

Proposals for amendments in the

(1) Muslim Family Laws Ordinance, 1961 and Rules made thereunder relating to Nikahnama.

(2) WP Family Courts Act, 1964 and Rules made thereunder

(3) Dowry and Bridal Gifts (Restriction) Act, 1976 and Rules made thereunder

Report No. 138.

Proposals for amendments in the following laws and rules:

- (1) Muslim Family Laws Ordinance, 1961 and Rules Made thereunder concerning nikahnama**
- (2) WP Family Courts Act, 1964 and Rules framed thereunder, and**
- (3) Dowry and Bridal Gift (Restriction) Act, 1976 and Rules made thereunder**

Following is the summary of three consolidated papers containing legislative proposals regarding amendments to various statutes and statutory rules pertaining to family matters. A brief resume of the proposed amendments is given below:

(i) Muslim Family Laws Ordinance, 1961

- (a) Amendments to section 5 whereby minimum educational qualification for Nikah Registrar is proposed and that each Nikah Registrar within seven days of solemnizing marriage, shall cause the registration of the Nikahnama with NADRA Authorities.
- (b) Amendment to section 9 which relates to maintenance of wife and requires and certificate issued by the Arbitration Council, to the effect that the courts are normally awarding the annual maintenance but not the annual increase by considering the issue of inflation, hence , the inflation factor also needs to be considered seriously. The subject law though provides maintenance under section 9 but it is silent about the raising of the monthly or annual increase to cover up the inflation. In this regards reference can be made to judgment of Lahore High Court in **“Mohammad Anwar Vs Nadia Nasreen PLD 2012 Lahore 110 and PLD (SC) 2009 Page 760”**

(ii) Rules under Muslim Family Laws Ordinance, 1961

- (a) Amendment to rule 8, whereby quintuplicate copies of “Nikahnama” shall be prepared.
- (b) Amendment to rule 9, whereby registration fee of Nikah Registrar is proposed to be increased.
- (c) Amendment to rule 9, whereby Nikah Registrar shall forward copy of “Nikahnama” to the concerned Registrar or Registering Authority when the dower consists of moveable and immoveable property. Moreover, no third party interest shall be created on the dower property except with the written consent of the wife. Furthermore, in case any property is being given as dower by a person other than the husband, no third party interest shall be created on the property except with the consent of the wife and that after the property has been gifted or fixed as *Mehar* in the “Nikahnama” then it shall be deemed to be owned and possessed by the wife.

- (d) Amendment to rule 10 whereby the Nikah Registrar shall fill form iii in quintuplicate. The price of duplicate and triplicate copy of the "Nikahnama" proposed to be increased to Rs. 5 and that the quintuplicate copy shall be maintained by the Family Judge. Increase in punishment of violation of Rules from one month imprisonment to six months and increase in fine from rupees two hundred to rupees ten thousand and that the Nikah Registrar shall read to contents of the Nikahnama in presence of Bride and Bridegroom and shall obtain signatures of all concerned persons. Moreover, Nikah Registrar shall ensure that all columns of Nikahnama are fully filled and the "Nikahnama" shall contain a column mentioning the list of dower, bridal gift and presents.
- (e) Amendment to rule 11 whereby the person other than the Nikah Registrar solemnizing the marriage shall read over the contents of the Nikahnama in presence of Bride and Bridegroom and obtain signatures of concerned persons. Moreover, he shall ensure that all columns of Nikahnama are filled.
- (f) Amendment to section 21 to the effect of deletion of sub-section 2 and 3 thereof, which in its present form provides that dissolution of marriage by court decree, be treated as intimation to *Talaq* by Chairman for Province of Sindh, KPK and Balochistan. Said sub-section have already been omitted in the Province of Punjab.

(iii) **Amendment to WP Family Court Act, 1964**

- (a) Amendment to section 5 and 7 of the W.P. Family Court Act, 1964 so that wives and minors can approach the Family "Court for the increase in their maintenance allowance due to inflation.

(iv) **Amendments to WP Family Courts Rules, 1965**

- (a) Amendment to rule 24 to the effect that in case the Nikahnama is signed outside Pakistan, Pakistan Embassy or Counselor Office may attest the Nikahnama or by Notary Public of the that Foreign Country.

Amendments are also proposed in the **Dowry and Bridal Gifts (Restriction) Act, 1976** and the Rules made thereunder whereby the monetary value of gifts, presents etc, expenditure on marriage are sought to be increased. Moreover, amendments in the Rules made under the Dowry and Bridal gifts (Restriction) Act, 1976 are also proposed including one to the effect that the list of dowry and presents given or received marriage by wife as mentioned in Nikahnama shall be conclusive proof of the same.

