AS [TO BE INTRODUCED IN THE SENATE]

A

Bill

further to amend the Guardians and Wards Act, 1890

WHEREAS it is expedient further to amend the Guardians and Wards Act, 1890 (VIII of 1890) in its application to the extent of Islamabad Capital Territory;

It is hereby enacted as follows:-

- 1. Short title and commencement.- (1) This Act may be called the Guardians and Wards (Amendment) Act, 2022.
 - (2) It shall come into force at once.
- 2. Amendment of section 19, Act VIII of 1890.- In the Guardians and Wards Act, 1890 (VIII of 1890), in section 19, after clause (a), the following new clause (aa) shall be inserted, namely:-
 - "(aa) of a minor, other than a married female, whose father is either deceased or, in the opinion of the court, unfit to be guardian of the person of the minor and mother is living and is not, in the opinion of the court, unfit to be guardian of the minor:

Provided that the provisions of this clause shall not apply in any case where the mother marries to any other person; or".

STATEMENT OF OBJECTS AND REASONS

Law and Justice Commission of Pakistan in its annual report 2007-2009 proposed to amend Section 19 of the Guardians and Wards Act, 1890, as it excludes the mother despite having a right to lawful custody of the minor. Further, there is no provision regarding guardianship of the minor, whose father is either deceased or unfit to be guardian of the person of the minor and the mother is alive and in the opinion of the Court fit to be guardian. Hence, it is proposed that 'mother' should also be entitled to being appointed guardian of minor where father is either deceased or unfit to be guardian in the opinion of the Court.

SENATOR MOHSIN AZIZ Member-in-charge

