LAW AND JUSTICE COMMISSION OF PAKISTAN



LAW REFORM REPORT NO. 144

PROPOSED FAMILY COURTS BILL, 2026

Comprehensive Reform of the Family Courts Act, 1964

for

Improvement and Modernisation of the Family Justice System

2026

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Foreword

The Law and Justice Commission of Pakistan, in pursuance of its statutory mandate, has undertaken a comprehensive review of the Family Courts Act, 1964, to strengthen the institutional and procedural framework for the expeditious, inexpensive and effective resolution of family disputes.

The Family Courts Act, 1964 established specialised judicial forums and simplified procedures for family disputes. However, experience gained over six decades, legislative developments across the Provinces, evolving judicial practices and the growing need for accessible family justice have highlighted the necessity for further reforms, particularly in judicial specialisation, appellate arrangements, enforcement of decrees and modernisation of court procedures.

The Commission initiated a consultative process by inviting reform suggestions from Bar Councils, Judicial Academies and the legal research centres of the High Courts and the Supreme Court of Pakistan. A preliminary draft was subsequently prepared and circulated among the concerned stakeholders, including relevant Government departments, for further comments and suggestions. The proposals were refined in the light of the consultation and placed before the Commission for consideration.

At its 50th meeting held on 11 September 2026, the Commission recommended forwarding the proposed amendments to the respective Governments for appropriate legislative action, leaving them to determine whether to amend the existing laws or enact fresh legislation. Accordingly, the proposed Family Courts Bill, 2026 presents the reforms in a consolidated legislative framework for consideration by the competent legislatures.

The proposed reform envisages dedicated Family Courts and Family Appellate Courts, specialised Family Benches of the High Courts, separate Family Courts Complexes, Women Facilitation Centres and appropriate counselling and welfare support services, particularly for women and children. It further provides for streamlined judicial administration, expeditious trial and appellate procedures, consensual alternative dispute resolution, effective interim relief and enforcement of decrees, improved mechanisms concerning maintenance and other family rights, and modern systems for electronic filing, judicial records and proceedings, while safeguarding fair trial and due process.

It is hoped that these reforms will promote a more accessible, efficient and dignified family justice system and strengthen the administration of family justice throughout Pakistan.

Justice Yahya Afridi
Chief Justice of Pakistan / Chairperson
Law and Justice Commission of Pakistan

Background and Rationale for the Proposed Legislation

1. Introduction and Existing Legal Framework

The Family Courts Act, 1964, provides the principal statutory framework for the adjudication of family disputes in Pakistan. It established specialised judicial forums and simplified procedures to facilitate the expeditious and inexpensive resolution of disputes relating to marriage and family affairs, particularly those affecting the rights and welfare of women and children.

Family Courts exercise jurisdiction over matters specified in the Schedule to the Act, including dissolution of marriage, dower, maintenance, restitution of conjugal rights, custody, visitation, guardianship, dowry and personal property. The Guardians and Wards Act, 1890, the Muslim Family Laws Ordinance, 1961, and applicable personal laws also govern relevant aspects of family litigation. Legislative amendments introduced in different jurisdictions, particularly through the Punjab Family Courts (Amendment) Act, 2015, have strengthened the existing framework but have also resulted in variations in family court procedures across the country.

2. Need for Reform

Experience in the administration of family justice has highlighted several areas requiring legislative attention, including the limited availability of dedicated Family Courts and suitable facilities; absence of a uniformly specialised appellate structure; delays in service of process, trial proceedings and execution of decrees; difficulties in determining claims relating to dowry and personal property; inadequate mechanisms for proper maintenance and its enforcement; and the need to accommodate developments in family law jurisprudence, particularly concerning khula, dower and related rights.

The increasing use of technology in judicial administration has also necessitated an enabling statutory framework for electronic filing, digital judicial records and electronic proceedings.

These issues call for a comprehensive approach addressing judicial institutions, procedural efficiency, effective relief and access to justice. The proposed Family Courts Bill, 2026 therefore consolidates existing protections and proposed reforms within a unified legislative framework capable of adaptation for the Provinces and the Islamabad Capital Territory.

3. Consultative Process

The Commission undertook a two-stage consultative process. Initially, suggestions for amendments to the Family Courts Act, 1964 were invited from Bar Councils, Judicial Academies and the legal research centres of the High Courts and the Supreme Court of Pakistan. The suggestions received, together with the relevant statutory provisions and judicial developments and the study of the subject matter in the comparative jurisdictions by the LJCP Secretariat, formed the basis for preparation of the preliminary draft.

The draft amendments were subsequently circulated among Bar Councils, Judicial Academies, relevant Government departments and other concerned stakeholders for further comments and suggestions. The proposals were also circulated among the Members of the Commission in accordance with the LJCP (Procedure) Rules, 1980. The comments and recommendations received were examined by the LJCP Secretariat and incorporated, where considered appropriate, before the proposals were placed before the Commission.

4. Consideration by the Commission

At its 50th meeting held on 11 September 2026, the Commission considered the proposed amendments to the Family Courts Act, 1964, including further suggestions made by its Members, and recommended that the proposals be forwarded to the respective Governments for consideration and appropriate legislative action.

Having regard to the extensive nature of the reforms, the Commission left it to the Governments concerned to determine whether the proposed changes should be incorporated through amendments to the existing laws or by enacting fresh legislation. The Family Courts Bill, 2026 accordingly presents the reforms in a consolidated legislative form for consideration by the competent legislatures.

5. Salient Features of the Proposed Legislation

The proposed Bill introduces substantial institutional and procedural reforms while retaining the essential principles of specialised, expeditious and inexpensive family justice. Its salient features are as follows:

(i) Establishment of dedicated Family Courts and Family Appellate Courts. Provision for separate Family Courts and a specialised appellate tier at district headquarters and other appropriate places, with designated Senior Judges and District Judges, prescribed judicial qualifications, administrative arrangements and phased establishment within three years, while preserving existing judicial arrangements during the transitional period (sections 3–4 and 26–28).

(ii) Specialised Family Benches of the High Courts. Provision for constitution of specialised Family Benches at the principal seats and, where applicable, the Benches of the High Courts, to facilitate focused and expeditious adjudication of family matters falling within their jurisdiction (section 29).

(iii) Family Courts Complexes and Women Facilitation Centres. Establishment of separate Family Courts Complexes and Women Facilitation Centres, supported by counsellors, welfare officers, psychologists, child-welfare specialists and relevant social welfare organisations. The Bill also provides for institutional coordination, separate establishments, budgetary arrangements and dedicated process-serving services, particularly to facilitate access to justice for women and children (sections 7–13).

(iv) Clarification of jurisdiction and protection of personal laws. Clarification that Family Courts exercise jurisdiction over persons belonging to all religious communities, subject to their applicable personal laws, together with preservation of the relevant procedure and appellate remedies under the Guardians and Wards Act, 1890 (sections 5–6).

(v) Simplification of trial proceedings and improved case management. Strengthened requirements for pleadings and disclosure, verified inventories of dowry and personal property, witness affidavits, improved service of process, regulated adjournments, realistic litigation costs, time-bound case management and simplified recording of evidence, including through electronic means (sections 14–20 and 30–31).

(vi) Reconciliation, consensual ADR and dissolution of marriage. Provision for reconciliation at appropriate stages, consensual referral to alternative dispute resolution, and settlement of agreed factual controversies through special oath. The Bill also provides for prompt dissolution of marriage on the ground of khula while permitting continued adjudication of pleaded grounds and consequential rights, particularly relating to dower, without affecting the decree of dissolution (sections 18 and 20).

(vii) Strengthening maintenance and financial disclosure. Provision for fixation of interim maintenance at the earliest appropriate stage, disclosure of income, assets and financial resources by the defendant, measures against default in payment, determination of maintenance according to the circumstances of the case, and annual enhancement of maintenance where no increase is prescribed in the decree (sections 17 and 42).

(viii) Effective execution of decrees and interim protection. Automatic commencement of execution proceedings upon the passing of an executable decree or order, without requiring a separate execution application; assistance of executive authorities; transfer and enforcement of decrees across districts; and protective orders concerning property to secure satisfaction of decrees, subject to prescribed safeguards (sections 21–25 and 38).

(ix) Modernisation of judicial procedure and safeguards. Provision for review of judgments and orders, appropriate procedural flexibility, admissibility and assessment of electronic material, appearance through authorised agents, electronic filing, digital judicial records, video-link proceedings and interoperability between court systems, while safeguarding fair trial, due process and the integrity of judicial records (sections 33–41).

(x) Special jurisdiction, appellate remedies and transitional arrangements. Provision for limited criminal jurisdiction in specified family-related offences, corresponding appellate arrangements, powers for transfer of proceedings, rule-making and continuation of pending cases and existing rules, ensuring an orderly transition to the proposed statutory framework (sections 43, 49–51 and 54–55).

6. Implementation

Effective implementation of the proposed legislation will require adaptation of the model Bill to the legislative and judicial arrangements of each jurisdiction; provision of the requisite judicial posts, staff, infrastructure and financial resources; framing of procedural rules; establishment of appropriate electronic filing and judicial-record systems; and training of judicial officers, court staff and other concerned personnel.

The proposed phased implementation and transitional provisions are intended to facilitate these arrangements without disrupting pending proceedings or the existing administration of family justice.

PROPOSED BILL

THE [NAME OF PROVINCE / ISLAMABAD] FAMILY COURTS BILL, 2026

Consolidated Model Legislation

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THE [NAME OF PROVINCE / ISLAMABAD] FAMILY COURTS BILL, 2026

(Bill No. ___ of 2026)

An Act to establish a specialised, accessible and effective system of family justice and to provide for matters connected therewith or incidental thereto.

WHEREAS it is expedient to establish a specialised family justice system for the just, expeditious, inexpensive and conciliatory resolution of disputes relating to marriage and family affairs;

AND WHEREAS it is necessary for that purpose to provide for specialised Family Courts and Family Appellate Courts, specialised Family Benches of the High Courts, dedicated Family Courts Complexes and Women Facilitation Centres, and appropriate support services, particularly for women and children;

AND WHEREAS it is further expedient to provide for simplified and modern procedures, amicable settlement of family disputes, effective interim relief and enforcement of decrees, and such other measures as may promote access to justice, protect the dignity and welfare of families, women and children, and strengthen the administration of family justice;

It is hereby enacted as follows:-

CHAPTER I — PRELIMINARY

1. Short title, extent and commencement.— (1) This Act may be called the **[Name of Province/Islamabad]** Family Courts Act, 2026.

(2) It extends to the whole of **[Name of Province / Islamabad Capital Territory].**

[For Islamabad Act only:

Provided that section 50 shall extend to the whole of Pakistan.]

(3) It shall come into force at once.

2. Definitions.— (1) In this Act, unless the context otherwise requires,—

(a) "Arbitration Council" and "Chairman" have the meanings respectively assigned to them in the Muslim Family Laws Ordinance, 1961;

(b) "Chief Justice" means the Chief Justice of the **(Name of the High Court)**;

(c) "High Court" means the **(Name of the High Court)**;

(d) "Family Appellate Court" means a Court established under section 27;

(e) "Family Bench" means a specialised Bench of the High Court constituted under section 29;

(f) "Family Court" means a Court established under section 3;

(g) "Government" means the Government of **(Name of the Province) / Government of Pakistan for ICT**;

(h) "party" includes any person whose presence is considered necessary for the proper decision of a dispute and whom the Family Court or Family Appellate Court adds as a party to the proceeding;

(i) "prescribed" means prescribed by rules made under this Act and includes, in matters of practice and procedure, provision made by rules framed by the High Court under Article 202 of the Constitution of the Islamic Republic of Pakistan, insofar as those rules apply to proceedings under this Act and are not inconsistent with this Act or the rules made thereunder;

[For Islamabad Act only:

(j) "Sessions Division" means a Sessions Division of the Islamabad Capital Territory constituted under the law for the time being in force;]

(k) "Schedule" means the Schedule appended to this Act; and

(l) "Union Council" means a Union Council, Municipal Committee, Cantonment Board, Union Administration or, where none exists in a local area, any comparable body or authority constituted under any law relating to local governments or local authorities.

(2) Words and expressions used but not defined in this Act shall, where the context so permits, have the meanings respectively assigned to them in the Code of Civil Procedure, 1908, and the Civil Courts Ordinance, 1962.

[For Islamabad Act only:

(3) For the purposes of territorial jurisdiction and judicial administration under this Act, references to a district, district headquarters or sub-division shall, unless the context otherwise requires, be construed, respectively, as references to the relevant Sessions Division, its principal place of sitting, or such other territorial area within a Sessions Division as may be specified by the Government in consultation with the Chief Justice.]

CHAPTER II — ESTABLISHMENT, JURISDICTION AND ADMINISTRATION OF FAMILY COURTS

3. Establishment of Family Courts.— Subject to subsection (2) of section 4, the Government shall, in consultation with the Chief Justice, establish such number of Family Courts at each district headquarters and at such sub-divisions as it may deem necessary, and the Judges of such Courts shall be appointed by the High Court:

Provided that the Government shall, in consultation with the Chief Justice, progressively establish separate Family Courts under this Act within a period not exceeding three years from its commencement:

Provided further that, until separate posts are sanctioned for the Family Courts, the Chief Justice may allocate a certain number of posts from the sanctioned strength of Civil Judges and Senior Civil Judges **[*For Balochistan and Khyber Pakhtunkhwa only:* including judicial officers holding equivalent posts or designations under any law for the time being in force]** and, where necessary, upgrade one post of Civil Judge to that of Senior Civil Judge at each district headquarters for the purposes of this Act:

Provided further that, until the Family Courts established under this section become functional in any district or sub-division, the Senior Civil Judges and Civil Judges **[*For Balochistan and Khyber Pakhtunkhwa only:* including judicial officers holding an equivalent post or designation under any law for the time being in force]** exercising the powers and jurisdiction of Judges of Family Courts immediately before the

commencement of this Act shall continue to exercise such powers and jurisdiction under this Act.

4. Qualifications of Judges and administration of Family Courts.— (1) No person shall be appointed as a Judge of a Family Court unless he is a Senior Civil Judge or Civil Judge **[*For Balochistan and Khyber Pakhtunkhwa only:* including a judicial officer holding an equivalent post or designation under any law for the time being in force]:**

Provided that where a Civil Judge is to be appointed as a Judge of a Family Court, such appointment shall preferably be made from among Civil Judges who have held judicial office for a period of not less than five years:

Provided further that, in making such appointment, preference shall also, so far as practicable, be given to female Civil Judges.

(2) There shall be at least one Family Court at every district headquarters, the Judge of which shall be designated as Senior Judge, Family Courts, and shall be appointed from among Senior Civil Judges **[*For Balochistan and Khyber Pakhtunkhwa only*: including judicial officers holding equivalent posts or designations under any law for the time being in force].**

(3) Where two or more Family Courts are established at a district headquarters or a sub-division, the Senior Judge, Family Courts, at the district headquarters, or the senior-most Judge, who shall be designated as Administrative Judge, Family Courts, at the sub-division, as the case may be, shall receive all suits, petitions and proceedings instituted under this Act or any other law conferring jurisdiction upon the Family Court and assign them for hearing and disposal to himself or to any other Judge of the Family Courts:

Provided that where only one Family Court is established at a district headquarters or a sub-division, all suits, petitions and proceedings shall be instituted before, and heard and disposed of by, the Judge of that Court:

Provided further that, notwithstanding the establishment of a Family Court presided over by the Senior Judge, Family Courts, at the district headquarters, where sufficient separate Family Courts have not become functional, the Senior Judge, Family Courts, may assign suits, petitions and proceedings to Civil Judges **[*For Balochistan and Khyber Pakhtunkhwa only*: including judicial officers holding equivalent posts or designations under any law for the time being in force]** who were exercising the jurisdiction of Family Courts immediately before the commencement of this Act, and such Judges shall continue to exercise that jurisdiction in respect of the matters so assigned, but shall remain under the administrative control of the District and Sessions Judge concerned.

5. Jurisdiction.— (1) Subject to the provisions of the Muslim Family Laws Ordinance, 1961, and the Conciliation Courts Ordinance, 1961, the Family Courts shall have exclusive jurisdiction to entertain, hear and adjudicate upon matters specified in Part I of the Schedule.

