falls within the rule-making jurisdiction of the High Courts, the Commission resolved that the Secretariat of the Law and Justice Commission of Pakistan shall forward this Report to the respective Rules Committees of the High Courts, through the concerned Registrars, for consideration and initiation of appropriate amendments.

Capt. (R) Mushtaq Ahmed

Secretary

Law and Justice Commission of Pakistan