Upon directions of the LJCP in its meeting dated 8-9-2013, proposed amendments have also been deliberated upon by the National Commission on the Status of Women (NCSW) and approved by Sub-Committee LJCP in the meeting dated 13-11-2013.

Attached **Annexure 'A'** is existing Form of Nikahnama and **Annexure 'B'** is the Form approved by the Sub-Committee LJCP in its meeting dated 25-03-2013.

A comparative table showing existing provisions including proposed and approved amendments is as follows:

Consolidated legislative Proposals.

D1 Amendment to Muslim Family law Ordinance 1961

Existing Provision Section 5 of Muslim Family Law Ordinance, 1961	Proposed Amendment by the Secretariat of Law and Justice Commission	Recommendation of the Sub-Committee
5. Registration of marriage. (1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.	No change	
(2) For the purpose of registration of marriage under this Ordinance, the Union Council shall grant licenses to one or more persons, to be called Nikah Registrars, but in no case shall more than one Nikah Registrar be licensed for any own Ward.	(2) For the purpose of registration of marriage under this Ordinance, the Union Council shall grant licenses to one or more persons to be called Nikah Registrars, but in no case shall more than one Nikah Registrar be licensed for any one Ward. <u>The Nikah Registrars shall have a minimum qualification of intermediate besides being trained in appropriate filling of nikahnama . (underlined proposed by NCSW)</u>	(2) Approved
(3) Every marriage not solemnized by the Nikah Registrar shall, for the purpose of registration under this Ordinance be reported to him by the person who has solemnized such marriage.	No change	
(4) Whoever contravenes the provisions of such-section (3) shall be punishable with simple imprisonment for a term which may extent to three months, or with fine which may extend to one thousand rupees, or with both.	No change	

<p>(5) The form of nikahnama, the registers to be maintained by Nikah Registrars, the records to be preserved by Union Councils, the manner in which marriage shall be registered and copies of nikahnama shall be supplied to parties, and the fees to be charged thereof, shall be such as may be prescribed.</p>	<p>No change</p>	
<p>(6) Any person may, on payment of the prescribed fee, if any, inspect at the office of the Union Council the record preserved under sub-section (5) or obtain a copy of any entry therein.</p>	<p>No. change</p> <p><u>(7) Each Nikah Registrar, within 07 days of solemnizing marriage, shall cause the registration of the Nikahnama with the NADRA Authorities.</u> (underlined proposed by NCSW)</p>	<p>Approved</p>
<p>(9) Maintenance:- (1) if any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may in addition to seeking any other legal remedy available, apply to the Chairman who shall constitute an Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband</p>	<p>9) Maintenance:- (1) if any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may in addition to seeking any other legal remedy available, apply to the Chairman who shall constitute an Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance alongwith annual increase as deemed fit and proper.</p>	<p>Approved</p>

D2. Rules under the Muslim Family Laws Ordinance, 1961

Existing Provision of WP Rules under Muslim Family Laws Ordinance, 1961	Proposed Amendments	Recommendations of the Sub-committee
<p>8(2) Each register contain fifty leaves, consecutively numbered, each leaf having a nikahnama, in quadruplicate, and the number of leaves shall be certified by the Chairman.</p> <p>(3) Notwithstanding the payment of cost under sub-rule (1), the register and the seal shall remain the property of the Union Council.</p>	<p>(2) Each register contain fifty leaves, consecutively numbered, each leaf having a nikahnama, in quintuplicate, and the number of leaves shall be certified by the Chairman.</p> <p>No change</p>	<p align="center">Approved</p>
<p>Rule 9 (1) For the registration of a marriage registered under section 5, the Nikah Registrar shall be paid by the bridegroom or his representative a registration fee of <u>two rupees</u>, or when the dower exceeds. <u>Two thousand rupees</u>, a fee calculated at the rate of <u>one rupee</u> for every thousand or part of the thousand rupees of such dower, subject to a maximum fee of <u>twenty rupees</u>.</p>	<p>Rule 9 (1) For the registration of a marriage registered under section 5, the Nikah Registrar shall be paid by the bridegroom or his representative a registration fee of two hundred rupees, or when the dower exceeds five thousand rupees, a fee calculated at the rate of five rupee for every thousand or part of the thousand rupees of such dower, subject to a maximum fee of five rupees.</p>	<p align="center">Approved</p>
	<p>(4) Where dower consists of moveable or immovable property, then Nikah Registrar shall forward a copy of such Nikahnama to the concerned Registrar or Registering Authority of the property for information and record of the property. <u>The concerned Registrar shall record the status of the said property i.e. moveable or immovable, where it is situated and whether urban or rural.</u> (underlined proposed by NCSW)</p>	<p>4) Where dower consists of moveable or immovable property, then Nikah Registrar shall forward a copy of such Nikahnama to the concerned Registrar or Registering Authority of the property for information and record of the property. The concerned Registrar shall satisfy himself that the husband is competent to transfer the dower property.</p>
	<p><u>In case of deferred dower, the concerned Registrar shall also be informed about the aforesaid particulars of the property</u></p>	<p>In case of deferred dower, no third party interest shall be created on the dower property save with the written consent of the wife executed before</p>

