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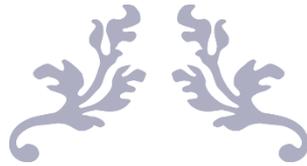


**TRAINING MANUAL FOR LOCAL
GOVERNMENT OFFICIALS AND
OTHER RELEVANT STAKEHOLDERS
ON**

**SINDH CHILD MARRIAGE
RESTRAINT ACT-2013 & SINDH
HINDUS MARRIAGE (AMENDMENT)
ACT, 2018**

RESOURCE MANUAL

Iqbal Ahmed Detho



Acknowledgement & References

The preparation of this manual has been an effortful task. The developer of this manual appreciates and thanks the sources that were referred during the write up as well as Barrister Rida Tahir (Legal Consultant, Sindh Human Rights Commission) for her technical review and input. Additionally, special acknowledgments are extended to Member Minority SHRC, Sukhdev Hemnani, Community World Service Asia (CWS-A), and the Minority Affairs Department, Government of Sindh. The content in this document is copyrighted and cannot be reproduced in full and/or in parts for educational and training purposes until unless a written permission is sought from Sindh Human Rights Commission, Government of Sindh. For any references, acknowledgement to this document while using shall be appreciated.



Foreword

I extend my commendations to the Sindh Human Rights Commission for its significant contribution in crafting this Training Manual on the Sindh Child Marriage Restraint Act-2013 and the Sindh Hindus Marriage (Amendment) Act, 2018. This comprehensive guide is a commendable resource, empowering Local Government Officials and stakeholders to effectively address the pressing concerns surrounding child/early marriages, with a specific focus on Union Council/Union Ward level.



The manual not only delves into the specific legal aspects of the aforementioned acts but also incorporates references to national, provincial, and local laws. By doing so, it offers a holistic understanding of the legislative landscape, ensuring that those engaged in child marriage prevention are well-versed in the broader legal context.

Training Objectives outlined in this manual underscore the broader goal of creating awareness and knowledge among Local Government Officials at various tiers of Municipal Authorities, from Union Council/Union Ward to Town and Municipal committees. The emphasis on strengthening the capacity of officials, Nikkah Registrars, Pandits, and Maharajs highlights the pivotal roles they can play in preventing child/early marriages before and during marriage ceremonies.

In our pursuit to eliminate harmful traditional practices, this resource manual provides specific objectives aimed at orienting participants about the role of local government structures in ensuring the age of marriage contracting parties as per the provisions of SCMRA-2013 and Sindh Hindus Marriage (Amendment) Act. It sensitizes officials about the gender and child Marriage registration rules, 2018, fostering a greater understanding and implementation of laws addressing harmful practices such as Vani, Sanghatti, Daiwat, pait laikani, forced marriage, marriage to Quran, and other related offenses.

I am confident that after undergoing this training, Local Government Officials and other relevant stakeholders will emerge prepared and equipped to address child marriage-related issues effectively. By instilling a profound awareness of child rights and preventive measures, officials will play a pivotal role in fostering a society free from the scourge of child marriages.

Syed Ahmed Shah
Minister for Minority Affairs,
Government Sindh.

Message by the Chairperson of Sindh Human Rights Commission

It is with immense pride and a profound sense of commitment that I extend my heartfelt greetings to all those assisted me in the development of the Training Manual on the Sindh Child Marriage Restraint Act-2013 and the Sindh Hindus Marriage (Amendment) Act, 2018.

This landmark initiative by the Sindh Human Rights Commission in support with Community World Asia (CWS) marks a crucial step forward in our collective mission to safeguard the rights and well-being of the most vulnerable members of our society – our children particularly girl child.

Child marriage is not merely a legal concern; it is a grave violation of human rights with far-reaching consequences for individuals and communities.

This resource is more than just a compilation of legal provisions; it is a comprehensive guide crafted to empower Local Government Officials and stakeholders with the knowledge and skills needed to combat this pressing issue. This resource manual aims to foster a deep understanding of the legal frameworks surrounding child marriages, providing practical insights to those at the forefront of its prevention.

Child marriage is not just an isolated legal issue; it is a deeply ingrained societal problem. As such, the manual goes beyond legalities, emphasizing the societal implications of child marriages. By sensitizing officials about the broader context, we aim to cultivate a culture of awareness, prevention, and advocacy. It places a special focus on the pivotal roles played by Municipal Authorities, Nikkah Registrars, Pandits, and Maharajs in proactively preventing such incidents.

In our diverse society, navigating the complexities of tradition, culture, and human rights requires a nuanced approach. This manual serves as a guiding light for Local Government Officials and stakeholders, illuminating the path toward a future free from the shackles of child marriages. It is not just a document; it is a call to action, urging every reader to become a catalyst for positive change.

I extend my sincere gratitude to the dedicated individuals and my team who contributed to the development of this manual. It is my firm belief that the knowledge disseminated through this resource will not only inform but inspire action at every level of governance.

Iqbal Ahmed Detho

Chairperson, Sindh Human Rights Commission.



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User Guide

This resource manual is for the training of the Local Government Officials and other stakeholders regarding the prevention and registration of child/early marriages and equip the Municipal Authorities i.e. Union Council/Union Ward level with knowledge and skills they would need for handling the issues related to the prevention , reporting, monitoring and registration of the child marriage cases as per the provisos of Sindh Child Marriage Restraint Act, 2013 and registration of Hindu Marriages as per the provisos of Sindh Hindus Marriage (Amendment) Act, 2018

The Manual contains laws related references especially in national laws. Provincial and local laws on the subject of issue of menace of child marriages relevant to local Government officials, Local Government elected representatives and other stakeholders as given in annexures.

INTRODUCTION

Before the creation of Pakistan, there were two set of laws i.e legal plural orders such as common civil law and other one, the personal law in the matters of marriage, divorce, custody, separation or maintenance for the adherents of various faiths or population living in the United India.

Following laws were on statute books for regulating the above-mentioned family related matters;

- The Christian Marriage Registration Act-1872
- Special Marriage Registration Act-1872
- The Dissolution of Muslim Marriages Act 1939
- The Hindu Women's Right to Separate Maintenance and Residence Act 1946
- The Divorce Act 1869 (Pertaining to Christian marriages)
- The Parsi Marriage and Divorce Act 1936

After getting the independence in 1947, Pakistan succeeded most of the above laws related to above subjects and even further legislation was done on the personal laws related to Majority i.e., Muslims such as Muslim Family Laws Ordinance 1961 and the West Pakistan Family Courts Act, 1964 and subsequent amendments 1971, 1997,2002, and the respective Rules made under such laws.

Unfortunately, the personal laws related to non-Muslims did not attracted the attention of policy makers during both democratic elected or military led governments.

