

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

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 purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act shall be called the Muslim Family Laws (Second Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 7, Ordinance VIII of 1961.— In the Muslim Family Laws Ordinance, 1961 (VIII of 1961), in section 7,-

(i) in sub-section (1), for the full-stop, occurring at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

“Provided that where the parties belong to Fiqah-e-Jafria,-

- (a) the man may voluntarily and with his free will pronounce himself or through duly authorized attorney (Vakil) Talaq uttering in literal Arabic words (seegha) in the physical presence of at least two witnesses qualifying the requirements of clause (1) of Article 17 of the Qanun-e-Shahadat, 1984 (P.O. No. 1 of 1984);
- (b) the pronouncement of Talaq shall be ineffective if it is done jokingly or under anger, intoxication, insanity, duress or coercion of any kind and from any corner whatsoever; and
- (c) in case of dispute, with reference to clauses (a) or (b) arising due to difference of opinion, the parties or any of the parties may have recourse to a court of competent jurisdiction or by approaching the “Mujtahid-e-Alam” and the decision of Mujtahid-e-Alam shall have a status

of an award and the same shall be dealt with in accordance with the provisions of the Arbitration Act, 1940 (X of 1940).

Explanation.- The expression “*Mujtahid-e-Alam (Faqih-e-Azam)*” means a juris-consult, religious scholar or doctor of Shia school of thought well versed with *Shariah* having international repute and of such recognition. The Council of Islamic Ideology shall maintain a panel of *Mujtahid-e-Alam* having aforesaid qualifications.”; and

- (ii) after sub-section (1), amended as aforesaid, the following new sub-section (1A) shall be inserted, namely:-

“(1A) As enshrined in Article 227 of the Constitution of the Islamic Republic of Pakistan, the divorce and matters connected therewith or ancillary thereto shall be decided according to the personal law interpreted by *Fiqah-e-Jafria* (*Shia* school of thought).”.