	<p><u>so that the same may be protected/ preserved from any sale, mortgage, collateral and pre-emption.</u></p> <p>(Underline proposed by NCSW)</p> <p><u>In case any property is being given as dower, by a person other than the husband, the said actual owner shall also furnish a promissory note.</u></p> <p>(Underline proposed by NCSW)</p>	<p>the Registrar.</p> <p>In case any property is being given as dower, by a person other than the husband, no third party interest shall be created on the dower property after giving the property in dower save with the written consent of the wife executed before the Registrar.</p>
		<p>Furthermore sub-committee also recommended in section of another new sub rule 5, which reads as under</p> <p>(5) If property has been gifted or fixed as Mehar in the Nikahnama, then it shall be deemed to be owned and possessed by the wife for all intents and purposes.</p>
<p>Rule 10 (1) The Nikah Registrar shall, in the case of a marriage solemnized by him, fill in Form III in quadruplicate in the register, the persons, whose signatures are required in the Form shall then sign, and the Nikah Registrar shall then affix his signature and seal thereto, and keep the original intact in the register.</p>	<p>Rule 10 (1) The Nikah Registrar shall, in the case of a marriage solemnized by him, fill in Form III in quintuplicate in the register, the persons, whose signatures are required in the Form shall then sign, and the Nikah Registrar shall then affix his signature and seal thereto, and keep the original intact in the register.</p>	<p>Approved</p>
<p>(2) The duplicate and triplicate of the Nikahnama filled in as aforesaid, shall be supplied to the bride and the bridegroom, respectively, on payment of <u>fifty paise</u> each, and the quadruplicate shall be forwarded to the Union Council.</p>	<p>(2) The duplicate and triplicate of the Nikahnama filled in as aforesaid, shall be supplied to the bride and the bridegroom, respectively, on payment of five rupees each, and the quadruplicate shall be forwarded to the Union Council and the quintuplicate shall be retained by the Family Judge having jurisdiction.</p>	<p>Approved</p>
<p>(3) If any person required by</p>	<p>(3) If any person violates this</p>	<p>Approved</p>

<p>this rule to sign the register refuses so to sign, he shall be punishable with simple imprisonment for a term which may extend to <u>one month</u>, or with fine which may extend to <u>two hundred rupee</u>, or with <u>both</u>.</p>	<p>rule, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.</p>	
	<p>(4) The Nikah Registrar shall read over the contents of the Nikahnama, in presence of the Bride and Bridegroom and their witnesses <u>to marriage and any wakeel appointed by the wife</u>, in their mother tongue and shall then obtain signatures of the persons required to sign (underlined proposed by NCSW)</p>	<p>Approved</p>
	<p>The Nikah Registrar shall ensure that all columns of the Nikahnama are fully filed in and in case any column is not filled, reason for the same shall be recorded.</p>	<p>Approved</p>
	<p>(6) The Nikahnama shall contain a column to the effect that whether the list of dowry, bridal gifts and presents as specified under the Dowry and Bridal gifts (Restriction) Act, 1976 and the rules made thereunder is attached or not.</p>	<p>Approved</p>
<p>Rule 11 (1) Where a marriage is solemnized in Pakistan by a person other than the Nikah Registrar, such person shall fill Form II, to be had loose on payment of such price as may be determined by the Provincial Government, the persons whose signatures required in the Form, shall then sign, and the person solemnizing the marriage shall then affix his signature to the Form and ensure delivery, as expeditiously as possible, of the same together with the registration fee to the Nikah</p>	<p>No Change</p>	