All laws are subject to the Constitution of the Islamic Republic of Pakistan. Whereas article 227 of the Constitution provides that all existing laws shall be brought in conformity with the injunctions of Islam, however, article 227(3) has declared that, "Nothing in this Part shall affect the Personal Laws of non- Muslim citizens or their status as citizens."

Hindus being almost the half of the population in some of the districts of Sindh province were facing numerous issues related to documentation proof for getting computerized national identity cards, passports or applying for visa. Matters were even compounded for those women belonging to Hindu religion who were widows for getting succession in the property of their deceased husbands.

Though there exists difference of opinions within the different sects of same religion or adherents on the issue of divorce as some school of thought subscribed that the institution of marriage is union between two souls and not between two mortals (eternal marriage) hence, a sacrament, not a worldly contract between two parties and therefore divorce is no option. Thus, issues of divorce or separation have social, legal and religious dimensions but sometimes it becomes a complex web of issues when one party stresses for separation and other still insist for staying together.

In many parts (communities) of Pakistan, including the Sindh province, divorce is considered a taboo and social stigma especially for women who take the step for divorce. In some cases, women resort to suicide or compromise in their marital life rather than opting divorce. That is the reason that personal laws related to the subject of Divorce in Christianity and Hinduism were not codified for a long time."

It is pertinent to mention that even the provision of separate residence and maintenance regarding Hindu women in "The Hindu Married Women's Right to Separate Residence and Maintenance Act, 1946" is gender biased that under section (7) for any other justifiable cause:

Provided that a Hindu married woman shall not be entitled to separate residence and maintenance from her husband if she is unchaste or ceases to be a Hindu by change to another religion or fails without sufficient cause to comply with a decree of a competent Court for the restitution of conjugal rights

Given the sensitivity around the issue of divorce of Hindus and legislative domain of federal parliament to legislate on the issues not enumerated in Federal list I & II, despite of provision under article 144[1] where one or more provincial assembly can authorize parliament to legislate, Sindh Assembly seized the opportunity to pass the Sindh Hindu Marriage Bill 2016 (leaving the contentious issue of Divorce) on 15 February 2016 and it became Act when the Governor of Sindh gave his assent to the bill on 7th April 2016. Later on, this Act was amended as 'Sindh Hindu Marriage (Amendment) Act, 2018'.

The minorities Affairs Department, Government of Sindh notified the Rules of implementation under Section 10 of the Act on 8th December, 2017, for registration of marriages and later on separately notified the Rules for divorce on 27th November, 2019. However, Minority Affairs Department can formulate the Rules by combining both the subjects and removing the obstacles for registration of Mahraj/Pandits, by clearly delineating the procedures for ensuring the age of contracting parties under Sindh Hindu Marriage Act, 2018. The Sindh Hindu Marriage (Amended) Act-2018 is only limited to registration of marriages. It does not explicitly authorize entity like section 5 of Muslim Family Law Ordinance 1961 to give license for Marriage registration to Mahrajs/Pandits.

In this subject matter, SHRC emphasizes that other relevant departments may also be consulted for formulating/ implementation of Rules such as Sindh Local Government Department is responsible for civil registration (marriage registration and maintaining record), Police deals with the cases of forced conversion, abduction/kidnapping for marriage purpose, Sindh Child Protection Authority through Child Protection Officers in the field deals with matters of early/forced marriages and cases of forced conversion, impacting the girls belonging to other faiths, and other incidental matters connected with and Prosecution Department and if possible views from judiciary dealing with family matters may be solicited.

Training Objectives

The overall objective of this training manual is to impart awareness and knowledge about the provisions of Sindh Child Marriage Restraint Act-2013 & Rules along with relevant laws with Local Government Officials working at various tiers of Municipal authorities such as Union Council/Union Ward, Town committees, Municipal committees level etc. It aims to strengthen the capacity of local government officials and Nikkah Registrars / Pandits & Maharajs as they can effectively play an important role in the prevention of the child/early marriages before and during solemnization of marriage ceremony and to sensitize officials about the gender and child Marriage registration roles in general with communities through Local Government structures. It also aims to inculcate greater awareness, understanding and implementation of the provisions of Sindh Child Marriage Restraint Act-2013 & Rules and other child and women related law's provisions that provide guidance on cases of harmful traditional practices such as *Vani*, *Sanghatti*, *Daiwat*, *pait laikani*, forced marriage and marriage to Quran and offences related to marriage etc.

After undergoing through this resource manual, the Local Government officials / other relevant stakeholders will come to be sensitized about the child marriage related issues and it will create good understanding about the child rights and prevention of its violations. Local Government Officials / other relevant stakeholders will be able to play an effective role for the prevention of child marriage cases and application of child/women related law's provisions through local government structures and other mechanisms & procedures given in other laws.

The specific objectives of the training include:

- To orient participants about the role of local government structures in ensuring age of marriage contracting parties as per the provisions of SCMRA 2013 and Sindh Hindu Marriage (Amendment) Act and respective Rules.
- To orient participants about the provisions of SCMRA-2013 and other relevant laws, policies and institutions in Sindh related to prevention and addressing the issue of Child Marriage.
- To orient participants about the provisions of Sindh Hindu Marriage Registration (amnd) Act-2018 & Rules 2019
- To sensitize participants about the role of local government and other state institutions in prohibiting, restraining and preventing Child Marriage incidents by Police, Social Welfare Department & Woman Development Department, Judiciary, and other members of District Coordinating Committee on Prevention of Child Marriages.

Understanding Age of child & the concept of gender, Sindh Local Government Act-2013& Rules, Regulations

1

[SESSIONS PLAN]

Objectives:

After attending the first session, participants will be able to:

- ✓ Create understanding of participants on the definition/age of child
- ✓ Differentiate between Sex and Gender and related terms
- ✓ Participants will be able to differentiate between child victim & responsibility of local government structures
- ✓ Participants will come to know about the provisions of Civil Registration and Vital Statistics functions
- ✓ Inform the participants about the proper registration of age and determination of age under Sindh Child Marriage Restraint Act-2013 and Rules
- ✓ Impart awareness about the vulnerability of the child and how vulnerable children are exploited in child marriages



Duration:

Sessions:

INTRODUCTION SESSION: OPENING AND ASSESSMENT

OBJECTIVES

At the end of the session the group:

- ✓ Will have known programs objectives
- ✓ Will have taken Pre-Training Assessment test
- ✓ Will have known the format of training and its expected output

PRELIMINARYWORK

- ✓ Make copies of the Pre-Training Assessment sheets, preferably two more than the total number of participants
- ✓ Make sure all the required resources are available in the room before starting the session formally
- ✓ Make sure that the registration of participants has already taken place and every participant has his/her own stationery pack
- ✓ Set introductory power point presentation



ACTIVITY METHOD AND DESCRIPTION

Introduction of Participants (10 min.)	Introduction of each participant, their role and experience in the past of dealing such child marriage related cases.
Norm Setting (05 min.)	Set up a general list of DOs and DON'Ts with the help of participants in order to achieve more in less time. This list will be placed on prominent place where it can be referred if needed
Pre-Training Assessment (10 min.)	The participants will be given a Pre-Training Assessment Questionnaire (see Annex. 1) to be filled by them in given time. The same tool will be used on the last session to measure their learning during training of during the day.
Introduction to Training (05 minutes)	Show a power point presentation on the introduction of the project, title of the training, training objectives and expectations from participants, etc. Participants can ask questions for clarity and some additional information.



