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Introduced on: 19-10-2026

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

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BILL

Further to amend the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961) in its Extent to the ICTA.

WHEREAS it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.

(1) This Act may be called the **Muslim Family Laws (Amendment) Act, 2026.**

(2) It shall come into force at once.

2. Insertion of new section 4A in Ordinance VIII of 1961.

In the Muslim Family Laws Ordinance, 1961 (Ordinance No. VIII of 1961), after section 4, the following new section shall be inserted, namely:—

"4A. Special provisions relating to succession in families having only female issue.—

(1) Notwithstanding anything contained in any other law, custom or usage for the time being in force, where a deceased Muslim leaves behind one or more daughters and no son,—

(a) the residential house or principal residential property of the deceased, which was occupied by the surviving spouse or the daughter or daughters at the time of the deceased's death, shall remain subject to the exclusive right of residence, occupation and usufruct of the surviving spouse and the daughter or daughters, and shall not be partitioned, sold or otherwise alienated at the instance of collateral relatives during the lifetime of the surviving spouse or until such time as the daughter or daughters attain financial independence or marry, whichever is later;

(b) after distribution of the prescribed Quranic shares among the legal heirs entitled thereto, any residue of the estate shall, where there is no surviving son or other direct male descendant, and subject to the rights of parents or other Quranic sharers, devolve upon the daughter or daughters and the surviving spouse by way of return (*Radd*) in proportion to their respective statutory shares, to the exclusion of collateral agnatic heirs (*Asabah*).

(2) Any gift (*Hiba*) of self-acquired property made during the lifetime of a parent in favour of his or her daughter or daughters or spouse, if validly executed and registered under the Registration Act, 1908 (Act No. XVI of 1908), shall be absolute and shall not be challenged by any collateral heir merely on the ground that it alters the distribution of inheritance under Muslim personal law.

(3) Nothing contained in this section shall affect any right expressly conferred upon a Quranic heir under the injunctions of Islam as embodied in the Holy Quran and Sunnah, except to the extent specifically provided herein."

STATEMENT OF OBJECTS AND REASONS

The existing application of Muslim personal law in succession disputes has, in many instances, resulted in economic hardship for widows and families having only female children. Following the death of the principal earning member, collateral relatives frequently claim shares in the estate, including the family residence, leading to displacement, prolonged litigation and financial insecurity for surviving spouses and daughters.

The object of this Bill is to strengthen the economic security of such families by providing statutory protection against the forced partition or alienation of the family home, preserving the right of residence of widows and daughters, recognising the application of the principle of *Radd* in appropriate cases so that the residue of the estate remains within the immediate family, and protecting bona fide lifetime gifts (*Hiba*) of self-acquired property made in favour of daughters or spouses from unnecessary litigation by collateral heirs.

The proposed legislation seeks to promote family welfare, social justice and economic security while ensuring greater certainty in the administration of succession under the law.

Sd/-
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Member-in-Charge