

[TO BE INTRODUCED IN THE SENATE]

A

BILL

further to amend the Family Courts Act, 1964

WHEREAS it is expedient further to amend the Family Courts Act, 1964 (XXXV of 1964), 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 Family Courts (Amendment) Act, 2026.

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

(3) It shall come into force at once.

2. Amendment of section 9, Act XXXV of 1964.- In the Family Courts Act, 1964 (XXXV of 1964), hereinafter referred to as the said Act, in section 9, for sub-section (1), the following shall be substituted, namely:-

"(1) On the date fixed under clause (a) of sub-section (1) of Section 8, the defendant shall appear before the Family Court and file the written statement, a list of witnesses, and a gist of evidence. In case the written statement is not filed on that date, the Family Court may, for sufficient cause, allow the defendant to submit the written statement and other documents on the next date, which shall not exceed fifteen days from that date."

3. Amendment of section 11, Act XXXV of 1964.- In the said Act, in section 11, after sub-section (1), the following new sub-section shall be inserted, namely:-

"(1A) The Family Court shall record, or cause to be recorded, the substance of the statement of a witness, either in writing or through audio or video recording, which shall be retained for at least five years or as prescribed by rules."

STATEMENT OF OBJECTS AND REASONS

The Family Courts Act, 1964 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 Act to strengthen the role of Family Courts, 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