Explanation.— The jurisdiction of the Family Courts under this Act shall extend to all persons, whether Muslims or non-Muslims, in respect of matters specified in Part I of the Schedule, subject to the personal law applicable to them in relation to such matters.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Family Court shall have jurisdiction to try the offences specified in Part II of the Schedule where one of the spouses is the victim of an offence committed by the other.

(3) The Government may, in consultation with the Chief Justice and by notification in the official Gazette, make amendments to the Schedule by addition, deletion or substitution of any matter or offence therein.

6. Family Court to exercise powers of District Court under Guardians and Wards Act, 1890.— A Family Court shall be deemed to be a District Court for the purposes of the Guardians and Wards Act, 1890 and, notwithstanding anything contained in this Act, shall, in dealing with matters under that Act, follow the procedure prescribed therein:

Provided that the territorial jurisdiction of the Family Court in such matters shall be determined in accordance with the provisions of this Act and the rules made thereunder:

Provided further that, notwithstanding anything contained in subsections (1) and (3) of section 26, an appeal against an order passed by a Family Court which is appealable under section 47 of the Guardians and Wards Act, 1890, shall lie to the Family Appellate Court.

7. Establishment of Family Courts Complexes and Women Facilitation Centres.— (1) The Government shall, in consultation with the Chief Justice, establish separate Family Courts Complexes at such places as may be considered appropriate and, at each such Complex, establish a Women Facilitation Centre.

(2) The Chief Justice may, by general instructions, specify the services and facilities to be provided at Family Courts Complexes and Women Facilitation Centres for facilitating access to family justice, particularly for women and children.

8. Counsellors, welfare officers, experts and social welfare organisations.— (1) The High Court may, in consultation with the Government, by rules provide for the appointment, qualifications, remuneration, duties and conditions of service of counsellors, welfare officers, psychologists, child-welfare specialists, medical experts and other suitably qualified persons to assist Family Courts and Family Appellate Courts in conciliation, counselling, child-related matters and such other matters as may be necessary for the purposes of this Act.

(2) The Chief Justice may, by general instructions, provide for the association, on a voluntary or pro bono basis, of institutions, organisations or persons engaged in social welfare, particularly in promoting the welfare of women and children, or other suitably qualified persons, with Family Courts Complexes and Women Facilitation Centres for facilitating access to family justice, amicable settlement and expeditious disposal of disputes:

Provided that such association shall be subject to such conditions concerning qualifications, confidentiality, impartiality and avoidance of conflicts of interest as may be specified in the instructions.

(3) A Family Court or Family Appellate Court may, where necessary in the interests of justice or the welfare of a child or other vulnerable person, seek the assistance of any person, institution or organisation referred to in subsections (1) and (2), and may, after affording the parties an opportunity to respond, consider any report or opinion so obtained in determining the matter in accordance with law.

9. Institutional coordination.— The Chief Justice may, in consultation with the Government, by general instructions, provide for appropriate coordination arrangements among Family Courts, Family Appellate Courts, government departments, police, legal

aid institutions, child protection authorities, women protection centres, shelter homes and other relevant institutions or organisations for facilitating access to family justice and ensuring effective referral and support services, particularly for women and children.

10. Place of sittings.— Where a separate Family Courts Complex has not been established, a Family Court or a Family Appellate Court shall hold its sittings at such place within the district or sub-division, as the case may be, as may be directed by the Chief Justice.

11. Officers and staff of Family Courts and Family Appellate Courts.— (1) The Government shall, in consultation with the Chief Justice, provide separate establishments for Family Courts and Family Appellate Courts, comprising such ministerial officers and supporting staff as may be prescribed.

(2) Until separate establishments are fully provided under subsection (1), the Chief Justice may transfer such officers and staff from the existing establishments of the Civil and Sessions Courts to the corresponding establishments of Family Courts and Family Appellate Courts as may be necessary for carrying out the purposes of this Act.

(3) The establishments of Family Courts and Family Appellate Courts, including the officers and staff transferred under subsection (2), shall be under the administrative control of the Senior Judge, Family Courts, and the District Judge, Family Appellate Courts, respectively, subject to the general supervision and control of the High Court.

(4) The Senior Judge, Family Courts, and the District Judge, Family Appellate Courts, shall exercise powers of posting, transfer and allocation of duties of officers and staff within their respective establishments, in the same manner and to the same extent as such powers are exercisable by the Senior Civil Judge and District and Sessions Judge, respectively, under the applicable rules and orders.

(5) The terms and conditions of service of officers and staff transferred under subsection (2) shall remain protected, and such transfer shall not adversely affect their pay, seniority, pension or other accrued service benefits.

12. Budgetary allocation.— (1) The Government shall, in consultation with the Chief Justice, provide a separate budgetary allocation for Family Courts and Family Appellate Courts, including their establishments, Family Courts Complexes, Women Facilitation Centres, Process Serving Agency, Budget Branches and other facilities necessary for carrying out the purposes of this Act.

(2) Until a separate budgetary allocation is fully provided under subsection (1), the Chief Justice may allocate the requisite funds for Family Courts and Family Appellate Courts from the budgets of the Civil Courts and Sessions Courts, respectively, subject to the availability of funds.

(3) The budgetary arrangements under this section shall be progressively implemented, so far as practicable, within the period specified for the establishment of separate Family Courts and Family Appellate Courts under sections 3 and 27.

13. Process Serving Agency and Budget Branches.— (1) The Government shall, in consultation with the Chief Justice, establish a Process Serving Agency for Family Courts and Family Appellate Courts and two Budget Branches, one for Family Courts and the other for Family Appellate Courts, with such officers and staff as may be prescribed.

(2) The Process Serving Agency shall be responsible for the service of summons, notices and other process issued by Family Courts and Family Appellate Courts, and by the High Court in family matters, and may use electronic, digital or other lawful modes of service authorised under this Act or the rules made thereunder.

(3) The Budget Branches shall be responsible for the preparation of budget estimates, processing of salaries, allowances and other expenditure, maintenance of financial records, monitoring of expenditure and such other financial and budgetary functions as may be prescribed.

(4) The Process Serving Agency and Budget Branches shall be progressively established, so far as practicable, within three years of the commencement of this Act:

Provided that, until they become operational in an area, the Chief Justice may assign their functions to the existing process-serving establishment and Budget Branches of the Civil Courts and Sessions Courts, or transfer such officers and staff from those establishments to the corresponding establishments under this Act as may be necessary.

(5) The Process Serving Agency and Budget Branches established under this section, including the officers and staff transferred thereto under subsection (4), shall function under the administrative control of the Senior Judge, Family Courts, in relation to Family Courts, and the District Judge, Family Appellate Courts, in relation to Family Appellate Courts, who shall exercise powers of posting, transfer and allocation of duties of such officers and staff within their respective establishments in the same manner and to the same extent as such powers are exercisable by the Senior Civil Judge and District and Sessions Judge, respectively, under the applicable rules and orders.

CHAPTER III — INSTITUTION AND TRIAL PROCEEDINGS

14. Institution of suits.— Every suit before a Family Court shall be instituted by presentation of a plaint or in such other manner as may be prescribed.

15. Plaint.— (1) The plaint shall contain all material facts relating to the dispute and shall be accompanied by a schedule specifying the number, names and addresses of the witnesses intended to be produced:

Provided that a plaint may contain all or any of the matters specified in Part I of the Schedule:

Provided further that the Family Court may, at any later stage, permit a party to produce an additional witness if it considers such evidence expedient in the interests of justice.

(2) The plaintiff shall, along with the plaint, file his own affidavit and the affidavits of the witnesses specified in the schedule referred to in subsection (1), setting out their respective examination-in-chief:

Provided that the Family Court may, for reasons to be recorded in writing, permit any such affidavit to be filed at a later stage.

(3) In a suit for recovery of dowry articles, bridal gifts or personal property and belongings, the plaintiff shall, along with the plaint, file an inventory or statement, verified on oath, specifying—

(a) in the case of movable property, the description of each article claimed and its approximate value;

(b) in the case of immovable property, its description, location, area and other particulars sufficient for its identification;

(c) the name of the person by whom the property was given or transferred or, where applicable, whether it was acquired by the plaintiff; and

(d) such other particulars as may be necessary to identify the property and state the basis of the claim of the plaintiff to ownership;

and shall annex thereto such purchase receipts, ownership documents, photographs, video recordings or other supporting material as may be available.

Explanation.— The inventory or statement shall form part of the pleadings.

(4) Where a plaintiff sues or relies upon a document in his possession or power, he shall produce it in Court when the plaint is presented and shall at the same time file the document or a copy with the plaint.

(5) Where a plaintiff relies upon any document not in his possession or power as evidence in support of his claim, he shall enter the document in a list appended to the plaint, stating the reasons for its relevancy and, where known, in whose possession or power it is.

(6) The plaint shall be accompanied by as many duplicate copies, including the schedule of witnesses, affidavits and documents filed therewith, as there are defendants.

16. Intimation to defendant and proceeding ex parte.— (1) When a plaint is presented to a Family Court, it shall—

(a) fix a date, not later than fifteen days from the date of presentation of the plaint, for the appearance of the defendant;

(b) within three days of the presentation of the plaint, issue summons to the defendant through the process serving agency and simultaneously through registered post acknowledgement due or courier, or by electronic means, together with a copy of the plaint, the schedule referred to in subsection (1) of section 15, the affidavits referred to in subsection (2) of section 15, and copies of the documents and list of documents referred to in subsections (4) and (5) of section 15; and

(c) direct the process serving agency to serve the summons by affixing a copy thereof at a conspicuous part of the house of the defendant if he refuses to acknowledge service or if, after using all due and reasonable diligence, the serving officer is unable to find him.

(2) In addition to the modes specified in subsection (1), the Family Court may direct service of summons in such other manner or mode as it considers appropriate for effecting service.

(3) The summons issued to the defendant shall require him to appear and submit his written statement on the date specified therein.

(4) If the defendant fails to appear on the date fixed and due service is proved, the Family Court may proceed ex parte; and if due service is not proved, fresh summons shall be issued.

(5) Where an ex parte decree is passed against a defendant, notice thereof, together with a certified copy of the decree, shall be sent to him through the process serving agency, registered post acknowledgement due or courier, or such other mode as the Court may deem appropriate.

(6) A defendant against whom an ex parte decree has been passed may, within thirty days from the date of service upon him of the notice of the decree under subsection (5), apply to the Family Court to set aside the decree, and if he satisfies the Court that he was not duly served the summons in the suit or was prevented by sufficient cause from appearing when the suit was called for hearing, the Court may set aside the decree upon such terms as to costs or otherwise as it deems fit:

Provided that section 5 of the Limitation Act, 1908 shall apply to an application under this subsection:

Provided further that where an ex parte decree has been passed for dissolution of marriage on the ground of khula, such decree shall not be set aside to the extent of dissolution of marriage unless the plaintiff expressly consents and the dissolution has not become effective in accordance with law:

Provided further that nothing in the preceding proviso shall prevent the Family Court from setting aside the decree to the extent of any determination relating to dower or other consequential rights, without affecting the dissolution of marriage.

17. Written statement.— (1) On the date fixed under section 16, the defendant shall appear before the Family Court and file the written statement, together with a schedule specifying the number, names and addresses of the witnesses intended to be produced:

Provided that the Family Court may, for sufficient reasons to be recorded in writing, allow the defendant to file the written statement and accompanying documents on the next date, which shall not be later than fifteen days from the date fixed under section 16.

(2) The defendant shall, along with the written statement, file his own affidavit and the affidavits of the witnesses specified in the schedule referred to in subsection (1), setting out their respective evidence-in-chief:

Provided that the Family Court may, for reasons to be recorded in writing, permit any such affidavit to be filed at a later stage.

(3) If the defendant fails to submit the written statement on or before the date allowed under subsection (1), his defence shall stand struck off and the Family Court shall proceed to decide the case in accordance with law.

(4) A defendant husband may, where no earlier suit for restitution of conjugal rights is pending, claim restitution of conjugal rights in his written statement to a suit for dissolution of marriage or maintenance.

(5) A defendant wife may, in her written statement to a suit for restitution of conjugal rights, claim dissolution of marriage.

(6) In a suit for recovery of dowry articles, bridal gifts or personal property and belongings, the defendant shall, along with the written statement, file an inventory or statement, verified on oath, specifying—

(a) in the case of movable property, each article admitted to be in the possession, custody or control of the defendant, together with its approximate value;

(b) in the case of immovable property claimed by the plaintiff, its particulars, whether it is in the possession of the defendant or any other person and, if so, the name of such person and the capacity in which the property is held;

(c) the articles or property denied to have been given or transferred to, or acquired by, the plaintiff; and

(d) the articles or property alleged to have been returned, consumed, transferred or otherwise disposed of, together with the particulars thereof;

and shall annex thereto such purchase receipts, ownership documents, photographs, video recordings or other supporting material as may be available.

Explanation.— The inventory or statement shall form part of the pleadings.

(7) In a suit for maintenance, the defendant shall, along with the written statement, file an affidavit disclosing his income, assets, liabilities and financial resources, including movable and immovable property, bank accounts and such other financial information as may be relevant for determination of interim or final maintenance, as existing on the date of institution of the suit, and shall, so far as available, annex documents supporting such disclosure:

Provided that any transfer or disposal of an asset after the institution of the suit shall not, by itself, affect its consideration by the Family Court for determination of maintenance:

Provided further that any person who knowingly makes a false statement in such affidavit shall be liable to prosecution in accordance with law.

(8) Where a defendant relies upon a document in his possession or power, he shall produce the document or a copy thereof with the written statement.

(9) Where the defendant relies upon a document not in his possession or power, he shall enter it in a list appended to the written statement, stating its relevance and, where known, in whose possession or power it is.

(10) The written statement shall be accompanied by a duplicate copy, together with copies of the schedule of witnesses, affidavits and documents filed therewith, which shall be supplied to the plaintiff or his agent or advocate present in Court.

18. Pre-trial proceedings.— (1) When the written statement is filed, the Court shall fix an early date for a pre-trial hearing.

(2) On the date fixed, the Court shall examine the plaint, written statement, affidavits of evidence and documents, and hear the parties and their counsel.

(3) The Court shall ascertain the points at issue and attempt to effect compromise or reconciliation, if possible:

Provided that, notwithstanding anything contained in any other law for the time being in force, the Court may, where appropriate, having regard to the facts and circumstances of the case, refer the parties, with their consent, to an alternative dispute resolution method, including mediation and conciliation:

Provided further that, with the consent of the parties, the Court may refer any point of factual controversy between them for resolution through a special oath to be taken by such party or other person as may be agreed upon by them, particularly in relation to claims for

recovery of dower, dowry articles, bridal gifts or personal property and belongings; the statement made upon such oath shall be binding upon the parties in respect of the point so referred, and the Court shall decide the same accordingly.

(4) If no compromise or reconciliation is possible, the Court shall frame the issues and fix a date for recording evidence:

Provided that where a wife expressly seeks dissolution of marriage on the ground of khula, whether exclusively or in the alternative to any other ground recognised by law, the Family Court shall, upon failure of reconciliation, pass a decree for dissolution of marriage forthwith:

Provided further that where dissolution of marriage is granted on the ground of khula and the wife has also pleaded cruelty, maltreatment, ill-treatment, shiqaq or any other ground recognised by law, the Court shall, notwithstanding the decree for dissolution of marriage, frame the necessary issues and record evidence to determine the grounds so pleaded and the consequential rights of the parties, including entitlement to, or return or surrender of, dower:

Provided further that the Court shall determine whether the whole or any part of the dower received by the wife is to be returned, or the unpaid dower is to be surrendered, having regard to the facts and circumstances of the case, including the duration and circumstances of the marriage, the reasons leading to its breakdown and the extent of responsibility, if any, attributable to either spouse:

Provided further that the adjudication of any such issue or consequential right shall not suspend or otherwise affect the decree for dissolution of marriage.

19. Recording of evidence.— (1) The affidavits filed under subsection (2) of section 15 and subsection (2) of section 17 shall constitute the examination-in-chief of the respective witnesses, who shall be made available for cross-examination by the opposite party unless that party waives the right of cross-examination:

Provided that where an affidavit is filed at a later stage with the permission of the Family Court, a copy thereof shall be supplied to the opposite party sufficiently in advance of cross-examination to afford a reasonable opportunity to prepare:

Provided further that where an additional witness is permitted to be produced at a later stage, the party producing such witness shall file an affidavit setting out his evidence-in-chief, unless the Family Court, for reasons to be recorded in writing, directs otherwise.