NOTES FOR TRAINER

During the Introduction, trainer may introduce the training session for participants but it is not advisable to be elaborative. The trainer can further discuss the method and objectives of the training after Pre-Training Assessment given in annexure.



DURATION OF THE SESSION

30 minutes



MATERIAL

Charts
Markers
Copies of Pre Training Assessment Tool
Multimedia
Laptop/computer
Presentation on Introduction of Training

SESSION 1. UNDERSTANDING OF AGE OF CHILD, CONCEPTS OF GENDER, SINDH LOCAL GOVERNMENT ACT-2013

OBJECTIVE

At the end of the session the group will be able to:

- ✓ Create understanding of participants on concepts of child, definition of Child
- ✓ Differentiate between sex and gender
- ✓ Acquaint participants about basic concepts of victim, survivor and protection role of local government officials
- ✓ Responsibilities of local government authorities and structures in the prevention of Child Marriages as vulnerable segment of society?

PRELIMINARY WORK

Keep the Resource Book copies ready. Make arrangements for group work



ACTIVITY METHOD AND DESCRIPTION

Brainstorm (05 min.)	Interact with participants and brainstorm on the terms, Age of Child, Child Victim & Survivor in context of Child marriage, difference between sex and gender terms and ensuring age of Child Marriage registration and responsibilities. Interact with the participants on the vitality of Sindh Hindu Marriage (Amendment) Act, 2018. Learn participants' understanding/views about child Marriage & Hindu Marriages Registration respectively and its importance in their personal and professional lives to register birth, death, marriages (of both Muslims and Hindus) and divorce according to Sindh Local Government Act-2013 and seek clarification on the concepts of 'responsibilities' of Civil Registration and Vital statistics (CRVS) while brainstorming?
Group Work (20 min.)	After brainstorming on basic concepts of Child Marriage, Early Child Marriage, Hindu Marriage Registration solemnization by <i>Nikkah</i> Registrars/Pandits & Mahrajs and license by Union Council Secretaries the participants will be asked to share their experiences. This work will be carried out in group wise setting. One of the group members will come and represent the group and give presentation on licensing and record keeping responsibilities of <i>Nikkah Nama</i> (Muslim marriage contract) and Shaadi Parat (Hindu Marriage Document) by Union Council Secretaries. Trainer will facilitate during group work and presentation.
Explanation by trainer (10 min.)	The trainer will also explain the group work prepared charts of the participants in which they have written the the provisions of registration, responsibilities and roles separately.

NOTES FOR TRAINER

During the group work, trainer can guide the working teams to discussion venues. Trainer may allow discussion within participants looking at the availability of time and requirement of topic. Allow most discussion to be held between participants as a strategy to engage them and have them learn the content self learning instead of trainer guided learning.



DURATION OF THE SESSION

35 minutes



MATERIAL

Charts and Markers
Multimedia
Presentation Slide

Additional notes for concepts of marriage/Nikkahnama:

In Islamic jurisprudence, marriage is deemed sacred and is fundamentally acknowledged as a contractual agreement known as "Nikah." This involves specific legal provisions and stipulations aimed at safeguarding the rights and interests of both parties involved in the contract. In Pakistan, the "Nikkahnama," serving as the legal contract for Nikah, is formulated under the Muslim Family Ordinance of 1961. It delineates the intricacies of the marriage, incorporating distinct clauses and provisions that offer opportunities to include measures fostering the empowerment and protection of women's rights within the marital union.

Therefore, in Pakistan, a Muslim marriage is considered a civil contract between two individuals, who voluntarily enter into a union, acknowledging it as legitimate in the eyes of the State and society.

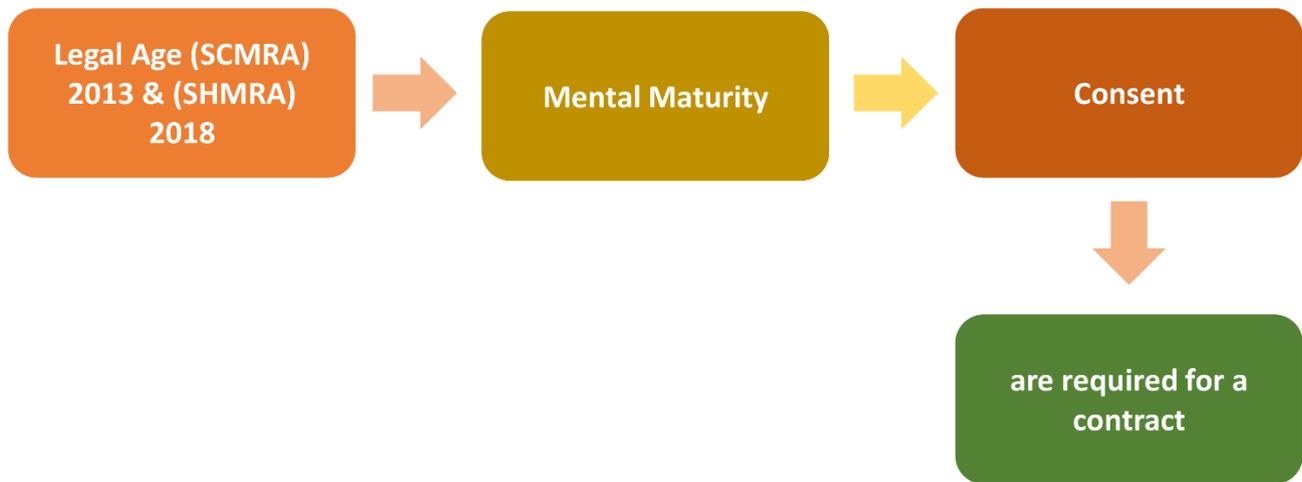
The Nikah ceremony in Pakistan includes the khutbah, the expression of ijab and qabool (offer and acceptance) in the same setting, the presence of adult, sane Muslim witnesses, the presence of a wali. Finally, the marriage necessitates the fixation of the dower (mehr), which serves as a consideration for the bride. Other than the Nikah, the marriage contract establishes rights and duties for each spouse.

