

SINDH ACT NO.IX OF 2016

THE SINDH HINDUS MARRIAGE ACT, 2016

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to provide for law relating to marriage amongst Hindus.

WHEREAS Whereas the right to family is a fundamental right guaranteed by the Constitution of Pakistan;

And Whereas there is a need to create a uniform mechanism for registration of Hindu marriages and for matters which are incidental or ancillary thereto.

It is hereby enacted as follows:-

1. (dd) This Act may be called the Sindh Hindus Marriage Act, 2016.

(2) This Act extends to all Hindus in the Province of Sindh.

(4) It shall come into force at once.

2. () In this Act -

i. "Certificate of marriage" means the document provided in Schedule A.

ii. "Concerned Officer" means the officer duly

authorized in the Union Council, Ward or any other Municipal Authority where the marriage ceremony takes place.

iii. "Consent" means informed and voluntary consent that is given freely without any coercion, undue influence, fraud or misrepresentation by an adult with full capacity to give any such consent and full knowledge of the implications of the consent and any alternatives.

iv. "Degrees of prohibited relationship" means a relationship prohibited under personal law of the religion and customs of Hindus that forbids certain relations to join in marital life;

v. "Government" means the Government of Sindh;

vi. "Hindu" any person who practices the Hindu, Jain or Sikh religions in any of the forms or developments;

vii. "Marriage Register" means the register of marriages maintained by the Concerned Officer as prescribed by

the Government;

viii. "Solemnization" means the marriage ceremony.

[12TM April, 2016]

Preamble.

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commencement.

Definitions.

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3. The objective of this Act is to provide a formal process of registration of marriages for Hindus.

4. A marriage may be solemnized under this Act, if the following conditions are fulfilled, namely:

- (a) parties to the marriage are of 18 years of age or above;
- (b) parties to the marriage are able to give consent;
- (c) parties to the marriage give free consent;
- (d) parties are not within the prohibited degree of relationship;
- (e) neither of the parties to the marriage has a spouse living at the time of marriage; and
- (f) At least two witnesses are present at the time of the solemnization and registration of marriage.

5. Notwithstanding anything contained in this Act, a marriage may be solemnized in accordance with the customary rites and ceremonies of either party to the marriage.

6. Every marriage solemnized under this Act shall be registered with the Union Council/Ward or any other Municipal Authority, where the marriage ceremony took place, within 45 days of the solemnization.

7. (1) | There shall be 4 copies of the certificate of marriage, as provided in Schedule A, all of which after being filled out shall be provided to the Concerned Officer.

(2) The Concerned Officer after satisfying himself that all conditions of marriage set out in Section 4 have been met shall certify/endorse the certificate of marriage and keep one copy of the certificate for its record and return the remaining copies to the parties.

(3) | The Concerned Officer shall maintain a Marriage Register for the purposes of this Act as per Rules and directions issued by the Government.

(4) All the entries in the Marriage Register shall bear the official stamp of the Concerned Officer and shall be signed by:

i. the person solemnizing the marriage;

ii. both parties to the marriage;

iii. two credible witnesses; and

iv. Concerned Officer.

Objective.

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8.

9. The Government through a notification published in the official Gazette shall prescribe fee for registering marriages and issuing certified copies of the certificates.

10. The Government shall within 3 months of when this Act comes into force, shall notify Rules for the purpose of furtherance of achieving the objects of this Act.

11. (1) | The Act shall have retrospective effect for the purposes of validation and registration of the marriages solemnized prior to the commencement of this Act.

(2) Marriages solemnized before this Act came into force may be registered with the Concerned Officer with the same procedure, as prescribed under this Act.

12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

13. This Act and the Rules framed hereunder shall be interpreted so as to advance the purposes of this Act and to facilitate and encourage people belonging to Hindu religion to get their marriages registered.

14. The provisions of this Act shall take precedence over the provisions of any other law.

Omitted.

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SCHEDULE A

CERTIFICATE OF MARRIAGE

Union Council Name/No

> Tehsil/Town , District

Date of Marriage

Particulars of the Groom:

Full Name 5 CNIC:

Father's Name CNIC_

Mother's Name CNIC_

Age

Permanent Address:

Temporary Address:

Matrimonial Status: Single Married Divorced Widower

Number, Name and Ages of Dependents:

Religion: Hindus Sikh Jain

Particulars of the Bride:

Full Name: CNIC:

Father's Name: CNIC:

Mother's Name CNIC_

Age

Permanent Address:

Temporary Address:

Matrimonial Status: Single Married Divorced Widower

Number, Name and Ages of Dependents:

Religion: Hindus Sikh Jain

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Signature of Bride:

Signature of Groom:

Name, Signature and CNIC number of Witnesses

Signature of Pandit, Maharaj or any person solemnizing the marriage

Stamp & Seal of Concerned Officer.