

**Insertion of section 9-A in the Muslim Family
Laws Ordinance, 1961**

Report No. 136

Addition of section 9-A in the Muslim Family Laws Ordinance, 1961

In Pakistan, to care and look after for elderly parents is a major concern of today's life. The children, who enjoyed the care and protection of their parents and elders, refuse to acknowledge the same when they earn their livings. It should be reminded under mandate of law to repay the debt of gratitude and to respect and honour the hand that once rocked their cradle. Usually, the parents can feed and take care of their children, but all the children put together cannot take care of even a single parent. In Pakistan, there is no specific law that provides for the maintenance of elderly or infirm parents. Therefore, it is a dire need of the time to take measure to deal with the issue.

In Singapore, there is a law in field since 1995 called the Maintenance of Parents Act. This law permits parents over the age of 60 years not capable to maintain themselves to sue a child for maintenance. Likewise India has also introduced a law called the maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Everyone knows that in Pakistan, most of the old age parents are fully dependent on their children for their basic needs notwithstanding we have failed to provide legal cover to ensure their self-respect in old age as the Muslim Family Laws Ordinance, 1961 does not provide for maintenance of parents.

The Muslim Family Laws Ordinance, 1961 was promulgated with an object to redress issues arising out from personal life of Muslim. Section 9 of the Ordinance, deals with maintenance which is to be paid by the husband to wife. As the issue of provision of maintenance to old age parents by children needs to be addressed, therefore, a new section after section 9 of the Muslim Family laws Ordinance, 1961 may be inserted. The proposed text of the new section is hereunder:-

9-A. Maintenance of parents. A parent, who is unable to maintain himself from his own resources, shall be entitled to claim maintenance from his children other than minors.

The subject proposal was discussed by the Sub-committee and approved the same accordingly.

The Commission's deliberations.

The Law and Justice Commission of Pakistan considered the proposal in its meeting held on 14 June 2014 and observed that there is no specific provision in the Muslim Family Laws Ordinance, 1961 enabling elderly and infirm parents to claim maintenance from their children. After deliberations the Commission recommended that a new section 9-A may be inserted in the Ordinance enabling the parent to claim maintenance from their children other than minors when they are unable to maintain themselves.

Draft Bill for insertion of new section 9 –A in the Muslim Family Laws Ordinance, 1961 is annexed herewith.

Muslim Family Laws (Amendment) Act, 2014.

An Act further to amend the Muslim Family Laws Ordinance, 1961.

Whereas it is expedient further to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) for the purpose hereinafter appearing:

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Muslim Family Laws (Amendment) Act, 2014.

(2) It shall come into force at once.

2. Insertion of section 9A, Ordinance VIII of 1961:- In the Muslim Family Laws Ordinance, 1961 (VIII of 1961), after section 9, the following new section 9A shall be inserted, namely:

“9A. Maintenance of parents. A parent, who is unable to maintain himself from his own resources, shall be entitled to claim maintenance from his children other than minors.”