(2) On the date fixed for recording of evidence, the Family Court shall proceed with the cross-examination and re-examination of witnesses in such order as it deems fit.

(3) The Family Court shall record or cause to be recorded the evidence of witnesses and may do so by audio or video recording or through audio-video link in such manner as may be prescribed.

(4) Where the Family Court considers it expedient for avoiding delay or adjournment, or for facilitating the expeditious disposal of the case, it may appoint an advocate or other suitable person as Commissioner to record the evidence of one or more witnesses, and may fix such reasonable fee for the Commissioner as it deems appropriate.

(5) A Commissioner appointed under subsection (4) shall record the evidence in such manner as may be directed by the Family Court and submit it to the Court for inclusion in the record of the case.

(6) The Family Court or the Commissioner recording evidence may forbid any question which is indecent, scandalous, frivolous, insulting, annoying or needlessly offensive.

(7) The Family Court may put any question to a witness for elucidation of any matter relevant to the proceedings, and a Commissioner recording evidence may also put any question considered necessary for that purpose.

(8) The Family Court shall not issue summons for a witness unless the party seeking such summons satisfies the Court that the witness cannot reasonably be produced by that party and makes an application for summoning the witness—

(a) in the case of the plaintiff, within three days of the framing of issues; and

(b) in the case of the defendant, within three days of the date on which the case is first fixed for recording the evidence of the defendant:

Provided that the Family Court may, for sufficient cause to be recorded in writing, summon a witness notwithstanding the expiry of the period specified in this subsection.

20. Conclusion of trial.— (1) After the close of evidence, the Family Court shall make another effort to effect compromise or reconciliation between the parties within a period not exceeding fifteen days.

(2) If such effort fails, the Family Court shall, after hearing the arguments of the parties, pronounce judgment and pass a decree accordingly.

CHAPTER IV — EXECUTION OF DECREES

21. Enforcement of decrees and orders.— (1) A decree or executable order shall be enforced by the Family Court which passed it or by such other Family Court as the District Judge, Family Appellate Courts, may, by general or special order, direct.

(2) Upon the passing of an executable decree or order by a Family Court, the suit or proceeding shall stand converted into execution proceedings, and no separate application for execution or fresh notice merely to commence execution proceedings shall be required:

Provided that the record of the suit or proceeding may be consigned to the record room, but copies of the decree or order and such documents as may be necessary for its execution shall be retained:

Provided further that where execution proceedings are assigned to another Family Court by the District Judge, Family Appellate Courts, the necessary record shall be transmitted to that Court and the parties shall be directed to appear before it:

Provided further that nothing in this subsection shall dispense with any notice or opportunity of hearing required by the law governing a particular measure or mode of execution.

(3) A decree or executable order may be enforced in accordance with the Code of Civil Procedure, 1908, the law relating to the recovery of arrears of land revenue, or any other law for the time being in force, or in such other lawful manner as the Family Court may deem appropriate for its effective enforcement.

(4) A Family Court may direct that any amount payable under a decree or order be paid in such instalments as it considers appropriate.

22. Assistance of executive authorities in execution of decrees and orders.— (1) All executive authorities, including the district administration, revenue authorities and police, shall be bound to act in aid of the Family Court in the execution and enforcement of its decrees and orders and shall provide such assistance as may be required by the Court in accordance with law.

(2) Where the Family Court requires assistance under subsection (1), it may issue appropriate directions to the concerned authority or officer, who shall comply with such directions without undue delay.

23. Ancillary measures to secure execution of decree.— Notwithstanding anything contained in any other law, where the Court executing a decree or order has reason to believe that the judgment-debtor is absconding or concealing himself to avoid execution, it may, for reasons recorded in writing, direct the appropriate authority to suspend or restrict, to the extent necessary, the use of the national identity card or passport of the judgment-debtor for securing his appearance before the Court for execution:

Provided that such direction shall remain in force for the period specified by the Court and shall be recalled upon the judgment-debtor being arrested, appearing before the Court, or furnishing such surety as the Court considers sufficient to ensure his appearance.

24. Transfer of decrees and orders for execution.— (1) A Family Court which passed a decree or executable order, or another Family Court entrusted with its execution, may, on the application of the decree-holder, transfer the decree or order for execution to another Family Court if—

(a) the judgment-debtor voluntarily resides, carries on business or personally works for gain within the jurisdiction of that other Court;

(b) the judgment-debtor has property within the jurisdiction of that other Court;

(c) the decree or order relates to the delivery of movable or immovable property situated within the jurisdiction of that other Court; or

(d) the Court considers it expedient, for any other reason recorded in writing, that the decree or order be executed by that other Court.

(2) Where the transferee Family Court is within the same district, the decree or order shall be transmitted directly to that Court; where it is in another district, it shall be transmitted to the Senior Judge or Administrative Judge, Family Courts concerned, who shall execute it himself or entrust its execution to another competent Family Court.

25. Attachment and sale of property in another district.— Notwithstanding anything contained in this Act or any other law, a Family Court executing a decree or order may, without transferring it for execution, order the attachment and sale of any movable or immovable property of the judgment-debtor situated in another district and transmit the necessary directions to the competent Family Court or other appropriate authority of that district for implementation in accordance with the applicable procedure for attachment and sale of property.

CHAPTER V — APPEALS AND FAMILY APPELLATE COURTS

26. Appeals.— (1) Notwithstanding anything contained in any other law for the time being in force, an appeal against a judgment, decree or final order passed by a Family Court shall lie to the Family Appellate Court:

Provided that, until a Family Appellate Court becomes functional in the relevant district or sub-division, the District Court **[*For Balochistan and Khyber Pakhtunkhwa only:* including judicial officers holding equivalent posts or designations under any law for the time being in force]** shall exercise the jurisdiction and perform the functions of the Family Appellate Court under this Act.

(2) No appeal shall lie against a decree passed by a Family Court—

(a) for dissolution of marriage:

Provided that an appeal shall lie only against a determination relating to the grant, refusal, return, relinquishment or adjustment of dower involving an amount or property having a value exceeding one hundred thousand rupees, or such other amount as the Government may, by notification in the official Gazette, prescribe, and such appeal shall not operate to suspend or otherwise affect the dissolution of marriage;

(b) for dower or dowry not exceeding one hundred thousand rupees or such other amount as the Government may, by notification in the official Gazette, prescribe; or

(c) for maintenance not exceeding six thousand rupees per month for each plaintiff, or such other amount as the Government may, by notification in the official Gazette, prescribe.

(3) No appeal shall lie against an interim order passed by a Family Court.

(4) An appeal under subsection (1) or the second proviso to section 6 shall be preferred within thirty days from the date of the judgment, decree or order appealed against, excluding the time requisite for obtaining certified copies thereof:

Provided that the Family Appellate Court may, for sufficient cause to be recorded in writing, admit an appeal after the expiry of the said period.

27. Establishment of Family Appellate Courts.— Subject to subsection (2) of section 28, the Government shall, in consultation with the Chief Justice, establish such number of Family Appellate Courts at each district headquarters and at such sub-divisions as it may deem necessary, and the Judges of such Courts shall be appointed by the High Court:

Provided that the Government shall, in consultation with the Chief Justice, progressively establish separate Family Appellate Courts under this Act within a period not exceeding three years from its commencement:

Provided further that, until separate posts are sanctioned for the Family Appellate Courts, the Chief Justice may allocate a certain number of posts from the sanctioned strength of Additional District Judges and District Judges and, where necessary, upgrade one post of Additional District Judge to that of District Judge at each district headquarters for the purposes of this Act:

Provided further that, until the Family Appellate Courts established under this section become functional in any district or sub-division, the District Courts exercising appellate

jurisdiction in family matters immediately before the commencement of this Act shall continue to exercise such jurisdiction under this Act.

28. Qualifications of Judges and administration of Family Appellate Courts.— (1) No person shall be appointed as a Judge of a Family Appellate Court unless he is a District Judge or an Additional District Judge **[*For Balochistan and Khyber Pakhtunkhwa* only: including a judicial officer holding an equivalent post or designation under any law for the time being in force].**

(2) There shall be at least one Family Appellate Court at every district headquarters, the Judge of which shall be designated as District Judge, Family Appellate Courts, and shall be appointed from among District Judges **[*For Balochistan and Khyber Pakhtunkhwa only:* including judicial officers holding equivalent posts or designations under any law for the time being in force].**

(3) Where two or more Family Appellate Courts are established at a district headquarters or a sub-division, the District Judge, Family Appellate Courts, at the district headquarters, or the senior-most Judge, who shall be designated as Administrative Judge, Family Appellate Courts, at the sub-division, as the case may be, shall receive all appeals, petitions and proceedings instituted under this Act or any other law conferring jurisdiction upon the Family Appellate Court and assign them for hearing and disposal to himself or to any other Judge of the Family Appellate Courts:

Provided that where only one Family Appellate Court is established at a district headquarters or a sub-division, all appeals, petitions and proceedings shall be instituted before, and heard and disposed of by, the Judge of that Court:

Provided further that, notwithstanding the establishment of a Family Appellate Court presided over by the District Judge, Family Appellate Courts, at the district headquarters, where sufficient separate Family Appellate Courts have not become functional, the District Judge, Family Appellate Courts, may assign appeals, petitions and proceedings to Additional District Judges ***[For Balochistan and Khyber Pakhtunkhwa only:* including judicial officers holding equivalent posts or designations under any law for the time being in force]** who were exercising appellate jurisdiction in family matters immediately before the commencement of this Act, and such Judges shall continue to exercise that jurisdiction in respect of the matters so assigned, but shall remain under the administrative control of the District and Sessions Judge concerned.

(4) All Family Courts and Family Appellate Courts shall be subordinate to the High Court and, subject to its general supervision and control, the District Judge, Family Appellate Courts, shall exercise general supervision over Family Courts and Family Appellate Courts within the local limits of his jurisdiction.

29. Specialised Family Benches of High Court.— (1) The authority competent under the law for the time being in force to constitute Benches of the High Court shall, so far as practicable, constitute one or more specialised Family Benches at the principal seat of the High Court and at each of its Benches **["and at each of its Benches" - *NOT for ICT*]** for hearing and deciding petitions and other proceedings relating to family matters falling within the jurisdiction of the High Court.

Provided that nothing in this section shall authorise a Family Bench to exercise jurisdiction reserved to a Constitutional Bench under Article 202A of the Constitution, where applicable.

(2) In constituting a Family Bench, preference shall, so far as practicable, be given to Judges having experience or demonstrated interest in family law and family justice.

(3) Proceedings before a Family Bench shall be heard and decided as expeditiously as practicable, having due regard to the different categories of family disputes.

CHAPTER VI — CASE MANAGEMENT

30. Expeditious disposal of cases.— (1) A Family Court or Family Appellate Court shall dispose of suits, appeals and other proceedings within such periods as may be specified by the Chief Justice by general or special administrative order, having regard to the workload of Family Courts and Family Appellate Courts and the performance standards prescribed for their Judges.

(2) The High Court shall monitor the institution, disposal and pendency of suits, appeals and other proceedings in Family Courts and Family Appellate Courts and may, having regard to the reasons for delay, issue such administrative directions to these Courts or recommend to the Government the establishment of additional Family Courts or Family Appellate Courts as may be necessary to ensure their expeditious disposal.

31. Adjournments and costs.— (1) A Family Court or Family Appellate Court shall not grant an adjournment at the request of a party unless sufficient cause is shown and reasons are recorded in writing:

Provided that not more than two adjournments shall be granted to a party for the same act or step in the proceedings:

Provided further that the Court shall, while granting an adjournment at the request of a party, impose reasonable costs on that party in favour of the other party, having regard to the conduct and financial position of the party seeking adjournment and the circumstances of the case.

(2) A Family Court or Family Appellate Court shall award to the successful party the actual costs of litigation, including court fee, process fee, commission fee, counsel fee and other ancillary or incidental expenses reasonably incurred, as determined by the Court, and may, where it finds that any material averment was knowingly false or vexatious, award reasonable special costs.

(3) Costs awarded under this section shall be recoverable as a decree of the Court.

32. Proceedings in camera.— A Family Court or Family Appellate Court may, if it deems fit, conduct the whole or any part of the proceedings in camera.

CHAPTER VII — SPECIAL POWERS AND PROCEDURE

33. Review.— (1) Subject to the provisions of this section, a Family Court or Family Appellate Court may review its judgment, decree or order in accordance with section 114 and Order XLVII of the Code of Civil Procedure, 1908, which shall apply, mutatis mutandis.

(2) An application for review shall be filed within fifteen days from the date of the judgment, decree or order sought to be reviewed, excluding the time requisite for obtaining certified copies thereof:

Provided that the Court may, for sufficient cause to be recorded in writing, admit an application after the expiry of the said period.

(3) No application for review shall be entertained unless the applicant deposits, along with the application, cash security of ten thousand rupees or such other amount as the Government may, by notification in the official Gazette, prescribe.

(4) Where an application for review is dismissed, the security deposited shall be paid to the opposite party, and where the application is allowed, the security shall be refunded to the applicant.

(5) An application for review shall, as far as practicable, be decided within fifteen days of its filing.

(6) The filing of an application for review shall not, by itself, operate as a stay of proceedings or execution of the judgment, decree or order sought to be reviewed.

(7) No review shall lie against a decree to the extent that it dissolves a marriage, or against an order passed on an application for review.

34. Power to summon witnesses.— (1) A Family Court or Family Appellate Court may summon any person to appear and give evidence or produce any document, subject to any exemption from personal appearance provided by law, and may refuse to issue a summons where the attendance of such person cannot reasonably be procured without undue delay, expense or inconvenience.

(2) A person who wilfully disobeys a summons issued under subsection (1) may, after being afforded an opportunity to show cause, be punished by the Family Court or Family Appellate Court, as the case may be, with a fine not exceeding fifty thousand rupees, without prejudice to any other action that may be taken against him under any other law.

35. Contempt of Courts.— (1) A person shall be guilty of contempt of a Family Court or Family Appellate Court if he intentionally—

(a) insults the Court;

(b) interrupts its proceedings;

(c) misbehaves with, uses abusive language towards, threatens, uses physical force against, or intimidates any person within the Court premises;

(d) refuses to answer a question which he is legally bound to answer; or

(e) refuses to take an oath or to sign a statement made by him when lawfully required to do so.

(2) A Family Court or Family Appellate Court may summarily try a person for contempt under subsection (1), after affording him an opportunity to show cause, and impose a fine not exceeding fifty thousand rupees, without prejudice to any other punishment to which such person may be liable under any other law.

36. Provisions of Qanun-e-Shahadat and Code of Civil Procedure not to apply.— (1) Save as otherwise expressly provided by this Act, the Qanun-e-Shahadat Order, 1984 and the Code of Civil Procedure, 1908, except sections 10 and 11 thereof and, in appellate proceedings, section 107 and Order XLI thereof, shall not apply to proceedings before a Family Court or Family Appellate Court in respect of matters specified in Part I of the Schedule.

(2) Sections 8 to 11 of the Oaths Act, 1873, shall apply to proceedings before Family Courts and Family Appellate Courts.

(3) Notwithstanding anything contained in any other law, a Family Court or Family Appellate Court may receive and consider photographs, video recordings, electronic and digital communications, documents and other relevant material, particularly in proceedings relating to the recovery of dower, dowry articles, bridal gifts or personal property and belongings, and may assign such material such evidentiary value as it considers appropriate, having regard to its relevance, authenticity and reliability.

37. Power to regulate procedure.— (1) Subject to the provisions of this Act and the principles of fair trial and due process, a Family Court or Family Appellate Court may regulate its own procedure and adopt such procedure as it considers just and appropriate for the fair and expeditious disposal of a suit, appeal or other proceeding.

(2) In exercising the power under subsection (1), the Court may make such procedural orders as are necessary to ascertain the real controversy between the parties, avoid multiplicity of proceedings, prevent abuse of process and secure relevant material.

38. Power to pass interim orders for protection of property.— (1) The Family Court may, during the pendency of a suit, make such interim order as it considers necessary for the preservation or protection of any property in dispute or other property of a party to secure satisfaction of a decree that may be passed in the suit:

Provided that no order for attachment of property shall be made unless the Court, for reasons to be recorded in writing, is satisfied that such attachment is necessary to prevent frustration of execution of the decree and, except where immediate action is necessary to prevent disposal or concealment of the property, has afforded the affected party an opportunity of being heard.

