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PART III

**Other Notifications, Orders, etc.**

**SENATE SECRETARIAT**

*Islamabad, the 21st July, 2020*

**No. F.24(11)/2020-Legis.**—The following Bills were introduced in the Senate on 20th July, 2020:—

SENATE BILL NO. XXXII OF 2020

A

BILL

*further to amend the Constitution of the Islamic Republic of Pakistan*

WHEREAS it is expedient further to amend the Constitution of the Islamic Republic of Pakistan for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Constitution (Amendment) Act, 2020.

(1113)

*Price: Rs. 6.00*

[5844(2020)/Ex. Gaz.]

(2) It shall come into force at once.

2. **Amendment of Article 100 of the Constitution.**—In the Constitution of the Islamic Republic of Pakistan, after clause (3) of Article 100, the following new clauses shall be added, namely:—

- “(3A) The Attorney-General shall promote, protect and uphold the Rule of law and defend the public interest in an un-biased manner.
- (3B) The Attorney-General may, either at his own volition or at the instance of a member of public, initiate legal action in the matter of public interest, at appropriate legal forum.
- (3C) The Attorney-General shall give advice to a member of public, who approaches him on the legal matters of public interest.”

#### STATEMENT OF OBJECTS AND REASONS

The concept of Public Interest Litigation (PIL) has always impressed legal minds for decades. In Pakistan, it has given voices to many, especially the poor and under-privileged, and has helped them establish their Fundamental Rights and various other legal rights governed by the laws of the country. At the same time it has granted opportunity to the private individuals or organizations to litigate against the public office holders for their misuse of authority which causes loss to national exchequer. By relaxing the requirements of locus standi, and permitting any person who has sufficient interest in a matter to file a suit, the concept of PIL as developed by the Supreme Court of Pakistan has added breath and life to the constitution and transformed it into a living document for us.

But, it has been observed that the role of the office of Attorney General in this regard is either non-existing or passive in nature. A whistle blower who undertakes to save the national kitty by resort to legal means often finds himself helpless. The Attorney General’s Office represents, defends and protects the interests of the Federal Government only. Ironically, in some cases the said office sides with the Federal Government instead of a private litigant who is honestly litigating to save the national wealth and to improve the level of governance. In such circumstances, there is dire need to expand the role of the Attorney General. A vibrant role on the part of Attorney General is required to improve governance and to help citizens litigating solely in the public interest. Being a supreme law officer it should be the duty of Attorney General to facilitate and advice public on the legal matters purely or public interest.

The Bill is designed to achieve above objective.

SENATOR  
ENGR. RUKHSANA ZUBERI,  
*Member-In-Charge.*

SENATE BILL NO. XXXIII OF 2020

A

BILL

*further to amend the Muslim Family Laws Ordinance, 1961*

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

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Muslim Family Laws (Amendment) Act, 2020.

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

(3) It shall come into force at once.

2. **Substitution of section 5 of Ordinance No. VIII of 1961.**—In the Muslim Family Laws 1961 (Ordinance No. VIII of 1961), for section 5, the following shall be substituted, namely:—

“5. **Compulsory registration of marriages.**—(1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purposes of registration of marriages under this Ordinance, the Family courts shall act as Nikkah Registrars.

(3) Every marriage shall, for the purpose of registration under this Ordinance, be reported to the nearest Nikkah Registrar by the person who has solemnized such marriage within thirty days of its having done so.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

(5) The Nikkah Registrar to whom marriage is reported shall record the statements of the spouses to satisfy himself/herself as to solemnization of marriage.

(6) Once the Nikkah Registrar is satisfied as to existence of marriage, he shall issue a Nikkah card to each of the spouses, on payment of

requisite fee, and the Nikkah card so issued shall be conclusive proof of the existence of a valid marriage.

- (7) The Nikkah Registrar shall also report the registration of marriage to the Union Council concerned.
- (8) The form of Nikkah card, the registers to be maintained by Nikkah Registrars, the records to be preserved by Union Councils, the manner in which marriages shall be registered and the Nikkah cards shall be supplied to the parties, and the fees to be charged therefor, shall be such as may be prescribed.
- (9) 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 (8), or obtain a copy of any entry therein.”

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#### STATEMENT OF OBJECTS AND REASONS

In Pakistan, many marriages are not registered. Even if they were the registration process is so casual and performed before such ordinary office bearers that it leaves enough space for retraction. As a result, all women, those who are married and those who may marry, are vulnerable to being betrayed by men who manipulate the technicality of marital requirements to suit their desires for new or more wives. The marriages are entered into and then denounced as a matter of routine. Leaving alone general public, this trend of denying marriages has also been witnessed in the political circles. It not only damages future life of women but also amounts to mockery of the Muslim Family Law according to which marriage is a sacred contract.

2. A revival of love and compassion as the foundation of all marriages would require an end to such secrecy and denial in marriages. It is, therefore, imperative to have marriages registered in the courts instead of its registration before the ordinary Nikkah-Registrars. The sanctity and presumption of correctness attached to proceedings of the court would be a better check on repudiation of marriages.

3. This Bill is designed to achieve above objective.

SENATOR  
ENGR. RUKHSANA ZUBERI,  
*Member-In-Charge.*

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DR. SYED PERVAIZ ABBAS,  
*Secretary.*