Registrar of the Ward where the marriage is solemnized.		
(2) if any person required by this rule to sign the Form refuses so to sign, he shall be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both	(2) if any person required by this rule to sign the Form refuses so to sign, he shall be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both	Approved
	(3) The person other than the Nikah Registrar solemnizing the marriage shall read over the contents of the Nikahnama, in presence of bride and bridegroom and their witnesses, in their mother tongue and then obtain signatures of the persons required to sign.	Approved
	(4) The person other than the Nikah Registrar solemnizing the marriage shall ensure that all columns of the Nikahnama are filled in and in cases any column is not filled, reason for the same shall be recorded.	Approved

D3 Amendments to the WP Family Courts Act, 1964

Existing Provision of the WP Family Court Act, 1964	Proposed Amendments	Recommendations of the Sub-Committee
<p>Section 5.</p> <p align="center">Schedule [PART I]</p> <ol style="list-style-type: none"> 1. Dissolution of marriage "including Khula". 2. Dower. 3. Maintenance. 4. Restitution of conjugal rights. 5. Custody of children]" and the visitation rights of parents to meet them" 6. Guardian ship. 7. Jactitation of marriage 8. Dowry. 9. Personal property and belongings of a wife. 	<p>Section 5.</p> <p align="center">Schedule [PART I]</p> <ol style="list-style-type: none"> 1. Dissolution of marriage "including Khula". 2. Dower. 3. Maintenance and annual increase. 4. Restitution of conjugal rights. 5. Custody of children]" and the visitation rights of parents to meet them" 6. Guardian ship. 7. Jactitation of marriage 8. Dowry. 9. Personal property and belongings of a wife. 	<p align="center">Approved</p>
<p>Section 7. Institution of suits.-- (1) Every suit before a Family Court shall be instituted by the presentation of a plaint or in such other manner and in such Court as may be prescribed.</p>	<p align="center">No Change</p>	
<p>(2) The Plaint shall contain all material facts relating to the dispute and shall contain a Schedule giving the number of witnesses intended to be produced in support of the plaint, the names and addresses of the witnesses and brief summary of the facts to which they would depose:</p>	<p align="center">No Change</p>	
<p>Provided that a plaint for dissolution of marriage may contain all claims relating to dowry, maintenance, dower, personal property and belongings of wife, custody of children and visitation rights of parents to meet their children.</p>	<p>Provided that a plaint for dissolution of marriage may contain all claims relating to dowry, maintenance, and annual increase dower, personal property and belongings of wife, custody of children and visitation rights of parents to meet their children.</p>	<p align="center">Approved</p>
<p>(3) (i) Where a plaintiff sues or relies upon a document in his possession or power, he shall produce it in court when</p>	<p align="center">No Change</p>	

the plaint is presented, and shall at the same time, deliver the document or a copy thereof to be filed with the plaint.		
(ii) Where he relies on any other document not in his possession or power, as evidence in support of his claim, he shall enter such documents in a list to be appended to the plaint.	No change	
(4) The plaint shall be accompanied by as many duplicate copies thereof including the Schedule and the lists of documents referred to in sub-section (3), as there are defendants in the suit, for service upon the defendants.	No Change	
17. Provisions of Evidence Act and Code of Civil Procedure not to apply. ---(1) Save as otherwise expressly provided by or under this Act, the provisions of the Qanun-e-Shahadat, 1984 (P.O No. 10 of 1984), and the Code of Civil Procedure, 1908, except sections 10 and 11, shall not apply to proceedings before any Family Court in respect of Part I of the schedule.	No Change	
(2) Sections 8 to 11 of the Oaths Act, 1872, shall apply to all proceedings before the Family Courts.	No Change	
	<p>(3) The Family Court shall have the power to administer oath to the bride and the bridegroom, upon the Nikahnama who appear before the Court not later than one week of registration of solemnizing of marriage, as the case may be.</p> <p><u>Note: it is proposed by NCSW that subsection (3) above may be deleted being not practicable and will be of extra burden on the bride and bride groom.</u></p>	The recommendations of NCWS were approved

