

SINDH ACT NO.IX OF 2016

THE SINDH HINDUS MARRIAGE ACT, 2016

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[12th April, 2016]

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;

Preamble.

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

Short title, extent, and commencement.

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

(4) It shall come into force at once.

2. (1) In this Act -

Definitions.

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.

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3. The objective of this **Act** is to provide a formal process of registration of marriages for Hindus. **Objective.**
4. A marriage may be solemnized under this **Act**, if the following conditions are fulfilled, namely: **Conditions for a hindu marriage:**
- (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; an
 - (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. **Ceremonies for 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. **Registration of marriages.**
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. **Manner of registration.**
- (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.

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- 8.** **Omitted.**
9. The Government through a notification published in the official Gazette shall prescribe fee for registering marriages and issuing certified copies of the certificates. **Government to prescribe fee.**
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**. **Power to make rules.**
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**. **Retrospective effect of the 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. **Power to remove difficulties.**
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. **Interpretation.**
14. The provisions of this **Act** shall take precedence over the provisions of any other law. **Act to take precedence over other laws**

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SCHEDULE A
CERTIFICATE OF MARRIAGE

1. Union _____ Council _____ Name/No _____
_____, Tehsil/Town _____, District _____

2. Date of Marriage _____

3. Particulars of the Groom:

i. Full Name _____, CNIC: _____

ii. Father's Name _____ CNIC_ _____

iii. Mother's Name _____ CNIC_ _____

iv. Age _____

v. Permanent Address: _____

vi. Temporary Address: _____

vii. Matrimonial Status: Single _____ Married _____ Divorced _____ Widower _____

viii. Number, Name and Ages of Dependents: _____

ix. Religion: Hindus _____ Sikh _____ Jain _____

4. Particulars of the Bride:

i. Full Name: _____ CNIC: _____

ii. Father's Name: _____ CNIC: _____

iii. Mother's Name _____ CNIC_ _____

iv. Age _____

v. Permanent Address: _____

vi. Temporary Address: _____

vii. Matrimonial Status: Single _____ Married _____ Divorced _____ Widower _____

viii. Number, Name and Ages of Dependents: _____

ix. Religion: Hindus _____ Sikh _____ Jain _____

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5. **Signature of Bride:** _____
6. **Signature of Groom:** _____
7. **Name, Signature and CNIC number of Witnesses**
8. **Signature of Pandit, Maharaj or any person solemnizing the marriage**
9. **Stamp & Seal of Concerned Officer.**