(2) An order under subsection (1) may include attachment of property situated in another district.

39. Power of Court to issue commission.— Subject to such conditions and limitations as may be prescribed, a Family Court or Family Appellate Court may issue a commission to examine any person, conduct a local investigation or inspect any property or document.

40. Electronic filing, judicial records and use of electronic means.— (1) A Family Court or Family Appellate Court may permit the institution and filing of suits, appeals, applications, pleadings and other documents through electronic means, and the creation, maintenance, transmission and retrieval of electronic judicial records, in such manner as may be prescribed.

(2) A Family Court or Family Appellate Court may, where necessary or expedient in the interests of justice, permit the use of electronic communication or audio-video means for service of summons and notices, appearance of parties or witnesses, examination or cross-examination of witnesses and recording of evidence.

(3) The electronic filing and judicial-record systems established under this Act shall, so far as practicable, conform to such uniform standards and arrangements for interoperability with the systems of other courts as may be prescribed.

(4) In exercising powers under this section, the Court shall ensure that the use of electronic means does not prejudice the right to a fair trial or due process and that appropriate

safeguards are maintained for verification of identity, confidentiality, security, integrity and authenticity of electronic judicial records.

41. Appearance through agents.— (1) Where a party to any proceedings before a Family Court or Family Appellate Court is unable to appear in person or otherwise shows sufficient cause, the Court may permit such party to appear or be represented through a duly authorised agent, subject to such conditions as the Court may deem appropriate.

(2) Notwithstanding anything contained in subsection (1), the Court may, at any stage of the proceedings, direct the personal appearance of any party where such appearance is considered necessary for reconciliation, examination or any other purpose connected with the proceedings.

(3) Where a defendant is permitted to appear through an agent, the Court may, having regard to the nature of the claim and the circumstances of the case, require the furnishing of adequate security for the satisfaction of any decree that may be passed against such defendant.

42. Special provisions relating to maintenance.— (1) In a suit for maintenance, the Family Court shall, on the first date fixed for the appearance of the defendant or, where further information is required for a provisional assessment of the needs of the plaintiff and the financial capacity of the defendant, as soon thereafter as practicable, for reasons to be recorded in writing, fix interim monthly maintenance for a wife, child, dependent unmarried daughter or dependent parent, as the case may be, payable from the date of institution of the suit:

Provided that, in the case of a wife, the Family Court shall, after affording the parties an opportunity of being heard and having regard to the material then available on record, make a prima facie assessment of her entitlement to maintenance and may, for reasons to be recorded in writing, decline or defer the fixation of interim maintenance where substantial grounds exist for contesting such entitlement.

(2) The Family Court may allow the arrears of interim maintenance accrued from the date of institution of the suit up to the date of the interim maintenance order to be paid in such instalments and within such period as it considers appropriate, having regard to the financial circumstances of the defendant and the needs of the person entitled to maintenance.

(3) If the defendant fails to pay the interim monthly maintenance by the fourteenth day of each month or defaults in payment of any instalment fixed under subsection (2), his defence shall stand struck off unless the Family Court, for reasons to be recorded in writing, passes any other appropriate order, and the Court may decree the suit on the basis of the averments in the plaint and the supporting material produced by the plaintiff.

(4) In a decree for maintenance, the Family Court may award an amount higher than that claimed in the plaint, having regard to the efflux of time or other relevant circumstances, and may prescribe an annual increase.

(5) Where no annual increase is prescribed in the decree, the amount of maintenance shall automatically increase by ten per cent annually on a compound basis.

(6) For determining interim or final maintenance, the Family Court may summon relevant documentary evidence from any office, organisation, body or authority to ascertain the estate, income and financial resources of the defendant.

43. Criminal jurisdiction of Family Courts and Family Appellate Courts.— (1) For the purposes of taking cognizance of and trying offences under this Act or any other law conferring such jurisdiction, a Family Court shall be deemed to be a Court of a Magistrate of the first class and shall exercise all the powers of such Magistrate under the Code of Criminal Procedure, 1898 (Act V of 1898), subject to the provisions of this Act and the law conferring such jurisdiction.

(2) The trial of offences under subsection (1) shall be conducted in accordance with the provisions of the Code of Criminal Procedure, 1898, applicable to trials by Magistrates.

(3) Notwithstanding section 26, an appeal against any judgment, sentence or order passed by a Family Court in the exercise of its criminal jurisdiction, including contempt jurisdiction, shall lie to the Family Appellate Court, which shall be deemed to be a Court of Session for the purposes of such appeal and shall exercise the appellate powers of such Court under the Code of Criminal Procedure, 1898, subject to the provisions of this Act and the limitations and conditions governing such appeals under that Code.

(4) Subject to any provision to the contrary in the law creating the offence, cognizance of an offence under subsection (1), other than an offence punishable under section 34 or 35, shall be taken upon a complaint made by the Union Council, Arbitration Council or an aggrieved party, as the case may be.

CHAPTER VIII — MISCELLANEOUS PROVISIONS

44. Court fee.— Notwithstanding anything contained in the Court Fees Act, 1870, the court fee payable on every plaint, petition or memorandum of appeal filed under this Act shall be five hundred rupees or such other amount as the Government may, by notification in the official Gazette, prescribe.

45. Intimation of dissolution of marriage to Arbitration Council.— Where a Family Court decrees dissolution of a Muslim marriage, it shall, within three days of passing the decree, transmit a certified copy thereof by registered post or such other prescribed means to the concerned Chairman of the Arbitration Council, who shall proceed in accordance with the Muslim Family Laws Ordinance, 1961 (VIII of 1961), as if he had received an intimation of talaq under that Ordinance.

46. Muslim Family Laws Ordinance, 1961, not affected.— Nothing in this Act shall affect any provision of the Muslim Family Laws Ordinance, 1961 (VIII of 1961), or the rules made thereunder.

47. Validity of registered marriages.— The existence or validity of a marriage duly registered under the Muslim Family Laws Ordinance, 1961 (VIII of 1961), shall not be challenged in any proceedings under this Act except through a suit for jactitation of marriage instituted before the Family Court having jurisdiction.

48. Bar on injunctions against Arbitration Councils.— A Family Court shall not have the power to issue an injunction against a Chairman or Arbitration Council or to stay any proceedings pending before either of them.

49. Transfer of cases.— (1) Notwithstanding anything contained in any other law, the High Court may, on the application of any party or of its own motion, by order in writing—

(a) transfer any suit, petition or proceeding pending before a Family Court to another Family Court within its territorial jurisdiction; and

(b) transfer any appeal or proceeding pending before a Family Appellate Court to another Family Appellate Court within its territorial jurisdiction.

(2) The District Judge, Family Appellate Courts, may, on the application of any party or of his own motion, by order in writing—

(a) transfer any suit, petition or proceeding pending before a Family Court to another Family Court within the same district; and

(b) transfer any appeal or proceeding pending before a Family Appellate Court to another Family Appellate Court within the same district.

(3) Where a Family Court or Family Appellate Court remains vacant, or its presiding officer remains on leave or is otherwise absent, except during vacations, for more than thirty days, the District Judge, Family Appellate Courts, may, by order in writing—

(a) transfer any suit, petition or proceeding pending before such Family Court to another Family Court within the same district; and

(b) transfer any appeal or proceeding pending before such Family Appellate Court to another Family Appellate Court, including his own Court, within the same district.

(4) A Court to which a suit, petition, appeal or proceeding is transferred under this section shall have jurisdiction to dispose of it as if it had originally been instituted or filed before that Court.

(5) Upon transfer of a suit, petition, appeal or proceeding under this section, the proceedings shall continue from the stage at which they stood immediately before the transfer, unless the transferee Court, for reasons to be recorded in writing, directs otherwise.

[Section 50: For Islamabad Act only

50. Transfer of cases by Supreme Court.— (1) Notwithstanding anything contained in any other law, the Supreme Court may, at any stage, on the application of any party, by order in writing, transfer any suit, petition, appeal or other proceeding pending before a Family Court or Family Appellate Court in one Province or the Islamabad Capital Territory to a competent Family Court or Family Appellate Court in another Province or the Islamabad Capital Territory.

(2) The provisions of subsections (4) and (5) of section 49 shall apply, mutatis mutandis, to a transfer made under this section.]

51. Power to make rules.— (1) The High Court may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), such rules may provide for—

(a) the territorial jurisdiction, places of sitting and distribution of business among Family Courts and Family Appellate Courts;

(b) the institution, registration, scrutiny and processing of suits, petitions, appeals, applications and other proceedings, including the forms and documents required therefor;

(c) the service of summons, notices and other process, including electronic modes of service;

(d) electronic communication, video conferencing, recording of proceedings and other technological processes;

(e) the establishment, operation and integration of electronic filing and judicial-record systems, including electronic authentication, unique case identification, interoperability, access controls, data security, and the preparation, maintenance, preservation, transmission and retrieval of electronic judicial records;

(f) case management, scheduling of proceedings, monitoring of case progress and preparation of statistical and performance reports;

(g) mediation, conciliation, reconciliation and other arrangements for amicable settlement of family disputes;

(h) the appointment, engagement, functions and responsibilities of counsellors, welfare officers, experts and social welfare organisations;

(i) the establishment, management and functioning of Family Courts Complexes and Women Facilitation Centres;

(j) the appointments, posting, transfer and administrative control of officers and staff of Family Courts and Family Appellate Courts, and the organisation, appointments, functions and administration of the Process Serving Agency and Budget Branches;

(k) the preparation of budget estimates, maintenance of financial records and other administrative and budgetary arrangements relating to Family Courts and Family Appellate Courts;

(l) the preparation, authentication, transmission and execution of decrees and orders, including electronic processes relating thereto;

(m) the procedure for transfer of suits, petitions, appeals and other proceedings between courts under this Act; and

(n) any other matter necessary for the effective implementation of this Act.

52. Removal of difficulties.— If any difficulty of an administrative or operational nature arises in giving effect to any provision of this Act, the Chief Justice may, by order published in the official Gazette, make such arrangements, not inconsistent with the provisions of this Act or the rules made thereunder, as may be necessary for removing the difficulty.

53. Act to have overriding effect.— Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

54. Continuance of existing proceedings.— (1) All suits, petitions, appeals, applications and other proceedings pending immediately before the commencement of this Act shall, subject to transfer in accordance with this Act, continue before the Courts in which they

were pending and shall, from such commencement, be governed by this Act, so far as practicable, without prejudice to any accrued right, including a right of appeal, or any liability incurred under the repealed Act.

(2) References in any law, rule, notification, order or instrument to the Family Courts Act, 1964, shall, after the commencement of this Act, be construed as references to this Act, unless the context otherwise requires.

(3) No suit, petition, appeal or other proceeding, judgment, decree, order or process shall be invalidated merely by reason of the non-establishment or non-operationalisation of any separate Court, establishment or facility contemplated by this Act.

55. Repeal and savings.— (1) The Family Courts Act, 1964, as applicable in **[name of Province/Islamabad Capital Territory]**, is hereby repealed.

(2) Notwithstanding such repeal, anything done, action taken, proceeding instituted, judgment pronounced, decree passed or order made under the repealed Act shall remain valid and, so far as applicable, be deemed to have been done, taken, instituted, pronounced, passed or made under the corresponding provisions of this Act.

(3) Any rules made under the repealed Act and in force immediately before the commencement of this Act shall continue in force, mutatis mutandis, insofar as they are not inconsistent with this Act, until amended, repealed or replaced by rules made under this Act.

SCHEDULE

(See section 5)

PART I — FAMILY MATTERS

1. Dissolution of marriage, including khula, divorce or judicial separation.

2. Dower.

3. Maintenance.

4. Restitution of conjugal rights.

5. Custody of children and visitation rights of parents to meet them.

6. Guardianship.

7. Matters pertaining to Return of Child under the Hague Convention on Civil Aspects of International Child Abduction, 1980.

8. Jactitation of marriage or nullity of marriage.

9. Dowry.

10. Personal property and belongings of a wife and a child living with his mother.

11. Any other matter arising out of the Nikahnama.

PART II — OFFENCES

Offences and abetment thereof under sections 337-A(i), 337-F(i), 341, 342, 343, 344, 345, 346, 352 and 509 of the Pakistan Penal Code (Act XLV of 1860), where one of the spouses is the victim of an offence committed by the other.

STATEMENT OF OBJECTS AND REASONS

The Family Courts Act, 1964, established a specialised forum for the resolution of family disputes. Experience in its implementation has highlighted the need to strengthen the institutional capacity of Family Courts, simplify procedures, improve enforcement of decrees and provide more effective assistance to litigants, particularly women and children.

The Bill seeks to establish a more accessible and efficient family justice system through dedicated Family Courts and Family Appellate Courts, specialised arrangements at the High Court level, Family Courts Complexes, Women Facilitation Centres and appropriate professional support services, while providing for phased implementation in consultation with the High Court.

The Bill also seeks to modernise the institution and trial of family proceedings by providing for witness affidavits, improved service of process, effective pre-trial reconciliation and alternative dispute resolution, electronic filing and maintenance of judicial records, electronic communication and recording of evidence, interoperability between court systems, case management, reasonable costs and measures for timely enforcement of decrees. Special provisions address disclosure of financial resources and interim maintenance, and facilitate the adjudication of disputes relating to dowry and bridal gifts.

The proposed legislation consolidates the principal framework governing family proceedings in a standalone enactment, with savings for pending proceedings and existing rules. It is intended to promote the expeditious, inexpensive and fair resolution of family disputes, consistent with applicable personal laws and the constitutional requirements of due process.

The Bill seeks to achieve the aforesaid objects.

Explanatory Notes to the Proposed Family Courts Bill, 2026

These notes explain the principal legal effect and rationale of each provision of the 55-section consolidated model Bill. "No change" means no material policy change to the corresponding provision of the applicable 1964 Act; "Minor change" indicates a limited revision; "Substantial change" indicates an important modification; and "New provision" identifies a new express statutory scheme.

CHAPTER I — PRELIMINARY

1. Short title, extent and commencement | *Minor change*

The provision specifies the short title, territorial extent and commencement of the proposed enactment. For the Islamabad Capital Territory, it additionally proposes nationwide application of section 50 to empower the Supreme Court to transfer family proceedings between Provinces and the Islamabad Capital Territory. As the enlargement of the jurisdiction of the Supreme Court and conferment of supplemental powers fall within the legislative competence of Parliament, subject to express constitutional authorisation, such provision is proposed for the federal enactment only.

References: Constitution of the Islamic Republic of Pakistan, 1973, Article 142(a), Article 175(2), and Entry No. 55 of Part I of the Federal Legislative List, Fourth Schedule.

2. Definitions | *Substantial change*

The provision retains the existing definitions with necessary modifications and introduces definitions relating to the proposed Family Appellate Courts, specialised Family Benches of the High Courts and other institutional arrangements. It also clarifies references to the respective Governments and local authorities. For the Islamabad Capital Territory, a specific provision aligns references to districts, district headquarters and sub-divisions with the existing Sessions Divisions and judicial administrative structure. These changes are principally consequential to the proposed establishment of separate trial and appellate courts and are intended to ensure clarity and uniformity in the application of the Act.

References: Islamabad High Court Act, 2010 (Act XVII of 2010), section 6, and Civil Courts Ordinance, 1962.

CHAPTER II — ESTABLISHMENT, JURISDICTION AND ADMINISTRATION OF FAMILY COURTS

3. Establishment of Family Courts | *Substantial change*

The provision envisages the establishment of separate and dedicated Family Courts at district headquarters and appropriate sub-divisions, in consultation with the Chief Justice of the concerned High Court, within a transitional period of three years. Pending their establishment, existing judicial officers shall continue to exercise family jurisdiction, while sanctioned judicial posts may be allocated for the proposed courts. The appointment of Judges is expressly vested in the High Court, consistent with its constitutional authority to supervise and control the subordinate judiciary.

The proposed reform seeks to ensure institutional specialisation and continuity of judicial proceedings while maintaining the constitutional distinction between the responsibility of the Government for establishing and financing courts and the administrative control of the High Court over judicial officers. In *Province of Sindh v. Rasheed A. Rizvi* (PLD 2012 SC 649), the Supreme Court emphasised that the selection and appointment of judicial officers must conform to the principles of judicial independence and separation of the judiciary from the executive.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 175(1), 175(3) and 203; *Province of Sindh v. Rasheed A. Rizvi* (PLD 2012 SC 649).

