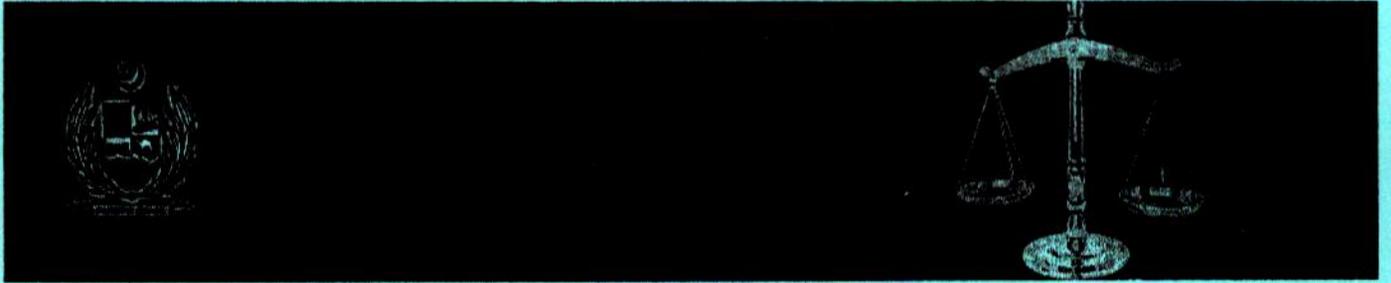




SENATE SECRETARIAT

Report No. 15

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**



“THE FAMILY COURTS (AMENDMENT) BILL, 2024”

PRESENTED BY

**Senator Farooq Hamid Naek
Chairman
Standing Committee on Law and Justice**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "THE FAMILY COURTS (AMENDMENT) BILL, 2024"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Family Courts (Amendment) Bill, 2024" introduced Senator Samina Mumtaz Zehri in the Senate sitting held on 9th September, 2024. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Shahadat Awan	Member
3.	Senator Zamir Hussain Ghumro	Member
4.	Senator Khalil Tahir	Member
5.	Senator Ahad Khan Cheema	Member
6.	Senator Mohammad Abdul Qadir	Member
7.	Senator Syed Ali Zafar	Member
8.	Senator Kamran Murtaza	Member
9.	Senator Hamid Khan	Member
10.	Senator Rubina Naz	Member
11.	Senator Muhammad Azam Khan Swati	Member
12.	Minister for Law and Justice	Ex-officio Member

3. The Committee considered the Bill in its meetings held on 8th January, 2025 and 12th September, 2025, respectively under the Chairmanship of Senator Farooq Hamid Naek. Final consideration of the Bill was held in the meeting dated 12th September, 2025, which was attended by the following hon'ble Members:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Shahadat Awan	Member
3.	Senator Mohammad Abdul Qadir	Member
4.	Senator Kamran Murtaza	Member
5.	Minister of State for Law and Justice	Ex-officio Member
6.	Senator Samina Mumtaz Zehri	Member-in-Charge



4. The Member In-Charge briefed the Committee that the proposed Bill aims to address the challenges faced by women and children in family matters by ensuring that Family Courts follow proper procedures in determining maintenance allowances. The mover highlighted that Family Courts are not properly assessing the 'estate' and 'resources' of the defendant, leading to prolonged litigation. The Bill proposes that on the date of the first appearance of the defendant, the court shall fix interim monthly maintenance for the wife or child, and if the defendant fails to pay by the fourteenth of each month, their defense shall be struck off, and the court shall decree the suit based on the plaint.

5. The Ministry of Law and Justice expressed reservations, stating that the proposed amendment contradicts Article 10A of the Constitution, which guarantees the right to a fair trial. The Ministry also highlighted a conflict with Section 9(1) of the West Pakistan Family Courts Act, 1964, which provides that the defendant must file a written statement and list of witnesses. The Ministry emphasized that maintenance amounts should be determined based on the financial circumstances of the defendant on a case-by-case basis.

6. Given the significance of the issue, the Committee formed a sub-committee comprising Senator Zamir Hussain Ghumro, Senator Syed Ali Zafar, and Senator Anusha Rahman to examine the proposal and submit a report within fifteen days.

7. Senator Zamir Hussain Ghumro, Convener Sub-Committee, presented the report of the sub-committee. The sub-Committee, by majority of vote, recommended that the Bill, as introduced in the Senate, may be passed by the Standing Committee. (Report of the sub-Committee is annexed as "A").

