No. F. 22(5)/2019-Legis.—Pursuant to rule 235 (4) of the Rules of Procedure and Conduct of Business in the National Assembly, 2007, the following reports of the Standing Committee, presented to the National Assembly on 9th July, 2020 are published for information:—

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE MUSLIM FAMILY LAWS (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) [The Muslim Family Laws (Amendment) Bill, 2020] (Government Bill) referred to the Committee on 2nd May, 2019.

2. The Committee comprises the following:—

1. Mr. Riaz Fatyana
2. Mr. Atta Ullah
3. Mr. Lal Chand

Price: Rs. 20.00
4. Mr. Muhammad Farooq Azam Malik  
5. Ms. Kishwer Zehra  
6. Ms. Maleeka Ali Bokhari  
7. Mr. Muhammad Sana Ullah Khan Masti Khel  
8. Malik Muhammad Ehsan Ullah Tiwana  
9. Agha Hassan Baloch  
10. Mr. Sher Ali Arbab  
11. Ms. Shunila Ruth  
12. Mr. Saad Waseem  
13. Rana Sana Ullah Khan  
14. Ch. Mehmood Bashir Virk  
15. Mr. Usman Ibrahim  
16. Khawaja Saad Rafique  
17. Syed Hussain Tariq  
18. Syed Naveed Qamar  
19. Dr. Nafisa Shah  
20. Ms. Aliya Kamran  
21. Barrister Dr. Muhammad Farogh Naseem  

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 07th May, 15th May, 10th June, 3rd July, 21st August, 5th September, 27th November, 2019, 6th February, 24th February and 11th March, 2020. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-  
(TAHIR HUSSAIN),  
Secretary.

Sd/-  
(RIAZ FATYANA),  
Chairman.

Islamabad, the 15th May, 2019.
ANNEX-A

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Muslim Family Laws Ordinance, 1961

WHEREAS it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) for the purpose hereinafter appearing;

It is hereby enacted as follows:—

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

   (2) It extends to the whole of Islamabad Capital Territory and in case of Resolution(s) under Article 144 of the Constitution, shall apply to whole of Pakistan.

   (3) It is exclusively applicable to all the Muslims belonging to the Shia school of thought (Fiqah-e-Jafria).

   (4) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint.

2. **Amendment of section 4, Ordinance VIII of 1961.**—In the Muslim Family Laws Ordinance, 1961 (VIII of 1961), section 4 shall be renumbered as sub-section (1) thereof and after sub-section (1), re-numbered as aforesaid, the following new sub-sections shall be inserted namely:

   “(2) If a Muslim male from Ahl-e-Tashih dies issueless, his widow shall receive one-fourth share from the estate of the deceased and if the deceased has left more than one widows, the widows shall receive equal share from the one-fourth share of the estate.

   (3) In case of dispute, with reference to sub-section (2), arising due to difference of opinion, the parties or any of the parties may have recourse to a court of competent jurisdiction or by approaching the “Mujtahid-e-Alam”:

   Provided that the decision of Mujtahid-e-Alam shall have a status of an Award and the same shall be dealt with in accordance with the provisions of the Arbitration Act, 1940 (X of 1940).
Explanation.—The expression “Mujtahid-e-Alam” (Faqih-e-Azam) means a juris-consult / religious scholar / doctor of Shia school of thought well versed with Shariah having international repute and of such recognition.”.

STATEMENT OF OBJECTS AND REASONS

The Hon’ble Lahore High Court, Rawalpindi Bench, Rawalpindi in CR.No.795 of 2010 while hearing the matter of competence of an issueless widow from Fiq-e-Jafriya to claim her share from the inheritance of his deceased husband held as under:

“It is expected that, the Government of Pakistan in Ministry of Law would take legislative measures to promulgate a codified law in this regard in order to protect the right of a childless widows from Ahl-e-Tashih in getting their due shares from the inheritance of their deceased husbands.”