4. Qualifications of Judges and administration of Family Courts | *Substantial change*

The provision prescribes qualifications for Judges of Family Courts, principally from among Senior Civil Judges and Civil Judges, with preference for judicial experience of at least five years and, where practicable, for women judicial officers. It further provides for designation of Senior and Administrative Judges to receive and distribute family cases, ensuring orderly judicial administration and uniformity of designations, while preserving existing arrangements during the transitional period.

The proposed reform seeks to ensure that sensitive family disputes are entrusted to experienced judicial officers. In *Muhammad Zaffar Khan v. Mst. Shehnaz Bibi* (1996 CLC 94), the High Court of Sindh recommended that family cases be assigned to senior and experienced Civil Judges rather than junior judicial officers. The proposal is also consistent with the comparative approach adopted in India, where section 4 of the Family Courts Act, 1984 prescribes qualifications based on judicial or legal experience, recognises expertise in conciliation and counselling, provides for distribution of judicial business by the Principal Judge, and accords preference to women in judicial appointments.

References: *Muhammad Zaffar Khan v. Mst. Shehnaz Bibi* (1996 CLC 94); Family Courts Act, 1984 (India), sections 4(2)–(4); Lahore High Court, administrative letter No. 1333/MIT/HC/ Ref.2/87, dated 28 January 1987.

5. Jurisdiction | *Minor change*

The existing jurisdiction of Family Courts over matters specified in the Schedule is substantially retained. A new Explanation expressly clarifies that such jurisdiction extends to Muslims and non-Muslims alike, subject to the personal law applicable to the parties. The amendment is declaratory in nature and seeks to remove recurring jurisdictional objections without altering the substantive rights governed by the respective personal laws.

In *Masood Ahmad Malik v. Mst. Fouzia Farhana Quddus* (1991 SCMR 681), the Supreme Court held that the scope of the Family Courts Act, 1964 is wider than that of the Muslim Family Laws Ordinance, 1961, and that the expression "subject to" in section 5 does not exclude persons outside the application of that Ordinance. This principle was further explained in *Riaz Javaid v. Sheraz Ahmed* (2010 CLC 1925), wherein the Lahore High Court affirmed that Family Courts have jurisdiction over scheduled family matters involving non-Muslims, including matters governed by uncodified personal law.

The proposed clarification accordingly codifies the settled judicial interpretation, promotes uniformity in judicial practice and prevents unnecessary jurisdictional disputes.

References: *Masood Ahmad Malik v. Mst. Fouzia Farhana Quddus* (1991 SCMR 681); *Naeem Ahmad v. Nuzhat Almas* (1981 CLC 195); *Mulchand v. Indra* (PLD 1985 Kar. 362); *Shamshad Yousaf v. Yousaf Masih* (1994 MLD 1078); *Mubbasher Ahmad v. Talat Khurshid* (1996 CLC 1963); *Ramdas v. Bernadat* (PLD 1998 Kar. 42); *Jagsi v. Marwan* (PLD 2005 Kar. 334); *Noreen Iqbal v. Sohail Iqbal* (2005 CLC 1472); *Riaz Javaid v. Sheraz Ahmed* (2010 CLC 1925); *Asif Masih v. Sofia* (PLD 2021 Pesh. 41).

6. Family Court to exercise powers of District Court under Guardians and Wards Act, 1890 | *Minor change*

The provision retains the existing status of a Family Court as a District Court for the purposes of the Guardians and Wards Act, 1890, and preserves the procedure prescribed under that Act for guardianship proceedings. It expressly clarifies that territorial jurisdiction shall be determined under the Family Courts Act and the rules made thereunder, in accordance with the principles laid down by the Supreme Court in *Major Muhammad Khalid Karim v. Mst. Saadia Yaqub* (PLD 2012 SC 66).

The provision further safeguards the statutory right of appeal against orders specified in section 47 of the Guardians and Wards Act, 1890, by expressly providing that such appeals shall lie to the proposed Family Appellate Court, notwithstanding the general restrictions on appeals under section 26 of the Bill. In *Sakhawat Ali v. Mst. Shui Khelay* (PLD 1981 SC 454), the Supreme Court recognised that the appellate forum in guardianship matters is governed by the special appellate arrangement under the Family Courts Act, notwithstanding the deeming provision relating to the District Court.

The proposed amendment thus removes ambiguity concerning territorial jurisdiction and appellate remedies while preserving the substantive guardianship framework and special procedure under the Guardians and Wards Act, 1890.

References: *Major Muhammad Khalid Karim v. Mst. Saadia Yaqub* (PLD 2012 SC 66); *Sakhawat Ali v. Mst. Shui Khelay* (PLD 1981 SC 454); Guardians and Wards Act, 1890, sections 9, 25 and 47; Family Courts Act, 1964, sections 14 and 25; Family Courts Rules, 1965, rule 6.

7. Establishment of Family Courts Complexes and Women Facilitation Centres | *New provision*

The proposed provision establishes a statutory framework for separate Family Courts Complexes and Women Facilitation Centres, with the services and facilities to be regulated through instructions issued by the Chief Justice of the concerned High Court. The reform seeks to provide a safe, accessible and dignified environment for family litigants, particularly women and children, and facilitate access to legal assistance, counselling, mediation, child visitation and other support services.

The proposal gives legislative effect to the policy initiative of the National Judicial (Policy Making) Committee (NJPMC), which, at its 57th meeting held on 11 February 2026, resolved to promote women-centric facilities across the country. At its 59th meeting held on 6 April 2026, the NJPMC further endorsed the proposed Women Facilitation Centres

under the Gender-Responsive Justice Initiative 2026–27, including legal aid, mediation, visitation and family support services.

The proposed reform advances the constitutional objectives of human dignity, protection of the family and expeditious and inexpensive justice. Comparable provisions for association of social welfare organisations, appointment of counsellors and assistance of welfare experts are contained in the Family Courts Act, 1984 of India.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 14, 35 and 37(d); NJPMC, decisions of the 57th meeting held on 11 February 2026 and the 59th meeting held on 6 April 2026; Family Courts Act, 1984 (India), sections 5, 6 and 12.

8. Counsellors, welfare officers, experts and social welfare organisations | *New provision*

The proposed provision establishes a statutory framework for engaging counsellors, welfare officers, psychologists, child-welfare specialists, medical experts and other qualified professionals to assist Family Courts and Family Appellate Courts. It also permits the voluntary or pro bono association of social welfare organisations and suitably qualified persons with Family Courts Complexes and Women Facilitation Centres.

The reform recognises that family disputes, particularly those involving children, custody, visitation and matrimonial reconciliation, often require counselling, professional assessment and welfare support beyond conventional judicial adjudication. To ensure fairness and impartiality, the provision prescribes safeguards relating to qualifications, confidentiality and conflicts of interest, and requires that parties be afforded an opportunity to respond to expert reports or opinions before their consideration by the Court.

The proposal is consistent with the welfare-oriented approach adopted in India under the Family Courts Act, 1984, which provides for the association of social welfare organisations, appointment of counsellors, promotion of reconciliation and assistance of medical and welfare experts. It also advances the constitutional objectives of fair trial, protection of the family and welfare of children.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 10A and 35; Family Courts Act, 1984 (India), sections 5, 6, 9 and 12.

9. Institutional coordination | *New provision*

The proposed provision establishes a framework for institutional coordination among Family Courts, Family Appellate Courts, Government departments, police, legal aid institutions, child and women protection authorities, shelter homes and other relevant organisations. It empowers the Chief Justice of the concerned High Court, in consultation with the Government, to provide for appropriate coordination arrangements through general instructions.

The reform seeks to ensure effective referral, timely institutional assistance and access to essential legal, protective and welfare services, particularly for women, children and other vulnerable litigants. By facilitating cooperation among the concerned institutions, it aims

to strengthen the practical delivery of family justice without conferring adjudicatory powers upon external agencies.

The proposal advances the constitutional objectives of human dignity, protection of the family and expeditious and inexpensive justice. A comparable welfare-oriented approach is reflected in the Family Courts Act, 1984 of India, which provides for the association of social welfare organisations and appointment of counsellors and supporting personnel.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 14, 35 and 37(d); Family Courts Act, 1984 (India), sections 5, 6 and 12.

10. Place of sittings | *Minor change*

The provision adapts the existing arrangements concerning places of sitting to the proposed Family Courts and Family Appellate Courts. It empowers the Chief Justice of the concerned High Court to designate appropriate places of sitting within the relevant district or sub-division where separate Family Courts Complexes have not been established.

The proposed modification is consistent with section 13 of the Civil Courts Ordinance, 1962, which empowers the High Court to determine the places of sitting of Civil Courts. It seeks to ensure continuity of judicial proceedings, administrative flexibility and convenient access to family justice during the phased establishment of dedicated courts and complexes.

References: Family Courts Act, 1964, section 6; Civil Courts Ordinance, 1962 (W.P. Ordinance II of 1962), sections 13 and 14; Constitution of the Islamic Republic of Pakistan, 1973, Article 203.

11. Officers and staff of Family Courts and Family Appellate Courts|*New provision*

The proposed provision establishes a framework for separate administrative establishments of Family Courts and Family Appellate Courts, with clearly defined supervisory and reporting arrangements under the concerned High Court. Pending the establishment of dedicated staff cadres, personnel may be drawn from existing Civil and Sessions Courts, subject to protection of their pay, seniority, pension and other accrued service benefits.

The reform seeks to ensure administrative continuity and effective staffing of the proposed courts without prejudicing the existing service rights of employees, consistent with the constitutional supervisory authority of the High Court over subordinate courts.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 175(3) and 203; Civil Courts Ordinance, 1962, section 14.

12. Budgetary allocation | *New provision*

The proposed provision establishes a framework for separate budgetary allocations for Family Courts, Family Appellate Courts, Family Courts Complexes, Women Facilitation Centres and associated judicial and welfare services. Pending dedicated allocations, expenditure may be met from funds available under the existing Civil and Sessions Courts budgets, subject to the applicable financial rules and competent approvals.

The reform seeks to ensure that the proposed specialised judicial institutions are supported by adequate financial resources and implemented progressively without disrupting existing judicial services. The proposal advances the constitutional objectives of protection of the family and expeditious and inexpensive justice, while promoting financial planning and administrative sustainability.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 35, 37(d).

13. Process Serving Agency and Budget Branches | *New provision*

The proposed provision establishes a dedicated Process Serving Agency and separate Budget Branches for Family Courts and Family Appellate Courts to improve the timely service of summons, financial administration and administrative accountability. It also accommodates electronic and other lawful modes of service, while permitting existing judicial establishments to perform these functions during the transitional period.

The proposal builds upon the existing recognition of a process-serving agency under the Punjab Family Courts Act, 1964, and the established procedural safeguards governing the service and verification of summons under the Code of Civil Procedure, 1908. Dedicated service arrangements seek to minimise delays, ensure reliable proof of service and safeguard the validity of ex parte proceedings. Separate Budget Branches are intended to facilitate effective financial management and accountability.

References: Family Courts Act, 1964 (as applicable to Punjab), section 8(1)(b); Code of Civil Procedure, 1908, Order V, rules 9, 10, 17–20; Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

CHAPTER III — INSTITUTION AND TRIAL PROCEEDINGS

14. Institution of suits | *Minor change*

The provision substantially retains the existing procedure for institution of family suits through presentation of a plaint or in such other manner as may be prescribed. The words "and in such Court" have been omitted, as the competent forum and territorial jurisdiction are otherwise governed by the Act and the applicable rules. The provision also accommodates alternative modes of filing, including electronic filing, subject to the prescribed procedure.

References: Family Courts Act, 1964, section 7(1); Family Courts Rules, 1965, rules 5 and 6.

15. Plaint | *Substantial change*

The provision substantially retains the existing requirements concerning the contents of a plaint, disclosure of witnesses and production of documents. It introduces a verified, itemised inventory in suits for recovery of dowry, bridal gifts and personal property, specifying the description, estimated value and source of the articles, together with available supporting material. The reform seeks to identify disputed articles at the outset, facilitate determination of claims and minimise evidentiary difficulties and disputes during execution.

In *Sharafat Ali v. Mst. Rehana Kauser* (2010 MLD 1), the Lahore High Court recognised the practical difficulty of maintaining contemporaneous records of dowry articles and accepted that their existence and value may be established through oral testimony, subsequently prepared lists, receipts and other available evidence. Accordingly, the proposed inventory requirement is intended to improve pleading particulars without making receipts or contemporaneous lists indispensable to the claim.

The provision also strengthens the arrangements concerning witness disclosure and affidavit evidence, while retaining judicial discretion to permit additional witnesses or documents where necessary in the interest of justice. These measures seek to promote efficient adjudication without imposing technical barriers to family justice.

References: West Pakistan Family Courts Act, 1964, sections 7(2)–(4) and 11(4); *Sharafat Ali v. Mst. Rehana Kauser* (2010 MLD 1); Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

16. Intimation to defendant and proceeding ex parte | *Substantial change*

The provision substantially retains the existing procedure for service of summons and ex parte proceedings, while prescribing time-bound service through the Process Serving Agency, registered post, courier and permitted electronic means. It requires proof of due service before proceeding ex parte and provides for notice of an ex parte decree, accompanied by a certified copy, to be served upon the defendant.

The existing remedy of applying to set aside an ex parte decree within thirty days of service of notice of the decree is retained, with express application of section 5 of the Limitation Act, 1908. In *Sayed Abbas Taqi Mehdi v. Mst. Sayeda Sabahat Batool* (2010 SCMR 1840), the Supreme Court emphasised the importance of proper service and sufficient cause in proceedings for setting aside ex parte family decrees. The statutory remedy and the requirement of due service were further examined in *Sana Jamali v. Mujeeb Qamar* (2023 SCMR 316).

A new safeguard is proposed to protect the finality of an ex parte decree dissolving a marriage on the ground of khula, subject to the stipulated conditions, while permitting reconsideration of financial determinations, including dower and other consequential rights, without disturbing the dissolution. The distinction seeks to balance procedural fairness with certainty of marital status and protection of the rights of the parties.

References: Family Courts Act, 1964, sections 8 and 9(5)–(8); *Sayed Abbas Taqi Mehdi v. Mst. Sayeda Sabahat Batool* (2010 SCMR 1840); *Sana Jamali v. Mujeeb Qamar* (2023 SCMR 316); Limitation Act, 1908, section 5; Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

17. Written statement | *Substantial change*

The provision substantially retains the existing requirements concerning filing of the written statement, disclosure of witnesses and production of documents, while introducing additional obligations to ensure complete and timely disclosure of relevant facts. In suits involving dowry articles, bridal gifts or personal property, the defendant is required to submit a verified, itemised statement identifying property admitted, disputed, returned or otherwise disposed of, together with available supporting material. The

requirement seeks to narrow factual controversies and facilitate adjudication and execution.

In maintenance proceedings, the defendant is required to disclose income, assets, liabilities and other financial resources through an affidavit supported by available documents. In *Muhammad Asim v. Mst. Samro Begum* (PLD 2018 SC 819), the Supreme Court emphasised the obligation to disclose earnings for determination of maintenance and recognised that adverse inference may be drawn from wilful non-disclosure. The proposed requirement is intended to facilitate realistic assessment of interim and final maintenance, while preventing post-institution disposal of assets from defeating proper consideration of financial capacity.

The provision further requires submission of affidavits containing evidence-in-chief and prescribes time limits for filing the written statement, while preserving judicial discretion to permit later filing of affidavits in appropriate cases. These measures seek to discourage evasive pleadings, minimise procedural delays and promote fair and expeditious adjudication.

References: West Pakistan Family Courts Act, 1964, sections 9 and 17-A(4); *Sharafat Ali v. Mst. Rehana Kauser* (2010 MLD 1); *Muhammad Asim v. Mst. Samro Begum* (PLD 2018 SC 819); *Nazia Bibi v. Additional District Judge* (PLD 2018 Lahore 916); *Dr. Aqeel Waris v. Ibrahim Aqeel Waris* (2020 CLC 131); Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

18. Pre-trial proceedings | *Substantial change*

The provision retains the existing requirement of pre-trial reconciliation and introduces mechanisms for consensual referral to mediation or other alternative dispute resolution methods, as well as resolution of agreed factual controversies through special oath. These measures seek to facilitate amicable settlement and narrow the issues requiring judicial determination. In *Farzana Rasool v. Dr. Muhammad Bashir* (2011 SCMR 1361), the Supreme Court recognised the permissibility of consensual settlement of family disputes through persons mutually accepted by the parties.