8. The report was placed before main Committee in its meeting held on 12th September, 2025, wherein Chairman Committee and all members vehemently supported pro-women and public interest legislation, emphasizing that "laws that protect the vulnerable and ensure swift justice are the need of the hour." The Committee, after deliberations, adopted the report of the sub-committee. However, Senator Kamran Murtaza submitted a dissenting note, expressing constitutional concerns under Article 10-A related to the right to a fair trial.



9. Accordingly, the Committee recommends that "The Family Courts (Amendment) Bill, 2024", as introduced in the Senate, may be passed by the House. (Copy of Bill is annexed as "B").



(RABEEA ANWAR)
A.S / Secretary Committee



(SENATOR FAROOQ HAMID NAEK)
Chairman

Annex-'A'



House of the Federation

SENATE SECRETARIAT

**REPORT OF THE
SUB-COMMITTEE OF SENATE STANDING COMMITTEE
ON LAW & JUSTICE**

ON

Legislative proposals contained in the 'Family Courts (Amendment) Bill, 2024', introduced by Senator Samina Mumtaz Zehri in the Senate sitting held in 09-09-2024

PRESENTED BY

**SENATOR ZAMEER HUSSAIN GHUMRO
CONVENER
Sub-Committee**

SENATE SECRETARIAT

Subject:- REPORT OF THE SUB-COMMITTEE OF SENATE STANDING COMMITTEE ON LAW & JUSTICE.

I, Senator Zamir Hussain Ghumro, Convener, Sub-Committee on Senate Standing Committee on Law & Justice, have the honour to present this report on legislative proposals contained in the 'Family Courts (Amendment) Bill, 2024', introduced by Senator Samina Mumtaz Zehri in the Senate sitting held in 09-09-2024.

2. The Composition of the Sub-Committee is as under:-

i.	Senator Zamir Hussain Ghumro	Convener
ii.	Senator Anusha Rehman Ahmed Khan	Member
iii.	Senator Syed Ali Zafar	Member

3. The Terms of Reference (TORs) of the Committee were:

"To examine and report on legislative proposals contained in the 'Family Courts (Amendment) bill, 2024', introduced by Senator Samina Mumtaz Zehri in the Senate sitting held in 09-09-2024".

4. The Committee considered the Bill in its sitting held on 14th April, 2025, under my Convener'ship, with the following in attendance:-

i.	Senator Zamir Hussain Ghumro	Convener
ii.	Senator Anusha Rehman Ahmed Khan	Member
iii.	Senator Samina Mumtaz Zehri	Mover

5. The Committee discussed the legislative proposal which mandates that the Family Court shall fix a maintenance amount for the divorcee and her children at the first hearing. If the defendant fails to pay the fixed amount by the fourteenth day of each month, their defense shall be struck off, and the Court shall proceed to decree the suit based on the averments in the plaint and available supporting documentation.

6. Senator Samina Mumtaz Zehri, Mover of the bill, elaborated that divorce proceedings frequently remain sub-judice for years, leading to significant economic distress for women and their children. She stated that approximately 90 percent of women in Pakistan lack independent income sources, and the absence of financial support in such situations constitutes an unjust burden on the vulnerable. She stressed the need for a legally fixed maintenance amount to be determined at the outset of the case, to provide timely relief.

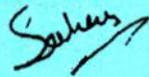
7. The Additional Secretary, Ministry of Law and Justice, informed the Committee that similar legal amendments have already been enacted in Punjab. He clarified that the Ministry's legislative mandate pertains solely to the federal domain.

8. The Convener Senator Zamir Hussain Ghumro referenced Article 35 of the Constitution of Pakistan, emphasizing the State's responsibility to protect the family, mother, and child. He noted that denying financial support to divorcees and children presents a serious societal concern. He said that similar legislation has already been passed in the province of Punjab as stated by the Law Ministry and there should be no objection to it as it is in consonance with article 35 of the Constitution. He said that other Provinces should follow the precedent as there have been harrowing experiences of women and children suffering financial hardships.

9. Senator Anusha Rahman Ahmad Khan endorsed the remarks of the Convener and lauded the mover of the bill. She encouraged the introduction of further legislation aimed at the empowerment of women in Pakistan.

10. The Committee consistently emphasized the urgency of ensuring swift resolution of divorce cases, which often remain pending in Family Courts for extended durations. They highlighted the financial hardships endured by divorcees and their children due to procedural delays and underscored the necessity of fixing a monthly interim maintenance amount to ensure basic sustenance for affected parties.