Despite the existence of a legal framework and established procedures, in most cases in Pakistan, entries in a Nikahnama are often altered, left incomplete, or deliberately made ambiguous by the involved parties. This tendency could be attributed to negligence, lack of awareness, or intentional malice aimed at evading the provision of protections and benefits to women, thereby hindering the improvement of their financial well-being and preventing them from attaining a more empowered and influential position.

Section 5 of the Muslim family Law Ordinance 1961 requires the registration of marriages, and its rationale is to reduce litigation relating to the proof of marriage and issues related to transfer of personal property. The records of the registered marriages are kept at union council. Failure to comply leads to the imposition of penalty as specified in Muslim Family Law Ordinance 1961 and Rules¹ .

¹ It is pertinent to mention that after 18th Constitutional Amendment, Punjab government has amended the Act and Rules where as in Sindh, Local Government Department has constituted committee to draft the amendments in MFLO -1961 and subsequent Rules.

The Elements of a Marriage



A landmark case by the Federal Shariat Court of Pakistan on the age of ‘child’ in child marriages:

In the case of *Ali Azhar v. Government of Sindh* (Shariat Petition No. 05-I of 2022), the Federal Shariat Court (FSC) dismissed a petition challenging the Sindh Child Marriages Restraint Act of 2013, saying that the law was not against the injunctions of Islam. The two-judge bench, comprising acting Chief Justice Dr Syed Muhammad Anwer and Justice Khadim Hussain M. Shaikh observed that the legislature’s move to fix a minimum age for marriage was in accordance with injunctions of Islam as laid down in the Holy Quran and Sunnah.

The FSC stated at paragraph 9 of the judgement that: “ The setting a minimum age for marriage i.e an act which is “mobah” (permissible) and not absolutely mandatory (Fard) like marriage is in accordance with the injunctions of Islam, because such fixation of minimum age limit provides reasonable time period to girls to complete basic education at least, which normally helps in developing mental maturity (Rushd / رشد (in a person. That act of the legislature to fix a minimum age for marriage is also in accordance with injunctions of Islam as laid down in the Quran and Sunnah from the aspect of principles of goals of Shariah or Maqasid Al-Shariah (مقاصد الشريعة) (and other principles set out by the holy Quran and Sunnah according to which a wife is supposed to protect the rights, property and honor of her husband, and a husband is duty bound in Islam according to the injunctions of the Holy Quran and Sunnah to protect the rights, property and honor of his wife being Qawwam (قائم). In the light of principles of goals of Shariah or Maqasid al-Shariah (مقاصد الشريعة) (on the one hand according to which the protection of physical health as well as of the mental health of the citizen is the duty of a Muslim State, firstly, under the goal of protection of life (حفظ الأرواح) (of its citizens and, secondly, under the goal of protection of intellect (حفظ العقول) (of its citizens. Likewise, to block the means of harm or evil that may be attached to child marriage under the concept of Islamic law, called Sadd al-Dara’i (سد الذرائع). According to the principle of Sadduz-Dara’i (سد الذرائع) (i.e. blocking means that cause harm, the State through legislation can take steps and set certain minimum thresholds for undertaking an act to protect that person or category of persons. Such steps taken by the State

fall within the category of Masalaih Mursalah (يشعهم يصهدة) (i.e., the consideration of public interest.”

Earlier, in “Farooq Omar Bhoja vs. The Federation of Pakistan” (PLD 2022 FSC 1), the FSC declared an Islamic government has the right to restrict age of marriage. The FSC noted at paragraph 10 that “For a healthy marriage, not only physical health and economic stability etc. are necessary factors but mental health and intellectual development is equally important, which are achievable through education. Education is fundamental for women empowerment which is the key block for the development of an individual and consequently for the future generation of any nation. One of the purposes of marriage in Islam is protection and promotion of genealogy and generation of any person. ”

Harmful traditions surrounding child marriage:

Swara (also known as Vani and Budla-i-sulh) is a custom/tradition whereby, a girl child belonging to the offender’s family are given in marriage or servitude to the aggrieved persons as compensation for reconciliation in case of rivalry, murder, or abduction in order to settle the dispute. It is a form of arranged or forced child marriage. The decision is made by a council of tribal elders called Jirga or Panchayat.²

The practice violates the rights of women and girls to a significant extent and places them at high risk of violence and abuse. The women and girls who are subjected to this practice are given no respect and honor and are treated as slaves; they bear the brunt for the offences of a family member for the rest of their lives.

In *Sakeena Bibi V. Secretary Law, Government of Pakistan* (Shariat Petition No, 01/I OF 2017), it was held by the Federal Shariat Court that the practice of Swara is unconstitutional and un-Islamic as it is against the principles of the Holy Quran and Sunna. The FSC placed reliance on Surah Al-Fatir, Ayah-18: “ No bearer will bear the burden of any other person”. Reliance was also placed on Surrah Al-Anaam, Ayah-164: “And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another.”

Moreover, the FSC stressed that the aforesaid maxim of criminal justice is so important that it was stressed upon by the Prophet (BPUH) in his last sermon.

² Rida Tahir, 'Federal Shariat Court of Pakistan declares the custom of Swara as un-Islamic and unconstitutional', Oxford Human Rights Hub, The Faculty of Law, University of Oxford, Available at: <https://ohrh.law.ox.ac.uk/federal-shariat-court-of-pakistan-declares-the-custom-of-swara-as-un-islamic-and-unconstitutional/>

The Court ruled that on the basis of these Quranic verses and Ahadith, the practice of Swara is un-Islamic and against the injunctions of Quran and Sunna and stated at paragraph 14 of the judgement that: " there is a consensus of all the Muslim Jurist on this issue."³

Difference between Sex and Gender terms/concepts

Sex refers to the biological state of being male or female

Gender refers to the socially attributed roles that society and culture has prescribed to them.

These attributes, opportunities and relationship are socially constructed and learned through socialization processes.

Examples include:

- Girls don't need education (gender)
- Women give birth but men don't (sex)
- Men are decision makers (gender)
- Majority of union Council secretaries are men (gender)

Local Government functions regarding Civil Registration and Vital Statistics

Civil registration is basic function of Union Council regulated under Sindh Local Government Act (SLGA)-2013. Schedule IV SLGA in item 34 underlines the duties of Union council as registration and computerization of data regarding births and deaths, marriages and divorces and the maintaince of such vital statistics as may be prescribed. Whereas Schedule II-, part-II mandates the Municipal Committees (MCs) and Town Committees (TCs) for Birth, Death, Marriage registration. Furthermore Schedule -VIII, item1 mandates for making bye-laws for (Registration of births and deaths and marriages). Such procedures have been formulated for these registrations such as Draft Birth Registration Policy. But yet to be notified and circulated to structures. These functions are not properly carried out by Union Councils in rural areas and also under reporting in urban areas. Earlier law on Registration of Deaths, Births, Marriages Act-1886 governed that processes. Nikkah registrars are regulated by section 5 of MFLO-1961 under union councils. In most cases Nikkah Registrars are not trained and no proper record keeping and poor coordination with other departments such as Data Birth Registration with NADRA.

