

SIND ACT No. VIII OF 1955<sup>1</sup>.

[THE SIND MUSLIM MARRIAGES AND DIVORCES REGISTRATION ACT, 1955.]

[30th April, 1955]

An Act to provide for compulsory registration of Muslim marriages and divorces in the Province of Sind.

WHEREAS it is expedient to provide for compulsory registration of marriages and divorces among Muslims in Sind; It is hereby enacted as follows:—

1. (1) This Act may be called the Sind Muslim Marriages and Divorces Registration Act, 1955.

Short title, extent and commencement.

(2) It extends to the whole of the Province of Sind.

(3) It shall come into force on such day as the Provincial Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Qazi" means a person appointed as such by the Provincial Government under this Act;

(b) "Guardian" means a person acting as such for the purpose of marriage under the Muslim Law;

(c) "Vakil" means a Muslim competent to contract who is authorised to obtain the consent of the bride to the proposal of marriage;

(d) "Witness" means a person competent under the Muslim Law to testify to a marriage or divorce;

(e) "Mahr" means mahr as defined in the Muslim Law;

(f) "Registrar" means the Registrar appointed under the Registration Act, 1908, and shall include the "sub-registrar";

(g) "Prescribed" means prescribed by rules made under this Act.

3. All marriages solemnized and divorces effected among Muslims in the Province of Sind after the commencement of this Act shall be registered in the manner hereinafter provided.

Registration of marriages and divorces.

XVI of 1908.

<sup>1</sup> For Statement of Objects and Reasons, see S. G. G., 1955, Pt. IV, p. 186 and for proceedings in Assembly, see S. L. A. Debates, 1955, Vol. IV-Book No. 6, pp. 40-46.

Appointment  
of Qazis.

4. (1) The Provincial Government shall, by notification in the *Official Gazette*, appoint as many Qazis and for such territories as it may consider necessary to register marriages and divorces under this Act.

(2) The appointment of a person as Qazi under sub-section (1) may, by a like notification, be cancelled without assigning any reason.

Marriage  
Register.

5. Every Qazi shall maintain a register and enter therein in the prescribed manner all marriages solemnized by him or reported to him, under section 10, together with the particulars of Mahr and he shall have the entries signed or marked by the bridegroom, bride, and witnesses and by the guardians, Vakil and the person solemnizing the marriage, if any.

Divorce  
Register.

6. (1) The Qazi shall maintain a separate register and shall record therein in the prescribed manner all divorces reported to him.

(2) The Qazi shall have the entries made in the register under sub-section (1) signed or marked by the husband and wife and by the witnesses, if any :

Provided that if the wife is not present before the Qazi or refuses to sign the entries, the signatures of the husband and witnesses, if any, shall be sufficient for the purpose of this section.

(3) Nothing in this section shall apply to a divorce decreed by a Court under any law for the time being in force.

Signing of  
entries.

7. The parties to a marriage or divorce as the case may be, the vakil, the witnesses, the person solemnizing the marriage, if any, and the Qazi shall sign or mark the entries made under sections 5 and 6 :

Provided that nothing in this section shall apply, in the case of divorce, to the wife if she does not appear before the Qazi or refuses to sign the entries.

Issue of  
copies.

8. After the entries under sections 5 and 6 have been made the Qazi shall make three copies of the relevant entries and after obtaining on each copy the signatures or marks of the persons referred to in sections 5 or 6, as the case may be, shall deliver one copy each to the husband and the wife and forward the third copy to the Registrar.

Registrar's  
record.

9. The Registrar shall maintain a record of the copies received by him under section 8 and shall enter their contents in registers prescribed for the purpose.

10. In a case where a marriage has been solemnized by a person other than a Qazi, it shall be incumbent upon the husband, the wife, the vakil, the witnesses, the person who solemnized the marriage and the Guardians, if any, to appear before the Qazi and to get the event recorded by him in the manner laid down under section 5.

Appearance  
before Qazi.

11. In case a marriage or divorce has taken place outside the Province of Sind and any or both of the parties to it is or are Sindhi by birth or domicile and return to the Province after such event it shall be incumbent upon such husband or wife or both to get the event recorded with the Registrar who shall enter the event in the prescribed register and shall deliver copies of the entries thereof to the parties in the manner laid down in section 8.

12. Any contravention of the provisions of this Act shall constitute a criminal offence and shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

Penalty.

13. (1) The Provincial Government may by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the rules may provide for—

(a) the manner in which marriages and divorces shall be registered ;

(b) the form in which registers shall be maintained by Qazis and Registrars ;

(c) the period within which the events of marriages or divorces shall be reported under section 11.

(d) the period within which the persons mentioned in section 10 shall appear before the Qazi ;

(e) the conditions governing the appointment of Qazis ;

(f) the fees which may be charged by Qazis and Registrars for the registration of marriages and divorces ;

(g) any other matter which is or may be prescribed under this Act or any matter for which there is no provision or insufficient provision in this Act and for which provision is in the opinion of Provincial Government, necessary for giving effect to the provisions of this Act.