5. After due deliberations, the Sub-Committee unanimously supported the bill and passed the bill as introduced and recommended its forwarding to the concerned committee for further transmission to the Senate House.



(SAHAR SANAULLAH)
AD/Secretary Committee



(SENATOR ZAMIR HUSSAIN GHUMRO)
Convener Committee

A

Bill

further to amend the Family Courts Act, 1964

Whereas it is expedient further to amend the Family Courts Act, 1964 (XXXV of 1964), 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 Family Courts (Amendment) Act, 2024.

(2) It shall come into force at once.

2. Substitution of Section 17A, Act XXXV of 1964.- In the Family Courts Act, 1964, (XXXV of 1964) hereinafter referred to as the said Act, for section 17A, the following shall be substituted, namely:-

"17 A. Suit for maintenance. - (1) In a suit for maintenance, the Family Court shall, on the date of the first appearance of the defendant, fix interim monthly maintenance for wife or a child and if the defendant fails to pay the maintenance by fourteenth of each month, the defence of the defendant shall stand struck off and the Family Court shall decree the suit for maintenance on the basis of averments in the plaint and other supporting documents on record of the case:

(2) In a decree for maintenance, the Family Court may:

a) fix an amount of maintenance higher than the amount prayed for in the plaint due to afflux of time or any other relevant circumstances; and

b) prescribe the annual increase in the maintenance.

(3) If the Family Court does not prescribe the annual increase in the maintenance, the maintenance fixed by the Court shall automatically stand increased at the rate of ten percent each year.

(4) For the purposes of fixing the quantum of maintenance, the Family Court shall, generally or in particularized state of non-availability of sufficient evidence on behalf of parties, shall embark upon inquiry about estate and resources of the defendant as defined under sections 11 and 39 of the Income Tax Ordinance, 2001, and in this regard summon the relevant documentary evidence from the Federal Board of Revenue and any organization public or private, body or authority to determine the estate and resources of the defendant."

STATEMENT OF OBJECTS AND REASONS

Article 35 of the Constitution of the Islamic Republic of Pakistan, 1973 provides protection to the mother and child. For reference, aforesaid Articles are reproduced as under: "35. The State shall protect the marriage, the family, the mother and the child." Importantly, Article 4 of the Constitution clearly states that it is inalienable right of subjects to be treated in accordance with law and no action detrimental to their reputation, life, and liberty shall be taken except as per law.

It is imperative to note that women and children approaching the Court in family matters are protected by Article 4 of our Constitution and, therefore, must be treated in accordance with the law laid down in S. 17(A) of the "Act". The main object of the "Act" is for protection and convenience of the weaker and vulnerable segments of the society i.e. women and children. Thus, the Family Court is legally obliged to assess the quantum of maintenance as per dictate and criteria mentioned in Section 17-A (4) of the "Act". It is the duty of the Family Court to ascertain the 'estate' and 'resources' of the defendant.

While examining the jurisprudence laid down in family matters, it has noticed that Family Courts are not properly following the procedure in this regard as time consuming litigation in shape of family suits involving issue of maintenance allowance are being decided without just determination of 'estate' and 'resources' of husband/father for fixing maintenance allowance.

In order to ascertain the quantum of maintenance Courts need to pursue the provisions stipulated in Sections 11 and 39 of the Income Tax Ordinance, 2001 (the "Ordinance 2001"), which encapsulate the gist of the definition reproduced above by way of stating range of sources of income. Section 11 of the Ordinance 2001 states that the income can be classified under the heads of salary, income from property, income from business, capital gains and income from other sources, whereas Section 39 of the Income Tax Ordinance, 2001 provides that head of income from other sources includes dividend, royalty, profit on debt, additional payment on delayed refund under any tax law, ground rent, rent from sub-lease of land or a building, income from the lease of any building together with plant or machinery, income from provision of amenities, utilities or any other service connected with the renting of building, annuity or pension, prize bond etc. and such other sources defined therein.

Thus, benefit may be fetched from said Sections 11 and 39 of the Income Tax Ordinance, 2001 for purpose of determining what were the 'estate' and 'resources' of the Respondent No.1 falling in Section 17-A (4) of the "Act". Similarly, on the date of the first appearance of the defendant, the court should fix interim monthly maintenance for wife or a child.

Hence the bill has been proposed in order to fill up the lacunas in existing laws.

**SENATOR SAMINA MUMTAZ ZEHRI
MEMBER-IN-CHARGE**