(National Provincial and District Level). Recently NADRA and Local Government Department signed MoU to facilitate the Birth Registration and improve Birth registration percentage.

¹ Maliha Lari et al, "De-constructing Conjugal Rights in Pakistani Laws", Legal Aid society (2019), p.14

¹ Abbasi and Cheema, Family Laws in Pakistan, Oxford Press (2018) p.30

¹ It is pertinent to mention that after 18th Constitutional Amendment, Punjab government has amended the Act and Rules where as in Sindh, Local Government Department has constituted committee to draft the amendments in MFLO -1961 and subsequent Rules.

Sindh Local Government Department instructions /Notifications regarding registration of Child Marriages

1. Chairman of Union Councils as Chairman Arbitration Council under clause (b) of Section -2 of the Muslim Family Law Ordinance 1961 No.SOV/6-67/2002 Karachi dated the 28th November 2002.
2. Instructions to Nikkah KHOWAN under the order of High Court Hyderabad Bench in CP NO:501,654 and 797 of 2017 for the registration of Child Marriages under Sindh Child Marriage Restraint Act-2013 No.Dir(PM&C)LGD/412(86)/17 Karachi dated the 05th October ,2017.
3. Implementation of the provisions of the Sindh Child Marriage Restraint Act-2013 & Rules 2016 and Sindh Hindu Marriages Registration (amnd) act-2018 & Rules 2017, No. Dir (PM&EC)/LGD/AD(MIS)412(112)/2019 Karachi dated:15th July,2019 (Annexure D).

SESSION 2. WHAT IS CHILD MARRIAGE AND PROVISIONS OF SINDH CHILD MARRIAGE RESTRAINT ACT-2013 & Rules 2016 and Sindh Hindu Marriage Registration Act(amnd) Act-2018 & Rules 2017



DURATION OF THE SESSION

90 minutes



MATERIAL

Charts
Markers

OBJECTIVE

By the end of this session, participants will have:

- ✓ At the end of this session, participants will come to know about issues of Child Marriage
- ✓ Participants will be equipped with the knowledge of provisions of SCMRA-2013
- ✓ At the end of this session participants will also be equipped with the provisions of Sindh Hindu Marriage registration Act-2018 & Rules 2017

PRELIMINARY WORK

Hang blank charts on walls to be used for noting discussion points.



ACTIVITY METHOD AND DESCRIPTION

Briefing (25 min.)	Brainstorming the causes of Child Marriage (Economic, Socio-cultural, Religious factors etc.) and consequences of Child Marriages such as health, emotional, social dimensions (Underlying causes of Child Marriages) Child Marriage registration a compulsory function for local government structures Complaint of Child Marriage before Police and Court as cognizable, non-compoundable, non-bail able offense under SCMRA-2013 & Rules 2016 Preventive role of local government representatives and functionaries Relevant provisions of Sindh Child Marriage Restraint Act-2013 & Sindh Hindu Marriage registration act-2018 & Rules 2019.
Penal discussion /question answer session(15min)	To develop consensus among participants and trainer through panel discussion and question answer session that how bring up issues around the child marriage.



NOTES FOR TRAINER

Try to get most out of the session by getting answers from within the participants. Request them to produce their understanding in the context of their experience.

(Section:5-Registration of marriage)

(1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purpose of registration of marriages under this Ordinance, the Union Council shall grant licences to one or more persons, to be called Nikah Registrars, but in no case shall more than one Nikah Registrar be licensed for any one Ward.

(3) Every marriage not solemnized by the Nikah Registrar shall, for the purpose of registration under this Ordinance be reported to him by the person who has solemnized such marriage.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(5) The form of Nikkahnama, the registers to be maintained by Nikkah Registrar, the records to be preserved by Union council, the manner in which marriage shall be registered and copies of Nikkahnama shall be supplied to the parties, and the fees to be charged thereof, shall be such as may be prescribed.

(6) Any person may, on payment of the prescribed fee, if any, in respect at the office of the Union Council, the record preserved under sub-section (5), or obtain a copy of any entry therein.

(Section: 6-Polygamy-permission for second marriage)

(1) No man, during the subsistence of an existing marriage, shall except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under this Ordinance.

(2) An application for permission under Sub-section (1) shall be submitted to the Chairman in the prescribed manner together with the prescribed fee, and shall state reasons for the proposed marriage, and whether the consent of existing wife or wives has been obtained thereto. (3) On receipt of the application under Sub-section

(3), Chairman shall ask the applicant and his existing wife or wives each to nominate a representative, and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such condition if any, as may be deemed fit, the permission applied for.

(4) In deciding the application the Arbitration Council shall record its reasons for the decision and any party may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision, to the Collector concerned and his decision shall be final and shall not be called in question in any Court.

(5) Any man who contracts another marriage without the permission of the Arbitration Council shall, (a) pay immediately the entire amount of the dower whether prompt or deferred, due to the existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue; and (b) on conviction upon complaint be punishable with the simple imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

(Section:7-Talaq-Divorce)

- (1) Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of talaq in any form whatsoever, give the chairman a notice in writing of his having done so, and shall supply a copy thereof to the wife.
- (2) Whoever, contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both.
- (3) Save as provided in sub-section (5) talaq, unless revoked earlier, expressly or otherwise, shall not be effective until the expiration of ninety days from day on which notice under subsection (1) is delivered to the Chairman.
- (4) Within thirty days of the receipt of notice under Sub-section (1), the Chairman shall constitute an Arbitration Council for the purpose of bringing about a reconciliation between the parties, and the Arbitration Council shall take all steps necessary to bring about such reconciliation.
- (5) If the wife be pregnant at the time talaq is pronounced, talaq shall not be effective until the period mentioned in Sub-section (3) or the pregnancy, whichever later, ends.
- (6) Nothing shall debar a wife whose marriage has been terminated by talaq effective under his section from remarrying the same husband, without an intervening marriage with a third person, unless such termination is for the third time so effective.

(Section :8-Dissolution of marriage other than by Talaq)

8. Dissolution of marriage otherwise than by talaq. Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by talaq the provisions of section 7 shall, mutatis mutandis and so far as applicable, apply.