The Bill is designed to achieve the aforesaid object.

Minister-in-Charge.

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE MUSLIM FAMILY LAWS (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) [The Muslim Family Laws (Amendment) Bill, 2020] (Government Bill) referred to the Committee on 2nd May, 2019.

2. The Committee comprises the following:—

1. Mr. Riaz Fatyana                          Chairman
2. Mr. Atta Ullah                           Member
3. Mr. Lal Chand                           Member
4. Mr. Muhammad Farooq Azam Malik          Member
5. Ms. Kishwer Zehra                      Member
6. Ms. Maleeka Ali Bokhari               Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel  Member
8. Malik Muhammad Ehsan Ullah Tiwana     Member
3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 07th May, 15th May, 10th June, 3rd July, 21st August, 5th September, 27th November, 2019, 6th Feburary, 24th February and 11th March, 2020. The Committee recommends that the Bill as introduced may be passed by the National Assembly.

*Sd/-*  
(TAHIR HUSSAIN),  
Secretary.  

*Sd/-*  
(RIAZ FATYANA),  
Chairman.

*Islamabad, the 15th May, 2019*  

ANNEX-A'

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

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

WHEREAS it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) for the purposes hereinafter appearing:
It is hereby enacted as follows:

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

   (2) It extends to the whole of Islamabad Capital Territory and in case of Resolution(s) under Article 144 of the Constitution, shall apply to whole of Pakistan.

   (3) It is exclusively applicable to all the Muslims belonging to the Shia school of thought (Fiqah-e-Jafria).

   (4) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint.

2. **Amendment of section 7, Ordinance VIII of 1961.**—In the Muslim Family Laws Ordinance, 1961 (VIII of 1961), in section 7,

   (i) in sub-section (1), for the full-stop, occurring at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:—

   “Provided that where the parties belong to Fiqah-e-Jafria,—

   (a) the man may voluntarily and with his free will pronounce himself or through duly authorized attorney (Vakil) Talaq uttering in literal Arabic words (seegha) in the physical presence of at least two witnesses qualifying the requirements of clause (1) of Article 17 of the Qanun-e-Shahadat, 1984 (P.O.No.1 of 1984);

   (b) the pronouncement of Talaq shall be in-effective if it is done jokingly or under anger, intoxication, insanity, duress or coercion of any kind and from any corner whatsoever; and

   (c) in case of dispute, with reference to paragraph (a) or (b) arising due to difference of opinion, the parties or any of the parties may have recourse to a court of competent jurisdiction or by approaching the “Mujtahid-e-Alam” and the decision of Mujtahid-e-Alam shall have a status of an Award and the same shall be dealt with in accordance with the provisions of the Arbitration Act, 1940 (X of 1940).

   *Explanation.*—The expression “Mujtahid-e-Alam” (Faqih-e-Azam) means a juris-consult/religious scholar/doctor of Shia school of thought well versed with Shariah having international repute and of such recognition.”.
STATEMENT OF OBJECTS AND REASONS

Constitution of Pakistan, under Article 227 (1), provides the foundation for legislation regarding personal law of any Muslim sect by interpreting the Qurran and Sunnah according to their teachings. Currently, The Muslim Family Laws Ordinance 1961 deals with the family matters including the talaq for the followers of all fiqh in the country. There has been demand from the followers of Shia Fiqh for the legislation on talaq as per their interpretation of Qurran and Sunnah. Hence this Bill. The Bill was shared with the Council of Islamic Ideology. The Council has also endorsed it. This legislation will allow the followers of Shia Fiqh to settle their matters of talaq according to their interpretation.

The Bill is designed to achieve aforesaid object.

Minister In Charge.

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE ENFORCEMENT OF WOMEN’S PROPERTY RIGHTS (AMENDMENT) BILL, 2020

I, Chairman of the Standing Committee on Law and Justice, have the honour to present this report on the Bill to amend the Enforcement of Women’s Property Rights Ordinance, 2019 [The Enforcement of Women’s Property Rights (Amendment) Bill, 2020] (Government’s Bill) referred to the Committee on 30th January, 2020.