<p>21. Provision of Muslim Family Laws Ordinance to be applicable-(1) Nothing in this Act shall be deemed to affect any of the provision of the Muslim Family Laws Ordinance, 1961, or the rules framed thereunder and the provisions of sections 7, 8, 9, and 10 of the said ordinance shall be applicable to any decree for the dissolution of marriage solemnized under the Muslim Law, maintenance or dower, by a Family Court.</p>	No change	
<p>(2) When a Family Court passes a decree for the dissolution of marriage solemnized under the Muslim law, the Court shall send by registered post, within seven days of passing such decree, a certified copy of the same to the appropriate Chairman referred to in s.7 of the Muslim Family Laws Ordinance, 1961, and upon receipt of such copy, the Chairman shall proceed as if he had received and intimation to talaq, required to be given under the said Ordinance.</p>	Deleted to the extent of Sindh, KPK and Balochistan as this sub-section has been omitted by the Province of the Punjab.	Approved
<p>(3) Notwithstanding anything to the contrary in any other law, decree for dissolution of a marriage solemnized under the Muslim law shall:-</p>	Deleted to the extent of Sindh, KPK and Balochistan as this sub-section has been omitted by the Province of the Punjab	Approved
<p>(a) not be effective until the expiration of ninety days from the day on which a copy thereof has been sent under sub-section (2) to the Chairman; and (b) be of no effect if within the period specified in clause (a) reconciliation has been effected between the parties in accordance with provisions of the Muslim Family Laws Ordinance, 1961.</p>		

D4. Amendments to the WP Family Courts Rules, 1965

Existing Provision Rule of the WP Family Court Rules, 1965	Proposed Amendments	Recommendations of the Sub-committee
(24) (1) There shall be kept in the office of every Court a seal of the Court which shall be circular in shape and shall have thereon the inscription "Family Court" and the name of the District.	No Change	
(2) The seal of the Court shall be used on all summons, orders, decrees, copies and other documents issued under the Act or there rules.	No Change	
	(3) Not later than one week of signing of Nikahnama before the Nikah Registrar or before a person other than the Nikah Registrar, the bride and the bridegroom shall present the Nikahnama to the senior most Civil Judge at Sub-division and the senior Civil Judge at District head quarters having jurisdiction and shall swear and sign the affidavit printed on the Nikahnama. The concerned Judge shall attest same and shall also retain a copy of the Nikahnama so attested in a Register maintained separately for such purpose.	
	<u>Note: it is proposed by NCSW that proposed subsection (3) may deleted being not practical and will be of extra burden on the bride and bride groom.</u>	The recommendations of NCWS were approved
	(4) The Register shall be open for public inspection and certified copies may be obtained by making application to the Presiding Officer of the Family Court against a fee as may be prescribed.	Deleted in consequence of deletion of proposed sub-Rule (3) above.
	(5) if at the time of signing Nikahnama, the bride and bridegroom are residing outside Pakistan, the	Approved

	Nikahnama may be attested by the Pakistan Embassy or Consular's Office if such office is situated in that country or by a Notary Public of that foreign country.	
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D5. Amendments to the Dowry and Bridal Gift (Restriction) Act, 1976

Existing provisions of Dowry and Bridal Gifts(Restriction) Act, 1976	Proposed Amendments	Recommendations of the Sub-committee
3. Restriction on dowry presents and bridal gifts. (1) Neither the aggregate value of the dowry and presents given to the bride by her parents not the aggregate value of the bridal gift or of the presents given to the bridegroom shall exceed five thousand rupees;	3. Restriction on dowry presents and bridal gifts. (1) Neither the aggregate value of the dowry and presents given to the bride by her parents not the aggregate value of the bridal gift or of the presents given to the bridegroom shall exceed one hundred thousand rupees;	Approved
Explanation. The ceiling of five thousand rupees specified in this Subsection does not in any way imply that the dowry, bridal gifts and presents of a lesser amount may not be given.	Explanation. The ceiling of one hundred thousand rupees specified in this Subsection does not in any way imply that the dowry, bridal gifts and presents of a lesser amount may not be given.	Approved
(1-A) No person shall give or accept, or enter into and agreement to give or to accept dowry, bridal gifts or presents of a value exceeding values specified in sub-section (1)	No change	
(2) No dowry, bridal gifts or presents may be given before or after six month of nikah, and, if rukhsati takes place sometime after nikah, after six months of such rukhsati.	No Change	
4. Restriction or presents: - No person shall give to either party to the marriage any present the value of which exceeds one hundred rupees.	4. Restriction or presents: - No person shall give to either party to the marriage any present the value of which exceeds one thousand rupees.	Approved
Provided that the limit of one hundred shall not apply to the; presents given to the	Provided that the limit of one thousand shall not apply to the; presents given to the	Approved

