

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, 2019.

(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), renumbered 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