2. The Committee comprises the following:—

1. Mr. Riaz Fatyana Chairman
2. Mr. Atta Ullah Member
3. Mr. Lal Chand Member
4. Mr. Muhammad Farooq Azam Malik Member
5. Ms. Kishwer Zehra Member
6. Ms. Maleeka Ali Bokhari Member
7. Mr. Muhammad Sana Ullah Khan Masti Khel Member
8. Malik Muhammad Ehsan Ullah Tiwana Member
9. Agha Hassan Baloch Member
3. The Committee considered the Bill as introduced in the National Assembly placed at (Annex-A), in its meetings held on 24th February, 2020 and recommended that the Bill placed at (Annex-B), may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN),
Secretary.

Islamabad, the 12th March, 2020

Sd/-
(RIAZ FATYANA),
Chairman.

[Annex-‘A’]

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

ORDINANCE NO. XXIV OF 2019

ORDINANCE

to amend the Enforcement of Women’s Property Rights Ordinance, 2019

WHEREAS it is expedient to amend the Enforcement of Women’s Property Rights Ordinance, 2019 (XVII of 2019) for the purpose hereinafter appearing:
AND WHEREAS the Senate and the National Assembly are not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan the President is pleased to make and promulgate the following Ordinance, namely:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Enforcement of Women’s Property Rights (Amendment) Ordinance, 2019.

   (2) It shall come into force at once.

2. **Amendment of section 5, Ordinance XVII of 2019.**—In the Enforcement of Women’s Property Rights Ordinance, 2019 (XVII of 2019), in section 5, after sub-section 3, the following sub-section (4) shall be inserted, namely:

   “(4) Any person aggrieved by a decision of Ombudsman under sub-section (1), may, within thirty days of decision, make a representation to the President, who may pass such order thereon as he may deem fit.”.

### STATEMENT OF OBJECT AND REASONS

The Enforcement of Women’s Property Rights Ordinance 2019 (XVII of 2019) provides for protection of rights of ownership and possession of properties owned by woman ensuring that such rights are not violated by means of harassment, coercion, force or fraud. Section 5 of the said ordinance empowers the ombudsman to pass orders on complaints filed before her in respect of title or possession of property to the complainant. However, there was no forum of appeal or representation against the orders of Ombudsman. Hence to ensure fair and just adjudication of the case, an amendment was introduced in the said Ordinance to provide for right of representation against the said orders within thirty days.

*Minister-in-Charge.*
Annex-'B'

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

to amend the Enforcement of Women’s Property Rights Ordinance, 2019

WHEREAS it is expedient to amend the Enforcement of Women’s Property Rights Ordinance, 2019 (XVII of 2019) for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the Enforcement of Women’s Property Rights (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 5, Ordinance XVII of 2019.—In the Enforcement of Women’s Property Rights Ordinance, 2019 (XVII of 2019), in section 5, after sub-section 3, the following sub-section (4) shall be inserted, namely:

“(4) Any person aggrieved by a decision of Ombudsman under sub-section (1), may, within thirty days of decision, make a representation to the President, who may pass such order thereon as he may deem fit.”

STATEMENT OF OBJECT AND REASONS

The Enforcement of Women’s Property Rights Ordinance 2019 (XVII of 2019) provides for protection of rights of ownership and possession of properties owned by woman ensuring that such rights are not violated by means of harassment, coercion, force or fraud. Section 5 of the said ordinance empowers the Ombudsman to pass orders on complaints filed before her in respect of title or possession of property to the complainant. However, there was no forum of appeal or representation against the orders of Ombudsman. Hence to ensure fair and just adjudication of the case, an amendment was introduced in the said Ordinance to provide for right of representation against the said orders within thirty days.

Minister-in-Charge.

TAHIR HUSSAIN,
Secretary.