

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), in its application to the extent of Islamabad Capital Territory, 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, 2024.

(2) It shall come into force at once.

**2. Amendment of section 12, Act VIII of 1890.**- In the Guardians and Wards Act, 1890 (VIII of 1890), hereinafter referred to as the said Act, in section 12, in sub-section (1), for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter, the following new proviso shall be inserted, namely:-

"Provided that the court shall, on the first date of hearing, pass interim order of meeting between father and child as well as granting Home Access/Home Visitation to noncustodial fathers for children of all ages (including age of weaning)."

**3. Amendment of section 45, Act VIII of 1890.**- In the said Act, in section 45, in sub-section (1), in paragraph (c), for the expression "one hundred rupees" the expression, "ten thousand rupees" shall be substituted and for the expression "ten rupees" the expression "five thousand rupees" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The significant aspect of the issues related to child custody is that notwithstanding the prevailing customs, norms and personal laws; any of the non-custodial parent desirous of his child custody and failing in reaching a private settlement has to reach the court of law and seek recourse to the Guardian and Wards Act, 1890. The Act is a century-old, failing to cater to the needs and challenges of the present-day situation. The lacunas in the law on custody in Pakistan have created a complex situation for the child. The irregularities and unreasonable restrictions in the visitation of non-custodial parents bring disappointment and result in losing one of the parents.

One of the significant questions arising during child custody in Pakistan is to make the ward's appearance before the court. Customarily in our general public after separation, couples become the most terrible foe of each other. They develop intense hatred and prefer not to have any sort of contact both inside and outside the court. Despite estrangement between spouses, both are bound by the procedural laws to come in contact and therefore this contact no matter how brief does not cease to exist. A person enjoying legal custody expediently surrenders his right for the time being in favour of a non-custodial parent at the instance of the court. Along these lines, it is the bounden obligation of a Guardian court while giving visitation rights to strike the reasonable balance between the custodian and non-custodian parents. The Act primarily provides custody to a person desirous of securing custody of a ward by allowing him to invoke Section 25 of the Act. Section 12 of the Act caters to the need for change in interim custody which by and large is allowed in exceptional cases. Non-custodial parent by fulfilling the mandate and conditions attached by the court, most important being the payment of maintenance amount on time, is allowed to meet his child according to the settled schedule. Meeting in such circumstances usually takes place between the ward and his non-custodial parent either within the court or outside the court's compound. Visitation rooms designated for such meetings at the judicial complexes in most major cities present a dilapidated picture. The gloomy atmosphere adds to the miseries, where an already destitute child brainwashed by his custodial parent, starts raising hue and cry and the meeting for which the non-custodial parent is anxious to have come to an end in a flash without any exchange of tenderness and affection. In such circumstances there is a dire need to amend the relevant laws in order to allow the home visitation of a child for non-custodial parent and other matters concerning therewith.

2. Hence the bill has been proposed.

**SENATOR SAMINA MUMTAZ ZEHRI**  
**Member-In-Charge**