bridegroom by the parents of the bride under subsection (1) of section 3.	bridegroom by the parents of the bride under subsection (1) of section 3.	
Provided further that the President, the Prime Minister, Federal Minister, Chief Minister, Minister, Minister of State, Adviser, Governor, Speaker, Deputy Speaker, the Chairman or the Deputy Chairman of the Senate, Parliamentary Secretary, Member of the Senate, National Assembly or Provincial Assembly, Government Servant or an official serving any corporation, industry or establishment owned, controlled or managed by Government shall not receive any present in connection with his marriage or the marriage of his son or daughter except from his relation (khandan)	No Change	
Provided further that this restriction shall not apply to a Government Servant or official serving in the scale below National Pay Scale 17 not exercising in any manner judicial, revenue or executive authority.	No Change	
<p>6. Expenditure on marriage.- The total expenditure on a marriage, excluding the value of dowry, bridal gifts and present, but including the expenses on mehndi baarat and valima, incurred by the on behalf of either party to the marriage shall not exceed two thousand and five hundred rupees.</p>	<p>6. Expenditure on marriage.- The total expenditure on a marriage, excluding the value of dowry, bridal gifts and present, but including the expenses on mehndi baarat and valima, incurred by the on behalf of either party to the marriage shall not exceed fifty thousand rupees.</p>	Approved

D6. Amendment to the Dowry and Bridal Gifts (Restriction) Rules, 1976.

Existing provisions of Dowry and Bridal Gifts(Restriction) Act, 1976	Proposed Amendments	Recommendations of the Sub-committee
<p>4. Submission of list of dowry, etc. (1) Lists of dowry and present given or received in connection with the marriage shall be furnished by the parents of the bride in Form D-I</p>	<p>4. Submission of list of dowry, etc. (1) Lists of dowry and present given or received in connection with the marriage shall be prepared by the parents of the bride in Form D-I</p>	<p align="center">Approved</p>
<p>(2) Lists of bridal gifts and presents given or received in connection with the marriage shall be furnished by parents of the bridegroom in Form D-II.</p>	<p>(2) Lists of bridal gifts and presents given or received in connection with the marriage shall be prepared by parents of the bridegroom in Form D-II.</p>	<p align="center">Approved</p>
<p>(3) The details of expenditure incurred in connection with a marriage shall be furnished in Form D-III by parents of each party to the marriage.</p>	<p align="center">No Change</p>	
	<p>(3A) The lists referred to in sub-rules (1) and (2) shall be attached with <i>nikahnama</i> by the parents of the bride and bridegroom or any other persons arranging the marriage at the time of solemnizing marriage or rukhsati or within fifteen days of the expiry of period fixed under sub-section (2) of section 3 of the Act, if the dowry, bridal gifts or presents have been given or received, as the case may be, by the parents of the bride or bridegroom after <i>rukhsati</i>.</p>	<p align="center">Approved</p>
	<p>(3B) In a suit for recovery of dowry, bridal gifts or presents, the lists referred to in sub-rules (1) and (2) shall be deemed to be a conclusive proof of the giving or receiving the dowry, bridal gifts or presents, as the case may be.</p>	<p align="center">Approved</p>
<p>(4) The lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall, in the case of Muslims, be furnished by parents of each party to the marriage to the Registrar of the</p>	<p>(4) The details of expenditure referred to in sub-rule (3) shall in the case of Muslims, be furnished by parents of each party to the marriage to the Registrar of the area of which the bride is ordinarily resident</p>	<p align="center">Approved</p>

<p>area of which the bride is ordinarily resident:--</p> <p>(a) directly in case the marriage has taken place in Pakistan, and</p> <p>(b) through the Consular Section of the Pakistan Mission abroad located nearest to the place where the marriage has taken place.</p>	<p>directly in case the marriage has taken place in Pakistan.</p> <p>Added with proposed rule (4) above</p> <p>Deleted</p>	
<p>(5) Where the marriage between non-Muslims takes place in Pakistan the lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall be furnished directly by the parents of each party to the marriage to the Deputy Commissioner of the area of which the bride is ordinarily resident in Pakistan or where the bride is not a citizen of Pakistan, to the Deputy Commissioner of the area of which the bridegroom is ordinarily resident in Pakistan.</p>	<p>No Change</p>	
<p>(6) Where the marriage between non-Muslim citizens of Pakistan takes place outside Pakistan, the lists referred to in sub-rules (1) and (2) and the details of expenditure referred to in sub-rule (3) shall be furnished by the parents of each party to the marriage to the Deputy Commissioner of the area of which the bride is ordinarily resident through the Consular Section of the Pakistan Mission abroad nearest to the place where the marriage has taken place</p>	<p>No Change</p>	
<p>(7) On receipt of Forms D-I, D-II and D-III, the Registrar shall, after retaining one copy of each form, forward the same to the Deputy Commissioner concerned.</p>	<p>(7) On receipt of Forms D-I, D-II in case of non-Muslims, and D-III in case of Muslims and non-Muslims, the Registrar shall, after retaining one copy of each form, forward the same to the Deputy Commissioner concerned.</p>	<p>Approved</p>

