

A REVIEW OF THE MUSLIM FAMILY LAWS ORDINANCE 1961.

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ABSTRACT

This study deals with one of the pieces of legislation made in Pakistan in the area of Muslim family law viz: The Muslim family laws ordinance, 1961. The paper examines the relevant sections of the Ordinance in the light of traditional Islamic law. The paper concludes : a) the Ordinance is not a comprehensive piece of legislation: b) despite wide publicity the Ordinance reflects conservative outlook, and c) the people involved in the making of this Ordinance were not qualified.

INTRODUCTION

The purpose of this paper is to analyze the Ordinance.

During the British period the reform in the Muslim family laws began in 1872 with the passage of the Indian Evidence Act. The establishment of Pakistan as an independent state coincided with the reforms, particularly in the family laws in the Middle Eastern countries. In this regard Syria took the lead by passing the law of personal status in 1953.

These developments greatly affected the Pakistani women. The Pakistani women voiced their demand through all Pakistan Women Association for reforming the Muslim family laws in Pakistan.

Thus in August 1955, a Marriage commission was appointed to enquire whether ' the existing laws governing marriage, divorce, maintenance and other ancillary matters among muslims require modification in order to give women their proper place in society according to the fundamentals of Islam. '1

Nearly eleven months later, the commission submitted its