The provision further requires prompt dissolution of marriage upon failure of reconciliation where the wife expressly and voluntarily elects khula, whether independently or in the alternative to other recognised grounds. Where cruelty, maltreatment, *shiqaq* or other grounds have also been pleaded, the Court shall continue proceedings to determine those grounds and the consequential rights of the parties, particularly entitlement to, or return or surrender of, dower, without suspending the decree of dissolution.

The proposed distinction is informed by the Supreme Court judgment in *Mst. Zainab Bibi v. Muhammad Waseem* and *Mst. Iram Naz Begum v. Fazal Khaliq* (2026), which held that a claim for dissolution on statutory grounds cannot be converted into khula without the clear and voluntary election of the wife, and recognised *shiqaq* as a distinct ground of dissolution. The determination of dower consequences on the evidence and circumstances of each case, rather than by fixed statutory percentages, is further supported by the judgments of the Federal Shariat Court and the Lahore High Court.

The reform seeks to safeguard the voluntary exercise of the right to khula, prevent unnecessary delay in dissolution proceedings and ensure fair determination of financial rights.

References: West Pakistan Family Courts Act, 1964, section 10; *Farzana Rasool v. Dr. Muhammad Bashir* (2011 SCMR 1361); *Mst. Zainab Bibi v. Muhammad Waseem* and *Mst. Iram Naz Begum v. Fazal Khaliq* (Supreme Court, C.P.L.A. Nos. 57 and 1350 of 2025, judgment dated 17 August 2026); *Imran Anwar Khan v. Government of Punjab* (PLD 2022 FSC 25); *Haji Saif-ur-Rahman Shaheen v. Islamic Republic of Pakistan* (PLD 2024 FSC 9); *Muhammad Mohsin Raza v. Additional District Judge* (PLD 2025 Lahore 551); Oaths Act, 1873, sections 8–11.

19. Recording of evidence | *Substantial change*

The provision substantially retains the existing safeguards governing examination, cross-examination and re-examination of witnesses, while introducing a more structured procedure for recording evidence. Affidavits filed by the parties shall ordinarily constitute examination-in-chief, subject to the right of cross-examination unless waived. The reform seeks to minimise repeated examination and unnecessary adjournments without compromising procedural fairness.

The provision further authorises audio or video recording, remote testimony and recording of evidence through Court-appointed commissioners. The National Judicial Policy, 2009 (Revised Edition, 2012), expressly recognised the appointment of advocates as commissioners for recording evidence in suitable cases, including family disputes, subject to prescribed safeguards concerning consent, qualifications, judicial supervision and expeditious completion. The proposed provision gives statutory recognition to this approach and facilitates its application within the specialised family justice system.

The existing power to prohibit indecent, scandalous, frivolous or offensive questioning is also retained and extended to commissioners, thereby protecting the dignity of litigants and witnesses while preserving the right to test relevant evidence.

References: Family Courts Act, 1964, section 11(3)–(4); National Judicial Policy, 2009 (Revised Edition, 2012), pp. 35–36; Code of Civil Procedure, 1908, Order XIX, rules 1–2, and Order XXVI, rules 1–4 and 16–18; Constitution of the Islamic Republic of Pakistan, 1973, Articles 10A and 14; Family Courts Act, 1984 (India), sections 14–16.

20. Conclusion of trial | *Minor change*

The provision substantially retains the existing requirement of a further attempt at compromise or reconciliation after the close of evidence, within a period not exceeding fifteen days. It expressly provides for hearing the arguments of the parties before pronouncement of judgment and passing of a decree.

In *Farzana Rasool v. Dr. Muhammad Bashir* (2011 SCMR 1361), the Supreme Court recognised the statutory obligation of Family Courts to endeavour to effect compromise or reconciliation at both pre-trial and post-trial stages. The proposed provision preserves this established conciliatory approach while ensuring that the process does not unnecessarily delay adjudication.

Where a decree for dissolution of marriage has already been passed under section 18, any subsequent effort at compromise shall be confined to the remaining disputes and consequential rights, without reopening or affecting the dissolution. The provision thus seeks to preserve opportunities for amicable settlement while ensuring timely conclusion of family proceedings.

References: Family Courts Act, 1964, section 12; Family Courts (Amendment) Ordinance, 2002, section 7; *Farzana Rasool v. Dr. Muhammad Bashir* (2011 SCMR 1361); Family Courts Act, 1984 (India), section 9.

CHAPTER IV — EXECUTION OF DECREES

21. Enforcement of decrees and orders | *Substantial change*

The provision introduces automatic commencement of execution proceedings upon the passing of an executable decree or order, without requiring a separate execution application or fresh notice merely for initiating execution. It expressly preserves any notice or opportunity of hearing required for particular measures of enforcement. The reform seeks to eliminate unnecessary procedural delays and enable successful family litigants to obtain effective relief without instituting separate execution proceedings.

The provision further clarifies that decrees and executable orders may be enforced through the procedures available under the Code of Civil Procedure, 1908, the law relating to recovery of arrears of land revenue and other lawful modes of execution. In *Mst. Amman Gul v. Judge Family Court* (2023 CLC 1300), the Lahore High Court recognised the authority of executing Family Courts to adopt appropriate modes of execution under the Code of Civil Procedure. The Supreme Court in *Muhammad Arshad Anjum v. Mst. Khurshid Begum* (2021 SCMR 1145) also recognised the procedural flexibility of Family Courts, subject to safeguards against fraud and abuse of judicial process.

The existing discretion to permit payment by instalments is retained. The proposed reform aims to strengthen the enforceability of family decrees, particularly those concerning maintenance, dower, dowry and other financial entitlements, while preserving procedural fairness and the lawful rights of judgment-debtors.

References: West Pakistan Family Courts Act, 1964, section 13(3)–(5); *Muhammad Arshad Anjum v. Mst. Khurshid Begum* (2021 SCMR 1145); *Mian Muhammad Arshad v. Saba Gul* (2022 MLD 1280); *Mst. Amman Gul v. Judge Family Court, Rawalpindi* (2023 CLC 1300); Code of Civil Procedure, 1908, section 51 and Order XXI; Constitution of the Islamic Republic of Pakistan, 1973, Article 10A; Family Courts Act, 1984 (India), section 18.

22. Assistance of executive authorities in execution of decrees and orders | *New provision*

The proposed provision expressly requires police, revenue and district administration authorities to provide necessary assistance to Family Courts in the lawful execution and enforcement of their decrees and orders. It seeks to strengthen coordination between judicial and executive authorities, particularly where enforcement involves recovery of property, implementation of custody orders or recovery of monetary entitlements.

The proposal is supported by section 74(2) of the Code of Civil Procedure, 1908, which authorises judicial directions for police assistance where execution of a decree is resisted or obstructed. Section 25 of the Guardians and Wards Act, 1890, similarly provides statutory

mechanisms for enforcing custody orders, while section 13(3) of the existing Family Courts Act, 1964, recognises recovery of monetary decrees as arrears of land revenue.

In *Mst. Amman Gul v. Judge Family Court, Rawalpindi* (2023 CLC 1300), the Lahore High Court recognised the powers of Family Courts to adopt appropriate execution procedures under the Code of Civil Procedure. The proposed reform builds upon these established mechanisms by providing an express duty of assistance applicable to the concerned executive authorities, without conferring upon them any independent adjudicatory powers.

References: Code of Civil Procedure, 1908, sections 51 and 74(2), and Order XXI, rules 35 and 97–98; Guardians and Wards Act, 1890, section 25; West Pakistan Family Courts Act, 1964, section 13(3)–(4); West Pakistan Land Revenue Act, 1967, section 80; *Mst. Amman Gul v. Judge Family Court, Rawalpindi* (2023 CLC 1300).

23. Ancillary measures to secure execution of decree | *New provision*

The proposed provision seeks to authorise time-limited restrictions concerning the national identity card or passport of a judgment-debtor who absconds or conceals himself to evade execution of a decree or order. Its object is to secure appearance before the executing Court.

In *Hafiz Awais Zafar v. Judge Family Court, Lahore* (PLD 2022 Lahore 756), the Lahore High Court observed that blocking a national identity card may be an effective means of securing attendance before a Court, including inducing a fugitive to surrender, but held that such action requires express legal authority.

A legislative precedent exists in Khyber Pakhtunkhwa, where rule 117 was inserted in Order XXI of the Code of Civil Procedure, 1908, through amendments made by the Peshawar High Court in 2018. The rule expressly recognises blocking of a judgment-debtor's national identity card as a means of compelling attendance. In *Habib Sultan v. Muhammad Sartaj* (2025 CLC 1712), the Peshawar High Court upheld an order blocking a judgment-debtor's identity card under this provision, distinguishing the Lahore High Court judgment on the ground that express legal authority existed in Khyber Pakhtunkhwa.

The proposed amendment accordingly seeks to provide an express statutory framework for securing the appearance of judgment-debtors who deliberately evade execution.

References: *Hafiz Awais Zafar v. Judge Family Court, Lahore* (PLD 2022 Lahore 756), para. 17; Code of Civil Procedure, 1908, Order XXI, rule 117 (as applicable in Khyber Pakhtunkhwa; inserted in 2018); *Habib Sultan v. Muhammad Sartaj* (2025 CLC 1712); National Database and Registration Authority Ordinance, 2000, sections 18–19; Passports Act, 1974, section 8; Constitution of the Islamic Republic of Pakistan, 1973, Articles 4 and 9.

24. Transfer of decrees and orders for execution | *New provision*

The provision establishes an express mechanism for transferring decrees and orders for execution where the judgment-debtor resides or carries on business, or attachable property is situated, outside the original Court's territorial jurisdiction. It permits direct transmission within the district and transmission through the Senior or Administrative Judge where execution is required in another district. This facilitates enforcement without requiring the decree-holder to approach the High Court merely to secure transmission.

The provision addresses differing judicial approaches under the existing law. In *Mian Muhammad Arshad v. Saba Gul and 5 others* (2022 MLD 1280), the Lahore High Court required transfer of execution proceedings through section 25-A of the Family Courts Act, 1964. Subsequently, the larger Bench in *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300) recognised the executing court's authority to transmit a decree by adopting the execution mechanism under the Code of Civil Procedure, 1908. The Peshawar High Court followed that approach in *Mst. Zaibi v. Zahid Ali and others* (PLD 2024 Peshawar 197), directing that the application be made to the executing court. The proposed provision places this practical mechanism on an express statutory footing, reducing procedural uncertainty, expense and delay.

References: *Mian Muhammad Arshad v. Saba Gul and 5 others* (2022 MLD 1280), read with *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300) (larger Bench); *Mst. Zaibi v. Zahid Ali and others* (PLD 2024 Peshawar 197); Family Courts Act, 1964, sections 13 and 25-A; Code of Civil Procedure, 1908, sections 38–42 and Order XXI, rules 5–8 (analogous execution framework).

25. Attachment and sale of property in another district | *New provision*

The provision enables the executing Court to direct attachment and sale of property situated in another district, through a competent local court or authority, without first formally transferring the decree. It provides a distinct enforcement route intended to reduce procedural duplication and delay while preserving the applicable safeguards governing attachment and sale, including notice, sale proclamation and adjudication of third-party claims or objections.

In *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300), the Lahore High Court's larger Bench recognised that Family Courts may adopt the execution machinery of the Code of Civil Procedure, 1908 to secure satisfaction of their decrees. That decision supports effective enforcement but does not itself establish the proposed power to sell property in another district without transferring the decree. The provision therefore supplies express statutory authority for this additional mechanism.

References: *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300) (larger Bench); Family Courts Act, 1964, section 13; Code of Civil Procedure, 1908, sections 39–42 and Order XXI (analogous framework governing execution, attachment, sale and objections).

CHAPTER V — APPEALS AND FAMILY APPELLATE COURTS

26. Appeals | *Substantial change*

The provision establishes the Family Appellate Court as the ordinary appellate forum for judgments, decrees and final orders of Family Courts, while allowing District Courts to continue exercising appellate jurisdiction until the specialised forum becomes functional. It combines appellate scrutiny with finality by excluding appeals against interim orders, dissolution of marriage, dower or dowry decrees not exceeding Rs. 100,000, and maintenance not exceeding Rs. 6,000 per month for each plaintiff, subject to notified revision of the monetary thresholds.

A limited appeal remains available against a determination concerning the grant, refusal, return, relinquishment or adjustment of dower exceeding the prescribed threshold, without suspending or otherwise affecting dissolution of the marriage. This separates the finality of marital status from appellate scrutiny of its financial consequences. Appeals

must ordinarily be filed within thirty days, excluding the time required to obtain certified copies, with delayed filing permitted for sufficient cause recorded in writing.

The provision also expressly applies this limitation period to guardianship appeals preserved under section 6. In *Sakhawat Ali and another v. Mst. Shui Khelay* (PLD 1981 SC 454), the Supreme Court held that an appeal from a Civil Judge acting as Guardian Judge lay to the District Court under the Family Courts Act. The proposed provisions expressly address the relationship between the family-law appellate framework and section 47 of the Guardians and Wards Act, 1890, reducing uncertainty concerning the forum and availability of appeal.

References: *Sakhawat Ali and another v. Mst. Shui Khelay* (PLD 1981 SC 454); Family Courts Act, 1964, sections 14 and 25, as locally applicable; West Pakistan Family Courts Rules, 1965, rule 22; Guardians and Wards Act, 1890, section 47; Family Courts Act, 1984 (India), section 19 (comparative appellate framework).

27. Establishment of Family Appellate Courts | *New provision*

The provision requires the Government, in consultation with the Chief Justice, to establish specialised Family Appellate Courts progressively within three years, with judges appointed by the High Court. Pending sanction of separate posts, it permits allocation of posts from the existing judicial strength. District Courts continue exercising family appellate jurisdiction until the new courts become functional, ensuring uninterrupted access to appellate remedies.

Dedicated appellate capacity is intended to promote expertise, consistency and expeditious disposal of family appeals.

A comparable arrangement appears in section 18 of Bangladesh's Family Courts Act, 2023, which provides for separate Family Appellate Courts and authorises District Judge Courts to perform that role pending their establishment; section 19 regulates appeals and their disposal.

References: Family Courts Act, 2023 (Bangladesh), sections 18–19; Constitution of the Islamic Republic of Pakistan, 1973, Articles 37(d) and 203.

28. Qualifications of Judges and administration of Family Appellate Courts | *New provision*

The provision prescribes eligibility at District Judge or Additional District Judge level, including equivalent judicial posts where expressly provided. It requires a designated District Judge, Family Appellate Courts, at each district headquarters and provides for administrative leadership at sub-divisional level. Defined responsibilities for receiving and distributing cases, supervision and staffing administration promote orderly management and accountability, subject to High Court superintendence and applicable service arrangements. Transitional assignment of appeals to existing Additional District Judges ensures continuity until sufficient separate Family Appellate Courts become functional.

Bangladesh's Family Courts Act, 2023 provides a comparable model: section 18 prescribes District Judge rank for Family Appellate Courts, while section 19(6) permits distribution of appeals to Additional or Joint District Judges during the transitional arrangement.

References: Family Courts Act, 2023 (Bangladesh), sections 18(2)–(3) and 19(6); Constitution of the Islamic Republic of Pakistan, 1973, Article 203.

29. Specialised Family Benches of High Court | *New provision*

The proposed provision envisages the constitution of specialised Family Benches at the principal seat and, where applicable, other Benches of the concerned High Court, preferably comprising Judges having experience or demonstrated interest in family law. The reform seeks to promote judicial specialisation, consistency in adjudication and expeditious disposal of family-related proceedings falling within the existing jurisdiction of the High Court.

A comparable statutory arrangement exists under section 5(4) of the Companies Act, 2017, which provides for specialised Company Benches in the High Courts. The proposal similarly seeks to facilitate subject-matter specialisation without establishing a separate High Court or enlarging its jurisdiction.

The provision preserves the authority competent under the existing law to constitute High Court Benches and expressly safeguards jurisdiction reserved to Constitutional Benches under Article 202A of the Constitution, wherever applicable. It is thus intended to strengthen the administration of family justice consistently with the constitutional framework governing the jurisdiction, practice and procedure of the High Courts.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 198, 199, 202 and 202A; Companies Act, 2017, section 5(4); Islamabad High Court Practice and Procedure Rules, 2025 (Volume V); Constitution (Twenty-Seventh Amendment) Act, 2025, section 42.

