

THE PUNJAB MUSLIM FAMILY LAWS (AMENDMENT) BILL 2015

Bill No. 16 of 2015

A BILL

further to amend the Muslim Family Laws Ordinance, 1961

Whereas it is expedient to amend the Muslim Family Laws Ordinance, 1961 (*VIII of 1961*) for purposes of protecting women from exploitation and providing them with expeditious resolution of family disputes, and for ancillary matters;

It is enacted as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Muslim Family Laws (Amendment) Act 2015.

(2) It shall come into force at once.

2. Amendment in section 1 of Ordinance VIII of 1961.— In the Muslim Family Laws Ordinance, 1961 (*VIII of 1961*), hereinafter referred to as “the said Ordinance”, in section 1:

(a) in subsection (2), for the word “Pakistan” the words “the Punjab” shall be substituted; and

(b) for subsection (3), the following shall be substituted:

“(3) It shall come into force at once.”

3. Amendment in section 2 of Ordinance VIII of 1961.— In the said Ordinance, for section 2, the following shall be substituted:

“**2. Definitions.**— In this Ordinance:

(a) “Arbitration Council” means a body consisting of the Chairman and representative of each of the parties to a matter under the Ordinance; and, in case any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council;

(b) “Chairman” means the Chairman of a Union Council, Union Administration or Municipal Committee or any officer authorized by the Government to discharge the functions of the Chairman under the Ordinance and where the Chairman is a non-Muslim or he himself wishes to make an application to the Arbitration Council, or is, owing to illness or any other reason, unable to discharge the functions of the Chairman, the Arbitration Council shall select one of its Muslim members as Chairman;

(c) “Government” means Government of the Punjab;

(d) “prescribed” means prescribed by rules made under this Ordinance; and

(e) “Union Council” means a Union Council, Municipal Committee, Cantonment Board, a Union Administration or, in case of absence of any of these local governments in a local area, any other comparable body constituted under any law relating to the local governments or local authorities.”

4. Amendment in section 5 of Ordinance VIII of 1961.— In the said Act, in section 5:

(a) for subsection (2), the following shall be substituted:

“(2) For the purpose of registration of marriages under this Ordinance, the Union Council shall grant licenses to one or more persons, to be called Nikah Registrars.”

(b) after subsection (2), the following subsection (2A) shall be inserted:

“(2A) The Nikah Registrar or the person who solemnizes a Nikah shall accurately fill all the columns of the *Nikahnama* form with specific answers of the bride or the bridegroom.”; and

(c) for subsection (4), the following shall be substituted:

“(4) If a person contravenes the provision of:

- (i) subsection (2A), he shall be punished to simple imprisonment for a term which may extend to one month and fine of twenty five thousand rupees; and
- (ii) subsection (3), he shall be punished to simple imprisonment for a term which may extend to three months and fine of one hundred thousand rupees.”

5. Amendment in section 6 of Ordinance VIII of 1961.— In the said Ordinance, in section 6, in subsection (5), for clause (b), the following shall be substituted:

“(b) on conviction upon complaint be punishable with the simple imprisonment which may extend to one year and with fine of five hundred thousand rupees.”

6. Amendment in section 9 of Ordinance VIII of 1961.— In the said Ordinance, in section 9, after subsection (1), the following subsection (1A) shall be inserted:

“(1A) If a father fails to maintain his child, the mother or grandmother of the child may, in addition to seeking any other legal remedy, apply to the Chairman who shall constitute an Arbitration Council and the Arbitration Council may issue a certificate specifying the amount which shall be paid by the father as maintenance of the child.”
