

**[TO BE INTRODUCED IN THE SENATE]****A****BILL***further to amend the Muslim Family Laws Ordinance, 1961*

**WHEREAS** it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961) in its application to the Islamabad Capital Territory, to improve enforcement of marriage registration, child maintenance, and family law adjudication, and to enhance the jurisdiction of Family Courts for effective protection of the rights of women and children;

It is hereby enacted as follows:-

**1. Short title, extent and commencement.-** (1) This Act may be called the Muslim Family Laws (Amendment) Act, 2026.

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

(3) It shall come into force at once.

**2. Amendment of section 2, Ordinance No. VIII of 1961.-** In the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), hereinafter referred to as the said Ordinance, in section 2, after paragraph (b), the following new paragraph shall be inserted, namely:-

"(bb) "Family Courts" means a court constituted under the Family Courts Act, 1964;"

**3. Amendment of section 5, Ordinance No. VIII of 1961.-** In the said Ordinance, in section 5,-

(i) after sub-section (2), the following shall be inserted, namely:-

"(2A) The Nikkah Registrar or the person solemnizing a Nikkah shall accurately fill all columns of the Nikahnama form with the specific answers provided by the bride and the bridegroom, under oath or affirmation."

(ii) for sub-section (4), the following shall be substituted, namely:-

"(4) Whoever contravenes the provisions of, sub-section (2A), shall be punished with simple imprisonment for a term which may extend to one month and a fine of twenty-five thousand rupees; and in case of sub-section (3), shall be punished with simple imprisonment for a term which may extend to three months and a fine of fifty thousand rupees."

**4. Amendment of section 6, Ordinance No. VIII of 1961.-** In the said Ordinance, in section 6, in sub-section (5), in paragraph (b), for the phrase "five thousand rupees," the phrase "fifty thousand rupees," shall be substituted.

**5. Amendment of section 7, Ordinance No. VIII of 1961.-** In the said Ordinance in section 7,-

- (i) in sub-section (2), for the words "five thousand rupees" the words "fifty thousand rupees" shall be substituted;
- (ii) after sub-section (2), amended as aforesaid, the following new sub-section, shall be inserted, namely:-

"(2A) No court other than a Family Court of competent jurisdiction shall take cognizance of an offence under sub-section (2) upon the institution of a complaint made either by the Chairman or the wife."

**6. Insertion of new section 9A, Ordinance No. VIII of 1961.-** In the said Ordinance, after section 9, the following new section shall be inserted, namely:-

**"9A. Maintenance of Children.—**(1) If a person with sufficient financial means fails or refuses to maintain his legitimate or illegitimate child who is unable to support itself, the child's mother, grandmother, or the child through a legal representative may, in addition to any other legal remedy, apply to the Chairman, who shall constitute an Arbitration Council to issue a certificate specifying the amount of maintenance payable by the father, within thirty days of receipt of the application.

(2) A certificate issued under sub-section (1) shall be enforceable as provided in the Family Courts Act, 1964 (XXXV of 1964)."

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

The Muslim Family Laws Ordinance, 1961 provides the legal framework for registration of Muslim marriages, dissolution of marriages, maintenance, and related family matters. Over time, gaps have been identified, particularly regarding accurate and enforceable registration of marriages, enforcement of maintenance for children and wives, clarification of jurisdiction of Family Courts in cases of talaq and maintenance, use of modern methods for recording evidence, and timely intimation to Arbitration Councils in cases of talaq or dissolution of marriage.

This Bill seeks to amend the Ordinance to strengthen the role of Family Courts, introduce child maintenance provisions under section 9A of the Ordinance enforceable under the Family Courts Act, increase fines and penalties to ensure compliance with registration and maintenance obligations, and establish the exclusive jurisdiction of Family Courts in matters of talaq, child maintenance, and related enforcement. It further enables the use of audio/video recording for accurate documentation of evidence and ensures timely communication between Family Courts and Arbitration Councils for enforcement of decrees. The Bill aims to protect the rights of women and children, improve enforceability, and modernize the administration of family law in Pakistan.

- 2. The Bill is designed to achieve the aforesaid objects.

**SENATOR SARMAD ALI**  
**Member-in-Charge**