CHAPTER VI — CASE MANAGEMENT

30. Expeditious disposal of cases | *Substantial change*

The existing framework prescribes six months for disposal of a family case under section 12A and four months for disposal of an appeal under section 14(4) of the Family Courts Act, 1964. The proposed provision replaces these fixed statutory periods with periods specified by the Chief Justice through general or special administrative orders, having regard to court workload and prescribed judicial performance standards. The purpose is to make disposal requirements responsive to actual judicial capacity while retaining a statutory obligation to decide proceedings within the periods so specified. The flexibility concerns the overall period for disposal; it does not dispense with specific procedural requirements or the parties' opportunity of a fair hearing.

The provision also requires the High Court to monitor institution, disposal and pendency, examine the reasons for delay, and issue appropriate administrative directions or recommend the establishment of additional courts. It therefore links timely adjudication with continuing supervision and measures to address capacity constraints. This approach supports the constitutional objective of inexpensive and expeditious justice and the High Court's supervisory responsibility over subordinate courts.

References: Family Courts Act, 1964, ss. 12A and 14(4), subject to applicable provincial amendments; Constitution, Arts. 10A, 37(d) and 203.

31. Adjournments and costs | *New provision*

The provision introduces an express framework governing adjournments and litigation costs in Family Courts and Family Appellate Courts. An adjournment requested by a party requires sufficient cause and reasons recorded in writing, and no more than two adjournments may be granted for the same act or procedural step. The Court must also

impose reasonable costs when granting such an adjournment, taking into account the requesting party's conduct, financial position and the circumstances of the case. These requirements seek to discourage avoidable postponements and compensate the opposing party for the resulting inconvenience and expense.

The provision further requires the award of actual litigation costs reasonably incurred by the successful party, including court, process, commission and counsel fees. It permits additional special costs where a material averment is found to be knowingly false or vexatious, and makes awarded costs recoverable as a decree. The distinction enables compensation for legitimate litigation expenses while providing a separate response to abuse of judicial proceedings.

The rationale is supported by *Shahzad Amir Farid v. Mst. Sobia Amir Farid* (2024 SCMR 1292), in which the Supreme Court imposed costs for persistent non-compliance with maintenance orders and vexatious litigation that delayed payment to minor children. In *Saleh Muhammad v. Mst. Mehnaz Begum* (PLD 2025 SC 1039), the Court imposed costs for misuse of judicial proceedings to humiliate the wife, emphasising the protection of personal dignity. These decisions support effective costs sanctions against abusive conduct; the specific adjournment limit and mandatory recovery of reasonable litigation expenses are proposed legislative measures.

References: *Shahzad Amir Farid v. Mst. Sobia Amir Farid* (2024 SCMR 1292); *Saleh Muhammad v. Mst. Mehnaz Begum* (PLD 2025 SC 1039); Constitution, Arts. 10A, 14 and 37(d).

32. Proceedings in camera | *Minor change*

The provision places the existing discretion to conduct proceedings in camera on an express statutory footing and extends it to Family Appellate Courts. It permits the whole or any part of the proceedings to be heard privately where the Court considers this appropriate. The purpose is to protect litigants and children from unnecessary public exposure of intimate family matters and to facilitate candid participation, consistently with personal dignity and the requirements of a fair hearing.

Rule 10 of the West Pakistan Family Courts Rules, 1965 already permits in-camera proceedings and requires them where both parties so request. The proposed section reproduces the discretionary power but does not provide for the joint-request requirement.

Comparatively, section 12 of Bangladesh's Family Courts Act, 2023 expressly empowers both Family Courts and Family Appellate Courts to conduct proceedings in camera. Similarly, section 11 of India's Family Courts Act, 1984 also provides for in-camera hearings. Article 16 of the Convention on the Rights of the Child provides additional support for protecting children's privacy, honour and reputation.

References: West Pakistan Family Courts Rules, 1965, r. 10; Constitution, Arts. 10A and 14; India, Family Courts Act, 1984, s. 11; Bangladesh, Family Courts Act, 2023, s. 12; Convention on the Rights of the Child, Art. 16.

CHAPTER VII — SPECIAL POWERS AND PROCEDURE

33. Review | *New provision*

The provision introduces an express and defined power of review for Family Courts and Family Appellate Courts to resolve uncertainty arising from differing judicial approaches

under the existing law. In *Pervaiz Mehmood v. Mst. Zainab Bibi* (2007 YLR 3316), the Sindh High Court held that review jurisdiction could not be exercised without express statutory conferment. Conversely, *Muhammad Saad Ali v. Mst. Maryam Khan* (2014 CLC 715), *Ali Adnan Dar v. Judge Family Court* (PLD 2016 Lahore 73) and *Ali Akbar v. Additional District Judge, Malkwal* (PLD 2017 Lahore 787) recognised powers to reconsider particular orders to secure justice, subject to legal limits. These differing approaches demonstrate the need to specify both the existence and the boundaries of review jurisdiction.

By expressly applying section 114 and Order XLVII CPC, the proposed section provides a uniform statutory basis for correcting reviewable errors, including errors apparent on the record and qualifying newly discovered evidence. It confines review to recognised grounds and does not permit a rehearing merely because a party disagrees with the decision.

The fifteen-day filing period, exclusion of certified-copy preparation time, admission of delayed applications for sufficient cause, and intended disposal within fifteen days seek to provide prompt corrective relief. Filing does not automatically stay proceedings or execution. The exclusion of review of the dissolution component preserves certainty of marital status, while the prohibition on successive review prevents repeated reopening. The cash-security requirement seeks to discourage frivolous applications; its amount and automatic transfer upon dismissal should, however, be balanced against access to relief for indigent applicants with bona fide grounds.

References: *Pervaiz Mehmood v. Mst. Zainab Bibi* (2007 YLR 3316); *Muhammad Saad Ali v. Mst. Maryam Khan* (2014 CLC 715); *Ali Adnan Dar v. Judge Family Court* (PLD 2016 Lahore 73); *Ali Akbar v. Additional District Judge, Malkwal* (PLD 2017 Lahore 787); *Muhammad Arshad Anjum v. Mst. Khurshid Begum* (2021 SCMR 1145); Code of Civil Procedure, 1908, s. 114 and Order XLVII.

34. Power to summon witnesses | *Minor change*

The provision substantially retains the power under section 15 of the Family Courts Act, 1964 to summon persons to give evidence or produce documents, while expressly extending it to Family Appellate Courts. It preserves exemptions from personal appearance and permits the Court to refuse a summons where attendance cannot reasonably be secured without undue delay, expense or inconvenience. These safeguards balance the need to obtain evidence with proportionate use of compulsory process.

The proposed fine of up to fifty thousand rupees strengthens enforcement against wilful disobedience. Liability depends upon deliberate non-compliance, and the person concerned must first be afforded an opportunity to show cause. The provision therefore seeks to discourage obstruction while allowing the Court to consider a lawful excuse or genuine inability to comply. At the appellate stage, the summoning power remains subject to the applicable limits on receiving additional evidence.

A comparable provision appears in section 22 of Bangladesh's Family Courts Act, 2023, which expressly confers summoning powers on both Family Courts and Family Appellate Courts, preserves exemptions and safeguards against unreasonable attendance requirements, and permits punishment for wilful disobedience after an opportunity of defence.

References: Family Courts Act, 1964, s. 15; Constitution, Art. 10A; Bangladesh, Family Courts Act, 2023, s. 22; Code of Civil Procedure, 1908, Order XLI, rr. 27–29.

35. Contempt of Courts | *Minor change*

The provision substantially retains the statutory mechanism under section 16 of the Family Courts Act, 1964 for dealing with specified misconduct, while expressly extending it to Family Appellate Courts and increasing the maximum fine to fifty thousand rupees. It addresses conduct such as interruption of proceedings, intimidation or abusive behaviour within court premises, and refusal to answer questions or comply with other requirements which a person is legally bound to obey. Its purpose is to preserve orderly proceedings and protect those participating in the administration of family justice.

The express opportunity to show cause provides a safeguard against arbitrary punishment. Although the Court may proceed summarily, it must identify the alleged misconduct and afford a meaningful opportunity of defence, consistently with Article 10A.

Comparatively, section 23 of Bangladesh's Family Courts Act, 2023 expressly authorises both family trial and appellate courts to punish specified contemptuous conduct. It also qualifies that conduct by the absence of lawful cause.

References: Family Courts Act, 1964, s. 16; Constitution, Arts. 10A; Bangladesh, Family Courts Act, 2023, s. 23.

36. Provisions of Qanun-e-Shahadat and Code of Civil Procedure not to apply | *Substantial change*

The provision retains the simplified procedural framework under section 17 of the Family Courts Act, 1964 for matters specified in Part I of the Schedule. Sections 10 and 11 CPC remain applicable to prevent parallel proceedings and repeated adjudication of matters already decided. The proposed provision additionally applies section 107 and Order XLI CPC to appellate proceedings, supplying an express framework for appellate powers and procedure, including remand and additional evidence. Other CPC provisions apply where expressly incorporated by the Bill, including the review jurisdiction under section 33.

The Supreme Court has recognised that exclusion of the CPC does not prevent Family Courts from adopting procedures consistent with fair hearing and trial. *Muhammad Tabish Naeem Khan v. Additional District Judge, Lahore* (2014 SCMR 1365) directly supports this principle. *Haji Muhammad Nawaz v. Samina Kanwal* (2017 SCMR 321) emphasises equity, justice and fair play. These principles permit procedural flexibility without overriding express statutory restrictions.

The provision also preserves sections 8–11 of the Oaths Act, 1873 and expressly permits consideration of photographs, video recordings, electronic communications and other relevant material. This is particularly useful where family transactions and disputed conduct are not documented through formal records. Receipt of such material does not establish its truth: the Court must assess its relevance, authenticity and reliability, consistently with the parties' opportunity to contest it.

Comparatively, section 14 of India's Family Courts Act, 1984 permits receipt of material that may assist effective adjudication even where it would otherwise be inadmissible under ordinary evidence law. It supports a flexible evidentiary approach while leaving the Court responsible for assessing the material's weight.

References: Family Courts Act, 1964, s. 17; Code of Civil Procedure, 1908, ss. 10, 11 and 107 and Order XLI; Oaths Act, 1873, ss. 8–11; *Muhammad Tabish Naeem Khan v. Additional District Judge, Lahore* (2014 SCMR 1365); *Haji Muhammad Nawaz v. Samina Kanwal* (2017 SCMR 321); *Muhammad*

Arshad Anjum v. Mst. Khurshid Begum (2021 SCMR 1145); India, Family Courts Act, 1984, s. 14; Constitution, Art. 10A.

37. Power to regulate procedure | *New provision*

The provision expressly empowers Family Courts and Family Appellate Courts to regulate their own procedure, subject to the Act and the constitutional requirements of fair trial and due process. It enables the courts to identify the real controversy, avoid multiplicity of proceedings, secure relevant material and prevent abuse of process. In *Muhammad Tabish Naeem Khan v. Additional District Judge, Lahore and others* (2014 SCMR 1365), the Supreme Court recognised that a Family Court may adopt its own procedure, provided that the principles of fair hearing and trial are observed. In *Muhammad Arshad Anjum v. Mst. Khurshid Begum and others* (2021 SCMR 1145), it affirmed that the exclusion of ordinary civil procedure does not prevent a Family Court from examining allegations that its decree was obtained through fraud or misrepresentation. The proposed provision places this judicially recognised procedural flexibility on an express statutory footing without permitting departure from mandatory statutory requirements or enlargement of substantive jurisdiction.

A comparable power is recognised in section 10(3) of India's Family Courts Act, 1984, which permits a Family Court to formulate its own procedure to promote settlement or ascertain disputed facts.

References: *Muhammad Tabish Naeem Khan v. Additional District Judge, Lahore and others* (2014 SCMR 1365); *Muhammad Arshad Anjum v. Mst. Khurshid Begum and others* (2021 SCMR 1145); Constitution of the Islamic Republic of Pakistan, 1973, Article 10A; India, Family Courts Act, 1984, section 10(3).

38. Power to pass interim orders for protection of property | *Substantial change*

The provision retains the power to preserve disputed property and other property of a party where necessary to secure satisfaction of the decree, while expressly authorising attachment of property situated in another district. It introduces safeguards requiring recorded reasons, judicial satisfaction that attachment is necessary to prevent frustration of execution, and an opportunity of hearing unless immediate action is required to prevent disposal or concealment.

In *Khurram Ghulam Rasool v. Shazia Khurram and others* (PLD 2017 Lahore 689), the Lahore High Court emphasised that property protection under section 21-A of the Family Courts Act, 1964 must rest on sufficient material rather than mere apprehension, drawing upon the preventive principles underlying attachment before judgment. The proposed provision balances effective enforcement with protection against unjustified restrictions on property: attachment must respond to an established need and must not follow automatically from the institution of a claim.

References: *Khurram Ghulam Rasool v. Shazia Khurram and others* (PLD 2017 Lahore 689); Family Courts Act, 1964, section 21-A; Code of Civil Procedure, 1908, Order XXXVIII, rule 5 (analogous procedural safeguards); Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

39. Power of Court to issue commission | *Minor change*

The provision retains the commission power under section 17-B of the Family Courts Act, 1964 and expressly extends it to Family Appellate Courts for examining persons, conducting local investigations and inspecting property or documents, subject to prescribed conditions and limitations. It facilitates the collection of relevant evidence

where direct examination or inspection by the Court would cause difficulty, expense or delay.

References: Family Courts Act, 1964, section 17-B; Code of Civil Procedure, 1908, Order XXVI (analogous procedural framework).

40. Electronic filing, judicial records and use of electronic means | *New provision*

The provision establishes an express statutory basis for electronic institution, filing and service, remote appearance and recording of evidence, including cross-examination, and the creation, maintenance and transmission of electronic judicial records. It seeks to reduce avoidable attendance, delay and duplication while facilitating continuity of records between trial and appellate courts. Its operation is subject to prescribed procedures and safeguards concerning identity verification, authenticity, record integrity, confidentiality, security and fair hearing.

The framework complements sections 3–7 of the Electronic Transactions Ordinance, 2002 and supports the policy decision of the National Judicial (Policy Making) Committee (NJPMC), taken at its 62nd meeting, approving in principle the National Unified E-Filing and Electronic Judicial-Record System, with an initial pilot in family cases. It enables common case identification and interoperability between courts without, by itself, requiring exclusive electronic filing before the necessary rules and facilities are available.

References: Constitution of the Islamic Republic of Pakistan, 1973, Article 10A; Electronic Transactions Ordinance, 2002, sections 3–7; National Judicial (Policy Making) Committee, decision of its 62nd meeting concerning the National Unified E-Filing and Electronic Judicial-Record System (policy context).

41. Appearance through agents | *Substantial change*

The provision broadens the restricted permission under section 18 of the Family Courts Act, 1964 for representation through an authorised agent, allowing it where a party is unable to appear personally or shows sufficient cause. It facilitates access to justice, particularly for litigants residing abroad, while preserving the Court's power to require personal attendance for reconciliation, examination or another necessary purpose. The Court may require a defendant appearing through an agent to furnish adequate security, having regard to the claim and circumstances.

In *Muhammad Pervez v. Mst. Nabila Yasmeen and 2 others* (2004 SCMR 1352), the attorney had represented an overseas defendant throughout the proceedings and, during execution, undertaken to produce the judgment-debtor before the Court. Following non-appearance, warrants were issued against the attorney, who sought their recall on the ground that his authority had been revoked. The Supreme Court upheld the orders against him, holding that mala fide revocation could not defeat execution and that the judgment-debtor was bound to satisfy the decree personally or through his attorney. Subsequently, *Muhammad Aslam v. Ayyan Ghazanffar and 2 others* (PLD 2012 Lahore 392), while explaining that decision, held that personal liability could not be presumed merely from authority to defend the suit. *Muhammad Mohsin Fawad v. Hina Tayyaba Khalil and another* (2018 YLR 2199) likewise held that the attorney's own property could not be attached or sold to satisfy the principal's decree, while *Muhammad Naeem v. Additional District Judge, Gujranwala and others* (2025 CLC 1124) reaffirmed the distinction between an attorney and a person separately bound as surety.