<p>(8) The Deputy Commissioner shall, on receipt of Forms D-I, D-II and D-III, either directly from the parents of each party to marriage or through the Registrar, duly record and index them and preserve the for two years.</p>	<p>No Change</p>	
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**Annexure A
Existing form of Nikahnama**

**FORM-II
(See Rules 8, 10, 11 and 12)**

Form of Nikahnama as prescribed by Rule 8 of the Muslim Family Laws Rules, 1961

- (1) Name of Ward.....Town/Union.....Tehsil/Thana.....and District.....in which the marriage to place
- (2) Name of the bridegroom and his father, with the respective residence.....
- (3) Age of Bridegroom.....
- (4) The name of the bride and her father, with their respective residence.....
- (5) Whether the bride is a maiden, a widow or a divorce.....
- (6) Age of the bride.....
- (7) Name of Vakil, if any appointed by the bride, father’s name and his residence.....
- (8) The name of the witnesses to the appointment of the bride’s Vakil, with their fathers’ name, their residence and their relationship with the bride.
 - (1)
 - (2)
- (9) Name of the Vakil, if any, appointed by the bridegroom, his father’s name and his residence.....
- (10) The names of the witnesses to the appointment of the bridegroom’s Vakil, with their father’s names and their residences:
 - (1)
 - (2)
- (11) Names of the witness to the marriage ,their father’s names and their residences:
 - (1)
 - (2)
- (12) Date on which the marriage was contracted

(13) Amount of dower

(14) How much of the dower is mu'ajjal (prompt) and how much mu'wajjal (deferred)

(15) Whether any portion of the dower was paid at the time of marriage. if so how much.....

(16) whether any property was given in lieu of the whole or any portion of the dower with specification of the same and its valuation agreed to between the parties:.....

(17) Special conditions if any:.....

(18) Whether the husband has delegated the power of divorce to the wife, if so, under what conditions?.....

(19) Whether the husband's right of divorce in any way curtailed?

.....

(20) Whether any document was drawn up at the time of marriage relating to dower, maintenance, etc. If so contents thereof in brief:

.....

(21) Whether the bridegroom has nay existing wife, and if so, whether he has secured the permission of the Arbitration Council under the Muslim Family laws Ordinance, 1961, to contract another marriage:.....

(22) Number and date of the communication conveying to the bridegroom the permission of the Arbitration Council to contract another marriage:.....

(23) Name and address of the person by whom the marriage was solemnized and his father.....

(24) Date of registration of marriage:

(25)Registration fee paid.....

Signature of the bridegroom or

Signature of Wakil of bridegroom.....

Signature of the witness to the appointment of bridegroom's Wakil:.....

Signature of the bride.....

Signature of the Wakil of the bride

Signature of the witness to the appointment of the bride's Wakil.....

Signature and seal of the Nikah Registrar.

Approved form of Nikahnama

FORM-II

(See Rules 8, 10, 11 and 12)

From of Nikahnama as prescribed by Rule 8 of the Muslim Family Laws Rules, 1961

Note. All columns in this Nikahnama must be filled in by the person solemnizing the marriage and no column shall be crossed or left blank and the contents thereof be read out to bride and bridegroom in their mother tongue before their signing. In case any column is left blank reason must be recorded.

(1) Name of Ward.....Town/Union.....Tehsil/Thana.....and District.....in which the marriage to place

(2) Name of the bridegroom and his father, with the respective residence.....

(Affixation of colour photograph of bridegroom is preferable)

(3)CNIC No. and age of Bridegroom as per CNIC or nay identification document such as birth certificate, school leaving certificate, driving license etc.

CNIC No.....

Age.....

(4) Name of the bride and her father, with their respective residence.....

(Affixation of colour photograph of bride is preferable)

(5) Whether the bride is a maiden, a widow or a divorce.....

(6) CNIC No. and age of Bridegroom as per CNIC or nay identification document such as birth certificate, school leaving certificate, driving license etc.

