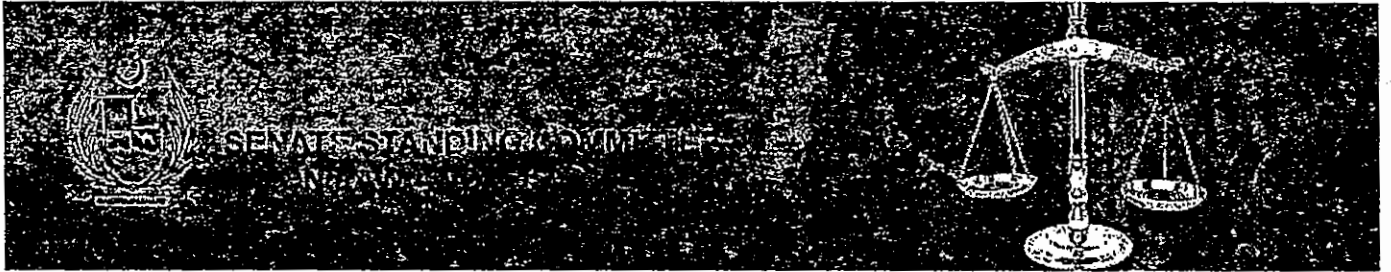




**SENATE SECRETARIAT**

**Report No. 20**

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



**“THE FAMILY COURTS (AMENDMENT) BILL, 2026”**

**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, 2026"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on "The Family Courts (Amendment) Bill, 2026" introduced by Senator Sarmad Ali in the Senate sitting held on 19-01-2026. 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 Rana Sana Ullah Khan	Member
5.	Senator Muhammad Tallal Badar	Member
6.	Senator Khalil Tahir	Member
7.	Senator Ahad Khan Cheema	Member
8.	Senator Mohammad Abdul Qadir	Member
9.	Senator Syed Ali Zafar	Member
10.	Senator Kamran Murtaza	Member
11.	Senator Hamid Khan	Member
12.	Senator Rubina Naaz	Member
13.	Senator Mohammad Azam Khan Swati	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 3<sup>rd</sup> February, 2026, under the Chairmanship of Senator Farooq Hamid Naek, which was attended by the following hon'ble Members:-

1.	Senator Farooq Hamid Naek	Chairman
2.	Senator Shahadat Awan	Member
3.	Senator Kamran Murtaza	Member
4.	Senator Mohammad Abdul Qadir	Member
5.	Minister of State for Law and Justice	Ex-Officio Member

4. Senator Sarmad Ali, Member-in-charge of the Bill, attended the meeting virtually through Zoom. He briefed the Committee that the Family Courts Act, 1964 provides the legal framework for matters relating to registration of Muslim marriages,




dissolution of marriage, maintenance, and other family disputes. He stated that, over time, certain gaps have been identified in the law, particularly with regard to effective and enforceable registration of marriages, enforcement of maintenance for wives and children, clarity of jurisdiction of Family Courts in matters of talaq and maintenance, use of modern methods for recording evidence, and timely intimation to Arbitration Councils in cases of talaq or dissolution of marriage. The Bill seeks to amend the Act to strengthen the role of Family Courts, enhance fines and penalties to ensure compliance with registration and maintenance obligations, establish the exclusive jurisdiction of Family Courts in matters of talaq and child maintenance, and enable the use of audio and video recording for accurate documentation of evidence. The Bill further aims to ensure timely communication between Family Courts and Arbitration Councils for effective enforcement of decrees, with the overarching objective of protecting the rights of women and children and modernizing the administration of family law in Pakistan, through amendments to sections 9 and 11 of the Act.

5. The Ministry of Law and Justice briefed the Committee that the Private Member's Bill proposes amendments to sections 9 and 11 of the Family Courts Act, 1964 (W.P. Act XXXV of 1964), primarily to revise the time limit for filing of written statements by defendants and to facilitate the use of modern modes for recording and documentation of evidence. The Ministry pointed out that the subject matter falls within the devolved domain and that similar amendments have already been incorporated in the Punjab Family Courts Act. The Ministry opined that the proposed amendments appear to be in furtherance of the general good and may contribute to the expeditious disposal of family cases.

6. Mr. Mahfooz Paracha, District Attorney for the Islamabad Capital Territory (ICT), supported the Bill, subject to certain amendments.

7. During clause-by-clause consideration, the proposed amendment to section 9 was withdrawn by the Member-in-charge, as the Committee was of the view that the proposed fifteen-day timeline for filing of written statements may not be consistent with the scheme of the law and could prove impractical. However, the proposed amendment to section 11 was adopted, with an additional modification providing that Family Courts may allow audio and video recording of statements, subject to judicial discretion and with the consent of the parties concerned.