The proposed provision provides an express mechanism for securing satisfaction of the decree while facilitating representation through agents.

References: Family Courts Act, 1964, section 18; *Muhammad Pervez v. Mst. Nabila Yasmeen and 2 others* (2004 SCMR 1352), paragraphs 2–4; *Muhammad Aslam v. Ayyan Ghazanffar and 2 others* (PLD 2012 Lahore 392); *Muhammad Mohsin Fawad v. Hina Tayyaba Khalil and another* (2018 YLR 2199); *Muhammad Naeem v. Additional District Judge, Gujranwala and others* (2025 CLC 1124); Code of Civil Procedure, 1908, Order III, rules 1–2, and section 145 (analogous procedural principles); Contract Act, 1872, section 128.

42. Special provisions relating to maintenance | *Substantial change*

The provision strengthens the mechanism for securing prompt and effective maintenance. It requires interim maintenance to be fixed on the first date appointed for the defendant's appearance or, where further information is genuinely necessary for provisional assessment, as soon afterwards as practicable, with reasons recorded. Maintenance is payable from institution, and dependent unmarried daughters and dependent parents are expressly included, subject to legal entitlement. Financial disclosure and judicial scrutiny of needs and resources support a reasoned assessment. Non-payment attracts consequences, including striking off the defence, while permitting a reasoned alternative order. The provision also allows instalments for accrued arrears and provides for a ten per cent annual increase, calculated on a compound basis, where the decree specifies no annual enhancement.

The express inclusion of dependent unmarried daughters addresses the restrictive interpretation in *Maqsood Pervaiz Ch. v. Mst. Nausheen Chaudhary and others* (PLD 2019 Lahore 102), where the Court held that the interim-maintenance mechanism for a "child" did not cover the adult daughter concerned and cautioned against arbitrary exercise of the power. In *Azhar Ijaz Khawaja v. Additional District Judge* (PLD 2026 Lahore 181), the Court recognised jurisdiction over dependent parents' maintenance claims and the power to grant interim relief, but held that section 17-A's special consequences for default could not be extended to parents without statutory authority. The proposed provision addresses that gap expressly. *Shahzad Amir Farid v. Mst. Sobia Amir Farid and others* (2024 SCMR 1292) supports effective enforcement against persistent non-payment, while *Sharafat Ali v. Mst. Rehana Kauser and others* (2010 MLD 1) emphasises the father's obligation to maintain his child according to his ability and consistently with the child's dignity.

References: *Maqsood Pervaiz Ch. v. Mst. Nausheen Chaudhary and others* (PLD 2019 Lahore 102); *Azhar Ijaz Khawaja v. Additional District Judge* (PLD 2026 Lahore 181); *Shahzad Amir Farid v. Mst. Sobia Amir Farid and others* (2024 SCMR 1292); *Sharafat Ali v. Mst. Rehana Kauser and others* (2010 MLD 1); Family Courts Act, 1964, section 17-A, as substituted in Punjab by the Punjab Family Courts (Amendment) Act, 2015; Constitution of the Islamic Republic of Pakistan, 1973, Article 10A.

43. Criminal jurisdiction of Family Courts and Family Appellate Courts | *Substantial change*

The provision clarifies the Family Court's exercise of the powers of a first-class Magistrate for offences within its statutory jurisdiction, including the specified spouse-against-spouse offences in Part II of the Schedule and offences under other laws expressly conferring jurisdiction upon it. It requires criminal trials to follow the applicable provisions of the Code of Criminal Procedure, 1898, preserving the safeguards of criminal adjudication rather than applying the simplified procedure governing civil family disputes.

The principal institutional change is the express provision for criminal appeals, including appeals against contempt decisions of the Family Court, to the Family Appellate Court acting as a Court of Session, subject to the applicable provisions and limitations of the Code. The provision also regulates cognizance on complaints by the Union Council, Arbitration Council or aggrieved party, subject to its stated exceptions and any contrary requirement of the law creating the offence. It thereby provides a coherent trial and appellate framework without extending criminal jurisdiction beyond that conferred by law.

References: Family Courts Act, 1964, sections 5 and 20 and Schedule, Part II; Code of Criminal Procedure, 1898, provisions governing trials before Magistrates and criminal appeals; Pakistan Penal Code, 1860, sections 337-A(i), 337-F(i), 341–346, 352 and 509; Constitution of the Islamic Republic of Pakistan, 1973, Article 10A; proposed Bill, sections 26, 34, 35 and 43 and Schedule, Part II.

CHAPTER VIII — MISCELLANEOUS PROVISIONS

44. Court fee | *Minor change*

The provision prescribes a fixed court fee of Rs. 500 for a plaint, petition or memorandum of appeal, notwithstanding the Court Fees Act, 1870, and permits revision by notification. It retains a uniform fee unrelated to the value of the claim, promoting predictable litigation costs and access to family justice. The power of revision of court fee should be exercised consistently with the constitutional objective of inexpensive and expeditious justice.

References: Family Courts Act, 1964, section 19; Court Fees Act, 1870; Constitution of the Islamic Republic of Pakistan, 1973, Article 37(d).

45. Intimation of dissolution of marriage to Arbitration Council | *Minor change*

The provision retains the requirement to transmit a certified copy of a decree dissolving a Muslim marriage to the concerned Chairman of the Arbitration Council within three days, by registered post or other prescribed modes. It facilitates prompt communication and coordination of judicial and administrative records, enabling the Chairman to proceed under the Muslim Family Laws Ordinance, 1961. The three-day requirement already exists in the corresponding Punjab provision and is therefore carried forward rather than newly introduced.

References: Family Courts Act, 1964, section 21-B (Punjab); Muslim Family Laws Ordinance, 1961, sections 7–8.

46. Muslim Family Laws Ordinance, 1961, not affected | *No change*

The provision retains the existing savings clause preserving the operation of the Muslim Family Laws Ordinance, 1961 and the rules made under it. It maintains continuity between the procedural framework governing Family Courts and the substantive and administrative provisions of the Ordinance.

References: Family Courts Act, 1964, section 21; Muslim Family Laws Ordinance, 1961.

47. Validity of registered marriages | *Substantial change*

The provision protects duly registered marriages against collateral challenge while expressly permitting their existence or validity to be contested through a suit for jactitation

or nullity before the competent Family Court. It clarifies the relationship between the protection afforded by registration and the Court's jurisdiction to determine disputed marital status. In *Matloob Hussain v. Mst. Shahida and 2 others* (PLD 2006 SC 489), the Supreme Court held that section 23 of the Family Courts Act, 1964 does not oust jurisdiction over a suit for jactitation merely because the disputed marriage is registered; registration cannot confer validity upon an otherwise invalid marriage. The proposed provision gives express statutory recognition to that distinction and aligns the permissible proceedings with the inclusion of jactitation and nullity in the Schedule.

References: *Matloob Hussain v. Mst. Shahida and 2 others* (PLD 2006 SC 489); Family Courts Act, 1964, sections 5 and 23; Muslim Family Laws Ordinance, 1961, sections 3 and 5.

48. Bar on injunctions against Arbitration Councils | *No change*

The provision retains the prohibition on Family Courts issuing injunctions against a Chairman or Arbitration Council or staying proceedings pending before either. It preserves the distinct statutory functions assigned to these authorities under the Muslim Family Laws Ordinance, 1961.

References: Family Courts Act, 1964, section 22; Muslim Family Laws Ordinance, 1961.

49. Transfer of cases | *Substantial change*

The provision recasts the transfer mechanism for Family Courts and Family Appellate Courts. It empowers the High Court to transfer cases within its territorial jurisdiction and the District Judge, Family Appellate Courts, to transfer trial and appellate proceedings within the district. It also provides for transfers where a court remains vacant or its presiding officer is absent for more than thirty days, excluding vacations. Proceedings ordinarily continue from the stage already reached, unless the transferee Court records reasons for directing otherwise, thereby avoiding unnecessary repetition and delay.

The express district-level power addresses the statutory limitation identified in *Mian Shiraz Arshad v. Mst. Tazeen Arif Ali Khan and others* (PLD 2009 Karachi 183), where the Sindh High Court held that administrative powers could not substitute for absent statutory authority to transfer a family case outside the specified vacancy or absence conditions. General transfer powers must also be distinguished from transmission of a decree for execution. Although *Mian Muhammad Arshad v. Saba Gul and 5 others* (2022 MLD 1280) required recourse to section 25-A for transferring execution proceedings, the subsequent larger Bench in *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300) recognised the executing court's power to transmit a decree through the applicable execution mechanism. This distinction supports clear and separate statutory treatment of case transfers and transfers for execution.

References: Family Courts Act, 1964, section 25-A; *Mian Shiraz Arshad v. Mst. Tazeen Arif Ali Khan and others* (PLD 2009 Karachi 183); *Mian Muhammad Arshad v. Saba Gul and 5 others* (2022 MLD 1280), read with *Mst. Amman Gul v. Judge Family Court, Rawalpindi and 2 others* (2023 CLC 1300) (larger Bench).

50. Transfer of cases by Supreme Court (For Islamabad Act only) | *Substantial change*

The provision expressly includes the Islamabad Capital Territory in the mechanism for transferring family proceedings between territorial jurisdictions. It addresses the

legislative gap identified in *Rabia Ahmad v. Bilal Ejaz* (2022 SCMR 733), where the Supreme Court held that section 25-A(2-B) of the Family Courts Act, 1964 authorised interprovincial transfers but did not expressly cover transfers to or from the ICT. Exercising its powers under Article 187 to do complete justice, the Court transferred execution proceedings from Rawalpindi to Islamabad, emphasising that ICT litigants should not be denied the corresponding remedy. The proposed provision supplies an express statutory mechanism and accommodates the new Family Appellate Courts.

The provision is designated for inclusion in the Islamabad enactment to be passed by Parliament, rather than in the provincial enactments, because legislative competence concerning enlargement of the Supreme Court's jurisdiction and conferment of supplemental powers rests with Parliament. Article 142(a), read with Entry 55 of Part I of the Federal Legislative List, places this matter within the federal legislative sphere.

References: *Rabia Ahmad v. Bilal Ejaz* (2022 SCMR 733); Family Courts Act, 1964, section 25-A(2-B), as considered in that judgment; Constitution of the Islamic Republic of Pakistan, 1973, Articles 142(a), 142(d), 175(2) and 187, and Fourth Schedule, Federal Legislative List, Part I, Entry 55.

51. Power to make rules | *Substantial change*

The provision elaborates the High Court's rule-making power by specifying matters necessary for implementing the Act, including territorial jurisdiction, court administration, specialised staffing, case management, mediation, service and electronic proceedings. It also enables rules governing unique case identifiers and the security, integrity and interoperability of judicial records. Leaving procedural and technical details to rules permits phased implementation and adaptation to changing operational needs without repeated amendment of the Act. The rules must remain consistent with the Act and cannot alter substantive rights or enlarge jurisdiction beyond its terms.

References: Constitution of the Islamic Republic of Pakistan, 1973, Articles 202 and 203; Family Courts Act, 1964, section 26; Family Courts Rules, 1965.

52. Removal of difficulties | *New provision*

The provision enables directions published in the official Gazette to address practical difficulties in implementing the new institutional and procedural framework, subject to the Act and the rules. Comparable powers appear in section 31 of Pakistan's Anti-Rape (Investigation and Trial) Act, 2021 and section 54 of India's Mediation Act, 2023, both requiring consistency with the parent enactment.

In *Madeva Upendra Sinai and others v. Union of India and others* ((1975) 3 SCC 765), the Supreme Court of India explained that such a power addresses difficulties in giving effect to legislation but cannot change its scheme or essential provisions. The proposed power accordingly facilitates implementation without substituting for legislative amendment or dispensing with financial approvals required by law.

References: Anti-Rape (Investigation and Trial) Act, 2021 (Pakistan), section 31; Mediation Act, 2023 (India), section 54; *Madeva Upendra Sinai and others v. Union of India and others* ((1975) 3 SCC 765).

53. Act to have overriding effect | *New provision*

The provision gives the Act priority over inconsistent provisions of other laws, subject to its express exceptions and savings. It seeks to prevent conflicting legal requirements from

obstructing the specialised framework for family proceedings. It must therefore be read consistently with the Act's preservation of guardianship procedure, the Muslim Family Laws Ordinance, 1961, and the requirement of consent for referral to alternative dispute resolution. Its overriding effect operates only to the extent of inconsistency and remains subject to the Constitution.

Section 20 of India's Family Courts Act, 1984 provides a directly comparable statutory precedent.

References: Family Courts Act, 1984 (India), section 20; Constitution of the Islamic Republic of Pakistan, 1973, Articles 8, 142 and 175(2); Guardians and Wards Act, 1890; Muslim Family Laws Ordinance, 1961.

54. Continuance of existing proceedings | *New provision*

The provision ensures continuity of pending suits, petitions, appeals and other proceedings during transition to the new framework. Subject to lawful transfer, proceedings continue before the courts already seized of them, with the new Act applying so far as practicable without prejudice to accrued rights, including rights of appeal, or liabilities incurred under the repealed Act. It also updates references to the former enactment and prevents proceedings, judgments, decrees or orders from being invalidated merely because the separate courts or supporting facilities have not become operational. These safeguards enable institutional reform without interrupting access to justice. They reflect the general savings principles governing accrued rights and pending remedies under section 6 of the General Clauses Act, 1897.

References: General Clauses Act, 1897, sections 6(b), 6(c), 6(e) and 8 (general principles concerning repeal, accrued rights, pending remedies and references to repealed and re-enacted provisions); Constitution of the Islamic Republic of Pakistan, 1973, Articles 10A and 37(d).

55. Repeal and savings | *New provision*

The provision repeals the Family Courts Act, 1964 as applicable to the relevant Province or the Islamabad Capital Territory, while preserving acts done, proceedings instituted, judgments, decrees and orders under the repealed enactment. Existing rules continue, with necessary adaptations and insofar as consistent with the new Act, until amended, repealed or replaced. These savings prevent a legal or procedural vacuum and preserve continuity in the administration of family justice. The repeal should accurately identify the locally applicable enactment, without affecting its operation in other jurisdictions.

References: General Clauses Act, 1897, sections 6 and 24 (general principles governing the effect of repeal and continuation of subordinate legislation upon repeal and re-enactment); the applicable provincial General Clauses legislation; Family Courts Rules, 1965, as locally applicable.

Schedule | *Substantial change in Part I*

Part I—Family matters

Part I defines the civil subject-matter jurisdiction of Family Courts and retains the principal categories of family disputes. The express inclusion of **divorce and judicial separation** alongside dissolution and khula, and **nullity of marriage** alongside jactitation, serves the same purpose: to accommodate the terminology and matrimonial remedies recognised under the personal laws applicable to different religious communities, including non-Muslims. These additions clarify the Family Court's jurisdiction over such

remedies without creating new substantive grounds for relief, which remain governed by the applicable matrimonial law.

The separate entry concerning return of children under the **1980 Hague Convention** carries forward jurisdiction already introduced through amendments to existing local Schedules. It recognises the distinct purpose of securing the prompt return of children wrongfully removed or retained across borders, subject to the Convention's requirements and applicable implementation arrangements. Such proceedings do not determine the merits of custody.

References: Family Courts Act, 1964, section 5 and Schedule, Part I, as locally amended; Divorce Act, 1869, sections 10, 18–19 and 22; Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Articles 1, 3–4, 12–13, 16, 19–20 and 38; Ministry of Law and Justice, guidance on implementation of the 1980 Hague Convention in Pakistan.

Recommendations of the Commission

The Law and Justice Commission of Pakistan, at its 50th meeting held on 11 September 2026, considered the progress on proposed reforms relating, inter alia, to the Family Courts Act, 1964. After considering the comments and proposals received, the Commission recommended forwarding the proposed amendments to the respective Governments for their consideration and initiation of appropriate legislative action. Having regard to the extensive nature of the proposed changes, the Commission left it to the respective Governments to determine whether to incorporate them by amendments to the existing enactment or to enact a new family courts law.

In accordance with that decision, the accompanying Family Courts Bill, 2026 has been prepared as a consolidated legislative model for such consideration. The respective Governments may undertake the necessary jurisdiction-specific settlement of the model Bill, including the applicable judicial designations, local procedural and ADR laws, resources, continuing proceedings and the consequential repeal of the existing Act.

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Law and Justice Commission of Pakistan