In case the bride is without CNIC and is between sixteen to eighteen years of age, witnesses to the marriage shall certify that the bride is above sixteen years of age.

CNIC No.....

Age.....

(7) Name of Vakil, if any appointed by the bride, father's name and his residence.....

(8) Names of the witnesses to the appointment of the bride’s Vakil, with their fathers’ name, their residence and their relationship with the bride.

(1)

(2)

(9) Name of the Vakil, if any, appointed by the bridegroom, his father’s name and his residence.....

(10) Names of the witnesses to the appointment of the bridegroom’s Vakil, with their father’s names and their residences:

(1)

(2)

(11) Names of the witness to the marriage, their father’s names and their residences:

(1)

(2)

(12) Date on which the marriage was contracted

(13) Amount of dower

(14) How much of the dower is mu’wajjal (prompt) and how much mu’ajjal (deferred)

(15) Whether any portion of the dower was paid at the time of marriage.if so how much.....

(16) whether any property was given in lieu of the whole or any portion of the dower with specification of the same and its valuation agreed to between the parties:.....

(17) Special conditions if any:.....

(18) Whether the husband has delegated the power of divorce to the wife, if so, under what conditions?.....

(19) Whether the husband’s right of divorce in any way curtailed?

.....

(20) Whether any document was drawn up at the time of marriage relating to dower, maintenance, etc. If so contents thereof in brief:

.....

(20A) Whether the lists of dowry, bridal gifts and presents as specified under the Dowry and Bridal Gifts (Restriction) Act, 1976 and rules made thereunder are attached or not?

.....

(21) Whether the bridegroom has any existing wife, and if so, whether he has secured the permission of the Arbitration Council under the Muslim Family laws Ordinance, 1961, to contract another marriage:.....

(22) Number and date of the communication conveying to the bridegroom the permission of the Arbitration Council to contract another marriage:.....

(23) Name and address of the person by whom the marriage was solemnized and his father.....

(24) Date of registration of marriage:

(25)Registration fee paid.....

Signature **and thumb impression of** the bridegroom

(Thumb impression is mandatory)

Signature of his Vakil

.....

Signature of the witness to the appointment of bridegroom’s Vakil:

.....

Signature **and thumb impression** of the bride:

(Thumb impression is mandatory)

Signature of the Vakil of the bride

.....

Signature of the witness to the appointment of the bride’s Vakil.....

Signature and seal of the Nikah Registrar

Commission's deliberations on 14th June, 2014.

The Commission deliberated and approved the following:

(a) Amendment to section 9 of the Muslim Family Laws Ordinance, 1961 providing annual increase of the maintenance with such amendments in entry No.3 in Part-I of the Schedule to the W.P Family Courts Act, 1964 and section 7 thereof.

(b) Amendment to rule 9 of the W.P Rules under the Muslim Family Laws Ordinance, 1961 providing increase in the registration fee of the Nikah Registrar.

(c) Introduction of new sub-rule (6) in rule 10 of the W.P Rules under the Muslim Family Laws Ordinance, 1961 regarding addition of a column in the Nikahnama to the effect that whether the list of dowry, bridal gifts and presents given to the bride and bridegroom is attached or not.

(d) Addition of new sub-rules (3A) and (3B) in rule 4 of the Dowry and Bridal Gifts (Restriction) Rules, 1976 giving option to the bride and bridegroom to furnish list of dowry, presents, and bridal gifts with the Nikahnama which will be a conclusive proof of giving or receiving the dowry, presents and bridal gifts, as the case may be.

Draft Bill amendment of the law is annexed herewith.

A

Bill

further to amend West Pakistan Family Courts Act, 1964.

WHEREAS it is expedient further to amend the West Pakistan Family Courts Act, 1964 (No. XXXV) for the purpose hereinafter appearing;

It is hereby enacted as follows;-

1. **Short title and commencement.**- (1) This Act may be called the West Pakistan Family Courts (**Amendment**) Act, 2014.

(2) It shall come into force at once.

2. **Amendment to section 7 of the Act (No. XXXV) of 1964.** In the West Pakistan Family Courts Act, 1964, hereinafter in the said Act, in section 7, in subsection (2), in second proviso after the word “maintenance” the words “**and annul increase**” shall be inserted.

3. **Amendment to Schedule, Act (No. XXXV) of 1964.** In the said Act, in Schedule, in Part-I in item No. 3, after the words “maintenance” the words “**and annual increase**” shall be added.