

**REPORT NO. 01**

# **SENATE OF PAKISTAN**



**REPORT OF THE SENATE STANDING COMMITTEE ON  
RELIGIOUS AFFAIRS AND INTER-FAITH HARMONY**

**On**

**GUARDIANS AND WARDS (AMENDMENT) BILL, 2021**

**PRESENTED BY**

**SENATOR MOLANA ABDUL GHAFOOR HAIDERI**

## SENATE SECRETARIAT

### REPORT OF THE SENATE STANDING COMMITTEE ON RELIGIOUS AFFAIRS AND INTER-FAITH HARMONY ON "GUARDIANS AND WARDS (AMENDMENT) BILL, 2021"

I, Senator Molana Abdul Ghafoor Haideri, Chairman, Senate Standing Committee on Religious Affairs and Inter-Faith Harmony, have the honor to present the report, on behalf of the Committee, on "GUARDIANS AND WARDS (AMENDMENT) BILL, 2021" introduced in the House and referred by the House on 31<sup>st</sup> May, 2021 to the Senate Standing Committee on Religious Affairs and Inter-Faith Harmony.

2. The composition of the Senate Standing Committee on Religious Affairs and Inter-Faith Harmony is as under:-

1.	Senator Molana Abdul Ghafoor Haideri	Chairman
2.	Senator Gurdeep Singh	Member
3.	Senator Molvi Faiz Muhammad	Member
4.	Senator Anwar Lal Dean	Member
5.	Senator Bahramand Khan Tangi	Member
6.	Senator Prof. Sajid Mir	Member
7.	Senator Syed Muhammad Sabir Shah	Member
8.	Senator Naseebullah Bazai	Member
9.	Senator Hafiz Abdul Karim	Member
10.	Senator Muhammad Akram	Member
11.	Senator Haji Hidayatullah Khan	Member
12.	Minister for Religious Affairs and Inter-Faith Harmony	Ex-Officio Member
13.	Senator Mohsin Aziz	Mover

3. The Committee considered the Bill in its meetings held on 26<sup>th</sup> October, and 30<sup>th</sup> November, 2021. In the meeting held on 26<sup>th</sup> October, 2021 the bill was deferred owing to request by the mover due to his absence.

4. Subsequently, the bill was re-considered in the meeting held on 30<sup>th</sup> November, 2021 wherein the mover of the bill Senator Mohsin Aziz briefed the Committee that through the bill he intended to amend section 19(b) of the Guardians and Wards Act, 1890 which reads as follows:

**"To substitute the clause (b) of section 19 of the Act:**

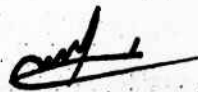
**Courts shall not appoint guardian of person of a minor (other than a married female) whose father or mother is living and is not unfit to be guardian of that minor**

**To add words 'or mother' after word 'father' in clause (b) of section 19".**



5. The mover stated that his intent was to ensure that the property of the minor kids is not misused at the hands of any other person and that the mother should be declared as a guardian and no one else in case she is not re-married. The Ministry however informed the Committee that the opinion of Islamic Ideological Council was sought in this matter who did not support the bill.
6. The Ministry suggested that in the next meeting of the Committee, the Chairman, Islamic Ideological Council and the Law Division be invited to seek further clarification in the matter.
7. Accordingly, the next meeting of the Committee was scheduled for 24<sup>th</sup> December, 2021. However, on 21<sup>st</sup> December, 2021 a letter was received from the mover wherein he desired for withdrawal of bill from the Committee due to an ambiguity in the present language of the bill though he said that the same was revised by him. However since the revised amendment was beyond the scope of bill under consideration of the Committee, he desired to withdraw his bill from the Committee so that the new bill could be submitted in the House.
8. The Chairman (Committee) on behalf of the Committee disposed of the matter to the extent and with the advice that the mover will seek a formal ascent of the House for withdrawal of his bill under Rule 115 of the Rules of Procedure and Conduct of Business in the Senate 2012.

  
(MUGHEES AHMAD SHAIKH)  
Secretary (Committee)

  
(SENATOR MOLANA ABDUL GHAFOOR HAIDERI)  
Chairman (Committee)

AS  
[~~TO BE~~ INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Guardians and Wards Act, 1890*

**WHEREAS** it is expedient further to amend the Guardians and Wards Act, 1890 (VIII of 1890) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act may be called the Guardians and Wards (Amendment) Act, 2021.

(2) It shall come into force at once.

2. **Amendment of section 19 Act VIII of 1890.**— In the Guardians and Wards Act, 1890 (VIII of 1890), in section 19, for clause (b), the following shall be substituted, namely:-

"(b) of a minor, other than a married female, whose father or mother is living and is not, in the opinion of the court, unfit to be guardian of the person of the minor, or".

**STATEMENT OF OBJECTS AND REASONS**

The Constitution of Pakistan guarantees equality of status and equality of opportunity to all citizens, irrespective of the fact, whether they are men and women. It provides that all citizens are equal before law and there shall be no discrimination on the basis of sex. There is a growing demand for making laws free from gender bias and to provide legal equality to women in all spheres of life.

2. With the above objectives in view, it is proposed to amend the Guardians and Wards Act, 1890 so as to bring in gender equality and include the mother along with the father as a fit person to be appointed as guardian so that courts shall not appoint any other person as a guardian of minor if either of the parents is fit to be the guardian of such minor.

3. The bill seeks to achieve the above said purposes.

**SENATOR MOHSIN AZIZ**  
Member-in-charge