

introduced on 10-7-22

<sup>AS</sup>  
[TO BE INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Muslim Family Laws Ordinance, 1961*

**WHEREAS** it is expedient to amend the provisions of the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title, extent and commencement.**- (1) This Act may be called the Muslim Family Laws (Amendment) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Substitution of section 5 of Ordinance No. VIII of 1961.**- In the Muslim Family Laws 1961 (Ordinance No. VIII of 1961), for section 5, the following shall be substituted, namely:-

**"5. Compulsory registration of marriages.**- (1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purposes of registration of marriages under this Ordinance, the Family courts shall act as Nikkah Registrars.

(3) Every marriage shall, for the purpose of registration under this Ordinance, be reported to the nearest Nikkah Registrar by the person who has solemnized such marriage within thirty days of its having done so.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(5) The Nikkah Registrar to whom marriage is reported shall record the statements of the spouses to satisfy himself/herself as to solemnization of marriage.

(6) Once the Nikkah Registrar is satisfied as to existence of marriage, he shall issue a Nikkah card to each of the spouses, on payment of requisite fee, and the Nikkah card so issued shall be conclusive proof of the existence of a valid marriage.

(7) The Nikkah Registrar shall also report the registration of marriage to the Union Council concerned.

(8) The form of Nikkah card, the registers to be maintained by Nikah Registrars, the records to be preserved by Union Councils, the manner in which marriages shall be registered and the Nikkah cards shall be supplied to the parties, and the fees to be charged therefor, shall be such as may be prescribed.

(9) Any person may, on payment of the prescribed fee, if any, inspect at the office of the Union Council the record preserved under subsection (8), or obtain a copy of any entry therein."

### **STATEMENT OF OBJECTS AND REASONS**

In Pakistan, many marriages are not registered. Even if they were the registration process is so casual and performed before such ordinary office bearers that it leaves enough space for retraction. As a result, all women, those who are married and those who may marry, are vulnerable to being betrayed by men who manipulate the technicality of marital requirements to suit their desires for new or more wives. The marriages are entered into and then denounced as a matter of routine. Leaving alone general public, this trend of denying marriages has also been witnessed in the political circles. It not only damages future life of women but also amounts to mockery of the Muslim Family Law according to which marriage is a sacred contract.

2. A revival of love and compassion as the foundation of all marriages would require an end to such secrecy and denial in marriages. It is, therefore, imperative to have marriages registered in the courts instead of its registration before the ordinary Nikkah-Registrars. The sanctity and presumption of correctness attached to proceedings of the court would be a better check on repudiation of marriages.

3. This Bill is designed to achieve above objective.

**SENATOR ENGR. RUKHSANA ZUBERI  
MEMBER-IN-CHARGE**