(Section:9-Maintenance)

- (1) If any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may in addition to seeking any other legal remedy available apply to the Chairman who shall constitute an Arbitration Council to determine the matter, and the Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband.
- (2) A husband or wife may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision of the certificate, to the Collector concerned and his decision shall be final and shall not be called in question in any Court.
- (3) Any amount payable under Sub-section (1) or, (2) if, not paid in the due time, shall be recoverable as arrears of land revenue.

(Section:10-Dower)

Where no details about the mode of payment of dower are specified in the nikahnama or the marriage contract, the entire amount of the dower shall be presumed to be payable on demand.

Sindh Child Marriage Restraint Act (SCMRA-2013)

(Section 4 -Punishment for solemnizing Child Marriage)

Whoever performs, conducts, directs, brings about or in any way facilitates any child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage

SCMRA Rules 2016

Rules 3 (Ensuring the age of marriage contracting parties)/Age Determination

Ensuring Age of Parties. - (1) Any person performing, conducting or solemnizing the

marriage must ensure that the bride and the bridegroom are aged 18 or above as per the Act. He shall provide a signed affidavit stating that he has satisfied himself about the age of the contracting parties as not being less than 18 years. Such affidavit shall be attached with the Nikkahnama

(2) An attested copy of a valid CNIC of both contracting parties shall be attached with the Nikkahnama, marriage contract or any other documentation having the same effect.

Explanation: The copies of the CNIC may be attested by a Nikkah Registrar having license under Section 5 of Muslim Family Laws Ordinance, 1961 and attached with Nikahnama for registration of marriages.

(3) If a CNIC of either party to the marriage is not available, the parties may attach a medical certificate verifying the age of the parties.

(4) Any person or institution providing a medical certificate verifying age of a person shall sign and provide an affidavit stating that he has satisfied himself about the age of the person examined. Such affidavit shall be attached with the nikkahnama, marriage contract or any other document having the same effect.

(5) Fabricating of false evidence, statement or affidavit shall be liable to prosecution as per the Pakistan Penal Code 1860 (Act XLV of 1860)

Hindu Marriage (amnd) Act-2018

(Section-6 Registration of marriages)

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

(Section -7 Manner of registration)

- (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 register for the purposes of Act as per Rules and directions issued by the Government.

Hindu Marriages Act- Rules 2017

Rule 3. 1) The marriage shall be registered in accordance with provisions of Section 6 of the Act.
2) No marriage shall be registered unless conditions prescribed in Section 4 of the Act are not fulfilled.

Rule 4. The registration of Hindu marriage shall be made on production of the Form in Schedule -A of the Act duly filled in quadruplicate along with payment of prescribed fee and copies of CNICs of wife and husband within 45 days of the marriage.

Rule 5. 1) The Secretary, Union council shall maintain a register with the heading: "Registration of Hindu Marriages" in the following format: -

S.No.	Name of Groom	Name of Bride	CNIC of Groom	CNIC of Bride	Address of Groom	Witness # 1		
						Name	CNIC #	Address

Witness # 2			The Pandit / Maharaj or any person solemnizing the marriage			Remarks
Name	CNIC #	Address	Name	CNIC #	Address	

2) If concerned officer is satisfied with the marriage form and its witnesses, he/she may issue a marriage certificate as per format given in the Act.

Sindh Hindu Marriage Rules (2019) of Sindh Hindu Marriage (Amnd) Act-2018

These Rules deals with petitions or suits filed for the purpose of Restitution of Conjugal Rights (section 8), Void Marriages (section 8 &9), Termination of Marriage (sections 11 &13). These Rules confers the jurisdiction on Family Court under Family Courts Act-1964 and matters related to them. Unlike Muslim Family Law ordinance 1961, where divorce and related issues are dealt by Union Council Chairperson as Arbitrator, in Hindu Marriages (amnd) Act-2018 are dealt by Family courts.

SESSION 3. CHILD MARRIAGES: ROLE OF STAKEHOLDERS AND DISTRICT MONITORING IN PREVENTION OF CHILD MARRIAGES



DURATION OF THE SESSION

65minutes



MATERIAL

Charts
Markers

OBJECTIVE

By the end of this session, participants will be able to know about the role of stakeholders especially;

- Police
- Social Welfare Department
- Woman Development Department
- District Monitoring Committee on Prevention of Child Marriages

PRELIMINARY WORK

To develop key points about the issues.

Trainer may show slides on multimedia for showing the structures and mechanisms of stakeholders.



ACTIVITY METHOD AND DESCRIPTION

Lecture/Discussion (30min.)	Trainer will comprehensively describe the current prevailing situation of the Child Marriages & other associated Traditional Practices in local area. Therefore, focus will be on child marriage and regulatory role related to issue by stakeholders
Group Work (20min.)	Divide participants into small groups and assign each group to select any particular case study and role of concerned stakeholder and prepare chart and gave presentation that how to overcome the issue. Trainer will facilitate the groups in developing presentation about the solution of the case studies.
Clarifications (15 min.)	Take questions from participants and brainstorm. Let them have the answer from their co-participants. Try to get everyone involved. Furthermore, trainer facilitates the group leader for answering the members participants.



NOTES FOR TRAINER

Try to get most out of the session by getting answers from within the participants. Request them to produce their understanding in the context of their experience.

Police

Police Station in local area

Woman & Children Police Station at District Level

Human Rights/Child & Woman Rights Desk

Police Facilitation centers at divisional levels

Social Welfare Department

Child Protection Officer at each district level section 15 Sindh Child Protection Authority (SCPA) Act-2011

District Child Protection Unit (CPU) section 16 Sindh Protection Authority (SCPA) Act-2011

Child Protection Committee under section 17 (ii) of Sindh Protection Authority (SCPA) Act-2011, will act as District Coordination Committee for monitoring the cases of Child Marriages.

Woman Development Department

Woman Development officer/ Woman Protection Officer

Woman crisis centre/Woman Complaint centre at district level

District Women Protection Committees envisaged under section 17 of Sindh Domestic Violence (Prevention & Protection) Act-2013

District Management committee (DMC) for Darul-ul- Aman under SOP 2015

Darul -ul-Itfal/Darul -ul-Aman (long term shelter)

Safe House (Temporary shelter)

District Coordination Committee on Prevention of Child Marriages

The Social Welfare Department /Sindh Child Protection Authority shall constitute a District Monitoring Committees' as per section 17 (2) of the Sindh Child Protection Authority Act, 2011 and as per provisions of Sindh Child Marriage Rules under SCMRA, 2013.

Role and Responsibilities of the District Committee: - The District Committee(s) shall perform the roles and responsibilities as per functions given in SCMRA Rules.

