

Civil Procedure Law

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Objectives and Principles of Civil Procedure Law

Objectives Of civil Procedure

- **Peaceful resolution of dispute**
 - The right to heard (Art 223,234, 78,358, 418,421 etc)
 - Equal opportunity (Art 78, 223, 234 etc)
 - Impartiality (Art 31(1) (a))
 - Independence of the judiciary (constitution)
 - Publicity of litigation (Art 180)
 - ADR (Art 274-277)
 - The fact that judgments are in a written form etc. (Art 181...etc)

continued

- **Efficiency and Effectiveness**

- allocation of jurisdiction, -resource allocation (Art 12 ff)
- the three lanes of the litigation process (Art 223, 234; 284; 300 ff)
- the fact that ADR is introduced could be some of the examples that the law has been designed. (Art 274-277)
- Statute of limitations etc..... (Art 78, 6, 323,.. etc)
- The design of the law to maximize effectiveness will be discussed latter

continued

- **Substantive accuracy**

- See Art.5 protects inconsistent outcome
- Appeal (Art 320 ff)
- Art. 6 Review of judgment
- Art. 358 Opposition
- Art.325 leave for appeal
- Art 418 etc.
- Art 264, 266.. etc.
- Art 207... etc.

continued

- **Procedural fairness**

- The right to be heard meaningfully
- Notice as to rights and obligations
- Notice as to the charges against you (Art 94 ff...)
- Leave for appeal Art 325
- Production of evidence for unforeseen circumstances
 - Art. 6, 137, 256
- Equality (Arts 239,157,272)
 - Equipage equality
 - Rule equality and
 - outcome equality
- Procedure for pauper (Art 467)
- Access to justice

continued

- ***Access to justice*** (eg ...)
 - Everyone should have access to justice freely without sale fully without denial
 - Procedure for pauper (Art 467)

Principles of Civil Procedure

continued

- ***The principle of bilateral hearing***
 - (Art 78, 223, 234; 157...)
- ***The principle of party presentation - as opposed to judicial investigation- 182***
- ***The principle of unity- as opposed to sequence*** (Art 82,90,329 .. etc)
- ***The principle of formal proof - as opposed to rational proof*** (Art 205 87,83,84....)
- ***The principle publicity- as opposed to secrecy*** (Art 183.....etc)