

As
[TO BE INTRODUCED IN THE SENATE]

A

Bill

further to amend the Guardian and Wards Act, 1890.

WHEREAS it is expedient further to amend the Guardian and Wards Act, 1890 (VIII of 1890) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Guardian and Wards (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of Section 17, Act VIII of 1890.— In the Guardian and Wards Act, 1890 (VIII of 1890), in section 17, after sub-section (3), the following new sub-section (4), shall be inserted, namely:-

“(4) While deciding the custody of a minor between mother and father, the court shall also decide about the visitation and occasional custody rights of the non-custodial parent which may extend to thirty days in one calendar year.”

STATEMENT OF OBJECTS AND REASONS

The objective of appointment of Guardian under the law is to ensure the welfare of the minor. Unfortunately in most of the cases in our society regarding the custody of minor and appointment of Guardian turns into family feud. Normally, the parents contest the cases till the last available forum. And even after the appointment of Guardian the non custodial parent has to suffer a lot and for their visitation rights they have to fight cases and then they could meet the children mostly in court premises. All these steps are taken to ensure the welfare of minor and to develop love and affection between the minor and parents but practically it is not possible to develop such sentiments in limited time of few hours and that too in a court premises where presence of people charged with heinous criminal cases could affect the minor adversely.

In the developed countries where both the parents have to work for their livelihood, they share the custody of their child happily but in our society the parent who has the legal custody never wants to share with the non custodial parent. This amendment seeks to address this pressing issue and acknowledge the right of non custodial parent by insertion of new sub section.

SENATOR MUHAMMAD JAVED ABBASI
Member-in-Charge