Provincial Monitoring Committee on Child Marriages

Provincial Monitoring Committee on Child Marriage: - Sindh Child Protection Authority shall constitute a Committee to be called as the Provincial Monitoring Committee on Child Marriage from amongst its members under section 13 of the Sindh Child Protection Authority Act, 2011 **(Sindh Act No. XIV of 2011)**, which shall have headquarters at in Karachi and shall exercise such powers and perform such functions as assigned to it by the Authority from time to time and as defined in SCMRA Rules.

SESSION 04. CLOSING AND ASSESSMENT


DURATION OF THE SESSION

20 minutes


MATERIAL

Evaluation Sheet Day 2
 Post Training Assessment Tool

OBJECTIVE

- ✓ To reflect and review the day
- ✓ To assess the level of learning
- ✓ To conduct Post Training Assessment

PRELIMINARY WORK

- ✓ Set up Reflection Area in the hall to be used by participants to paste their reflection cards
- ✓ Prepare and make copies of evaluation sheet
- ✓ Prepare and make copies of Post Training Assessment Tool



ACTIVITY METHOD AND DESCRIPTION

Reflection (05 min.)	Participants will be asked to write their day's reflection on a card sheet and place it on the reflection area
Evaluation of the Day -2 (05 min.)	Participants will be given Evaluation Sheets that they will fill in and return to the facilitator
Post Training Assessment (10 min.)	The participants will be given a Post Training Assessment tool (see Annex) to be filled by them in given time.



NOTES FOR TRAINER

N/A

Annexure A

Training Evaluation and Feedback

Please rate these aspects of the course on a scale

1 = poor 2 = moderate/satisfactory 3 = good 4 = very good 5 = excellent

Q1. How helpful this training will be in increasing the effectiveness of your work?

1 2 3 4 5

Comments: (Optional).....

Q2. Content: Was the content at the right level: Yes No

Comments.....

Q3. Is there anything about this course which you would like to be included?

Q4. Please comment on the methods used:

- a. Group work and brainstorming methods were used effectively
.....
- b. Presentation by the group was good idea
.....
- c. Every participant was made to participate
.....

Q5. Suggestions for future training sessions:

Q6. How successful was this training in meeting your expectations? (Please tick)

- a. Meet all the expectations
- b. Was fairly good
- c. Fell short

Pre/Post Training Assessment

Pre-Training Evaluation Form

Q1. What do you know about definition of child for marriage purpose? (Please tick appropriate)

- a) It is 18 years for Male and 16 years for Female
- b) It is 18 years for both Male and Female
- c) It is given as 16 years for both Male and Female for registration for Marriages
- d) All of above options

Q2. Kindly rate your ability to define\ understand the following on a scale of 1 to 5.

- a) The meaning of word Child Marriage
1 2 3 4 5
- b) The difference between Sex and Gender
1 2 3 4 5
- c) Provisions of child rights in the Constitution of Pakistan
1 2 3 4 5
- d) Responsibility of Secretary Union Council/Ward/Municipal Authorities for Birth and Marriage registration
1 2 3 4 5
- e) Difference between Nikkah Registrar and Nikkah Khawan
1 2 3 4 5
- f) Provisions of licensing of Nikkah Registrar under relevant law
1 2 3 4 5
- g) The Sindh Local Government Act-2013 provision regarding Vital Statistics
1 2 3 4 5
- h) The documentation of Nikkah Nama at Union Council level
1 2 3 4 5
- i) Provisions of Sindh Child marriages Restraint Act (SCMRA)-2013
1 2 3 4 5
- j) Age of marriage for Female/Male under Hindu Marriage (Registration) Act-2018
1 2 3 4 5
- k) According to Computerized National Identity Card the Adult age is
1 2 3 4 5

l) Role of Police, Social Welfare and Woman Development Department, District Monitoring Committee regarding prevention of Child Marriages

1

2

3

4

5

Q 3. Is there anything about this course which you would like to be included?

Q 4. Expectation from this training

- a. Better understanding of the functions regarding registration of Child Marriages from Local Government perspective in Sindh Local Government Act-2013 & Muslim Family Law Ordinance 1961
- b. Knowledge about provisions of SCMRA-2013
- c. Practical knowledge and skills about licensing of Nikkah registrars and documentation
- d. Knowledge about the issues other than the ones we are working on

Annexure B.2

Hindu Certificate of Marriage / Shaadi Parat, as per given in Annexure 'A' of SHMA, 2018

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
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.

Annexure C

Registration Rules 2017

Rules of Implementation of Sindh Hindu Marriage Act, 2018.

Divorce Rules 2019

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GOVERNMENT OF SINDH
MINORITIES AFFAIRS DEPARTMENT
Karachi, dated the 08th December, 2017

NOTIFICATION

NO. SO (G)/MA/Sindh Hindu Marriage Rules, 2017:- In exercise of the powers conferred by Section-10 of the Sindh Hindus Marriage Act, 2016, the Government of Sindh are pleased to make following rules, namely:-

- (1) These rules may be called the Sindh Hindu Marriage Registration Rules, 2017. **Short title and Commencement**

(2) They shall come into force at once.
- (1) In these rules, unless there is anything repugnant in the subject or Context- **Definitions**

 - "Act" means Sindh Hindu Marriage Act, 2016;
 - "Concerned Officer" shall have the same meaning as assigned to it under the Act.
 - "Government" means the Government of Sindh.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.
- 1) The marriage shall be registered in accordance with provisions of Section- 6 of the Act. **Registration of Marriage**

2) No marriage shall be registered unless conditions prescribed in Section 4 of the Act are not fulfilled.
- The Registration of Hindu Marriage shall be made on production of the Form in Schedule-A of the Act duly filled in quadruplicate alongwith payment of prescribed fee and copies of CNICs of wife and husband within 45 days of solemnization of the marriage. **Requirements for Registration of Hindu Marriage**

1) The Secretary, Union Council shall maintain a register with the heading: "Registration of Hindu Marriages" in the following format:-

S.No	Name of Groom	Name of Bride	CNIC of Groom	CNIC of Bride	Address of Groom	Witness # 1		
						Name	CNIC #	Address

Witness # 2			The Pandit / Maharaj or any person solemnizing the marriage			Remarks
Name	CNIC #	Address	Name	CNIC #	Address	
- 2) If the concerned officer is satisfied with the marriage form and its witnesses, he / she may issue a marriage certificate as per format given in the Act.