8. Accordingly, the Bill was unanimously passed by the Committee with the following amendments:-

In the *Family Courts Amendment Bill, 2026*,-

- (i) Clause 2 shall be omitted
- (ii) In clause 3, the proposed new subsection (1A) shall be substituted with the following namely,-

*"(1A) The Family Court may, with the consent of both parties, record, or cause to be recorded, the substance of the statement of a witness, either in writing or through audio or video recording."*

9. Accordingly, the Committee recommends that "The Family Courts (Amendment) Bill, 2026", as reported by the Committee may be passed by the Senate of Pakistan. (Copy of Bill as reported by the Committee is annexed as "A" and the Bill as introduced in the Senate is annexed as "B")



(RABEEA ANWAR )  
A.S / Secretary Committee



( SENATOR FAROOQ HAMID NAEK )  
Chairman

[AS REPORTED BY THE 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), to improve enforcement of marriage registration, child maintenance, and family law adjudication, and to enhance the jurisdiction of Family Courts for effective protection of the rights of women and children;

It is hereby enacted as follows: -

1. **Short title, extent and commencement.** - (1) This Act may be called the Family Courts (Amendment) Act, 2026.

(2) It shall come into force at once.

2. **Amendment of section 11, Act XXXV of 1964.**- In the said Act, in section 11, after sub-section (1) the following new sub-section shall be inserted, namely:-

“(1A) The Family Court may, with the consent of both parties, record, or cause to be recorded, the substance of the statement of a witness, either in writing or through audio or video recording.”

STATEMENT OF OBJECTS AND REASONS

The Family Courts Act, 1964 provides the legal framework for registration of Muslim marriages, dissolution of marriages, maintenance, and related family matters. Over time, gaps have been identified, particularly regarding accurate and enforceable registration of marriages, enforcement of maintenance for children and wives, clarification of jurisdiction of Family Courts in cases of talaq and maintenance, use of modern methods for recording evidence, and timely intimation to Arbitration Councils in cases of talaq or dissolution of marriage.

This Bill seeks to amend the Act to strengthen the role of Family Courts, increase fines and penalties to ensure compliance with registration and maintenance obligations, and establish the exclusive jurisdiction of Family Courts in matters of talaq, child maintenance, and related enforcement. It further enables the use of audio/video recording for accurate documentation of evidence and ensures timely communication between Family Courts and Arbitration Councils for enforcement of decrees. The Bill aims to protect the rights of women and children, improve enforceability, and modernize the administration of family law in Pakistan.

2. The Bill is designed to achieve the aforesaid objects.

SENATOR SARMAD ALI  
MEMBER-IN-CHARGE

INTRODUCED ON 19.01.2026

[TO BE INTRODUCED IN THE SENATE]

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), to improve enforcement of marriage registration, child maintenance, and family law adjudication, and to enhance the jurisdiction of Family Courts for effective protection of the rights of women and children;

It is hereby enacted as follows:-

**1. Short title, extent and commencement.**- (1) This Act may be called the Family Courts (Amendment) Act, 2026.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Amendment of section 9, Act XXXV of 1964.**- In the Family Courts Act, 1964 (XXXV of 1964), hereinafter referred to as the said Act, in section 9, for sub-section (1), the following shall be substituted, namely:-

"(1) On the date fixed under clause (a) of sub-section (1) of Section 8, the defendant shall appear before the Family Court and file the written statement, a list of witnesses, and a gist of evidence. In case the written statement is not filed on that date, the Family Court may, for sufficient cause, allow the defendant to submit the written statement and other documents on the next date, which shall not exceed fifteen days from that date."

**3. Amendment of section 11, Act XXXV of 1964.**- In the said Act, in section 11, after sub-section (1), the following new sub-section shall be inserted, namely:-

"(1A) The Family Court shall record, or cause to be recorded, the substance of the statement of a witness, either in writing or through audio or video recording, which shall be retained for at least five years or as prescribed by rules."

#### **STATEMENT OF OBJECTS AND REASONS**

The Family Courts Act, 1964 provides the legal framework for registration of Muslim marriages, dissolution of marriages, maintenance, and related family matters. Over time, gaps have been identified, particularly regarding accurate and enforceable registration of marriages, enforcement of maintenance for children and wives, clarification of jurisdiction of Family Courts in cases of talaq and maintenance, use of modern methods for recording evidence, and timely intimation to Arbitration Councils in cases of talaq or dissolution of marriage.

This Bill seeks to amend the Act to strengthen the role of Family Courts, increase fines and penalties to ensure compliance with registration and maintenance obligations, and establish the exclusive jurisdiction of Family Courts in matters of talaq, child maintenance, and related enforcement. It further enables the use of audio/video recording for accurate documentation of evidence and ensures timely communication between Family Courts and Arbitration Councils for enforcement of decrees. The Bill aims to protect the rights of women and children, improve enforceability, and modernize the administration of family law in Pakistan.

2. The Bill is designed to achieve the aforesaid objects.

**SENATOR SARMAD ALI**  
**Member-in-Charge**