FAROOQ AZAM MEMON
SECRETARY TO GOVERNMENT OF SINDH

Cont. P-02



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GOVERNMENT OF SINDH
MINORITIES AFFAIRS DEPARTMENT

(02)

NO. SO (G)/MA/Sindh Hindu Marriage Rules/ 2017/721 Karachi, dated the 08th December, 2017

A copy is forwarded to:-

- 03/11/18
1. The Chairman, Planning & Development Board, Sindh, Karachi.
 2. The Principal Secretary to Governor Sindh, Karachi.
 3. The Principal Secretary to Chief Minister, Sindh, Karachi.
 4. The Senior Member, Board of Revenue Sindh, Karachi.
 5. The Administrative Secretary (all) Government of Sindh, Karachi.
 6. The Commissioner, Karachi, Hyderabad, Sukkur, Larkana & Mirpurkhas Division.
 7. The Deputy Commissioner (all) in Sindh.
 8. The Deputy Secretary (Staff) to Chief Secretary, Sindh.
 9. The Deputy Secretary (Cabinet), SGA&CD, Govt. of Sindh, Karachi.
 10. The Superintendent, Sindh Government Printing Press, Karachi.
 11. The Private Secretary to Special Assistant to Chief Minister, Sindh for Minorities Affairs.
 12. The Director, Minorities Affairs, Sindh, Karachi.
 13. The PS to Secretary, Minorities Affairs Department, Government of Sindh, Karachi.
- 03/11/18

Ahmed
12-12-17

01/12/2017
(MUHAMMAD AKRAM)
SECTION OFFICER (COORD)

3/11/18



NOTIFICATION

No. SO(ADMN)/MAD/2019/20/114: In exercise of the powers conferred by section 23 of the Sindh Hindus Marriage (Amendment) Act, 2018 (Act No. XLIX of 2018), the Government of Sindh is pleased to make the following rules for effective implementation of the Act:-

1. **Short title and commencement.**(1) These rules may be called *The Sindh Hindus Marriage Rules, 2019*.

(2) They shall come into force at once.

2. In these rules, there is anything repugnant in the subject or context-

- (i) "Act" means the Sindh Hindus Marriage (Amendment) Act, 2018 (Act No. XLIX of 2018);
- (ii) "Court" means the Family Court established under the Family Courts Act, 1964 (W.P. Act XXXV of 1964);
- (iii) "Presiding Officer" means the Presiding Officer of the Court
- (iv) "Section" means a section of the Sindh Hindus Marriage (Amendment) Act, 2018 (Act No. XLIX of 2018);
- (v) "Suit" means petition under any one of the sections 8, 9, 10, 11, and 13.

3. **Family Courts to have jurisdiction:** - The Family Courts established under the Family Courts Act, 1964 (W.P. Act XXXV of 1964) shall be the courts of competent jurisdiction for the purposes of the proceedings under the Act and these rules.

4. **Presentation of plaint before the Court.** (1) A plaint under sections 8,9,10, 11 or 13 shall be in writing and signed by the plaintiff, who shall present it to the Court having jurisdiction either personally or through an attorney, and where the plaintiff is a female she can also present the plaint through her authorized agent.

(2) The plaint under sub-rule (1) shall also contain the following particulars:

- a) name of the Court in which the suit is brought and the facts showing that it has jurisdiction;
- b) the name, description and place of residence of the plaintiff;
- c) the name, description and place of residence of the defendant so far as can be ascertained; where the plaintiff or the defendant is a person of unsound mind a statement to that effect;
- d) the fact constituting the cause of action and the place where and date when it arose; and
- e) the nature of the claim and valuation of the claim with particulars in brief and the relief claimed.

5. **Return of plaint by Court not having jurisdiction.** Where a plaint is presented to a Court not having jurisdiction

- a) the plaint shall be returned to be presented to the Court to which it should have been presented;
- b) the court returning the plaint shall endorse thereon the date of its presentation to it and its return, the name of the party presenting it, and a brief statement of the reasons thereof.

6. **Trial of suit.** The Court which shall have jurisdiction to try a suit will be that within the local limits of which

- a) the cause of action wholly or in part has arisen; or

b) where the parties reside or last resided together:

Provided that in suits for dissolution of marriage, the Court within the local limits of which the wife ordinarily resides shall also have jurisdiction.

7. Transfer of suit:- (1) The Court of the District Judge may, for reasons to be recorded in writing, stay the proceedings of any suit pending in the Court.

(2) On transfer of a case from one Court to another, it shall not be necessary to commence the proceedings de-novo unless the succeeding Judge, for reasons to be recorded in writing, directs otherwise.

8. Evidence:- (1) The Court may, where it deems fit, direct that the whole or any part of the proceedings under the Act be held in camera. Where both the parties to the suit request the Court to hold the proceedings in camera, the Court shall do so.

(2) The evidence of each witness shall be taken down in writing in the language of the Court by the presiding officer, or in his presence and hearing and under his personal direction and superintendence and shall be signed by the Presiding Officer.

(3) When the evidence of a witness is given in English, the Presiding Officer may take it down in that language with his own hand and unless the parties request the Court otherwise, and authenticated translation of such evidence in the language of the Court shall form part of the record.

(4) When the evidence of a witness is given in any other language, not being English, or the language of the Court, the presiding officer may take it down in that language with his own hand, or cause it to be taken down in that language in his presence and hearing and under his personal direction and superintendence, and an authenticated translation of such evidence in the language of the Court or in English shall form part of the record.

(5) In cases in which the evidence is not taken down in writing by the Presiding Officer, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Presiding Officer with his own hand, and shall form part of the record.

(6) As the evidence of each witness taken down is completed, it shall be read over to him, and shall, if necessary, be corrected.

(7) If the witness denies the correctness of any part of evidence when the same is read over to him, the presiding officer may, instead of correcting the evidence, make a memorandum thereon of the objections made to it by the witness, and shall add such remarks as deemed necessary.

(8) If the evidence is taken down in a language other than that in which it has been given and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

9. Dismissal for default in appearance:- (1) Where the plaintiff, authorized agent or a attorney defaults in appearing before the Court, the suit may be dismissed for default.

10. Court to set aside ex-parte decree or proceedings:- Ex-parte decree or proceedings may, for sufficient cause shown, be set aside by the Court on application made to it within thirty days of the passing of the decree or decision.

11. Date and signature on court order/judgment. (1) Every judgment or order shall be written by the Presiding Judge or from the dictation of such Judge in the language of the Court, or in English and shall be dated and signed by the Judge in open Court at the time of pronouncing it.

(2) Judgments and orders which are appealable shall contain the point or points for determination, the decision thereon and the reasons in brief for the decision.

REGISTERS OF CASES, DECREES, ORDERS, ETC

12. Register for plaints. When a plaint has been filed, its particulars shall be entered in a register to be kept in the form prescribed for Civil Suits under the Code of Civil Procedure, 1908.

13. Seal of the Court. In every suit, on passing the judgment, a decree shall be drawn up as

prescribed for the Family Courts and shall be signed by the Presiding Judge. The decree shall bear the seal of the Court.

14. **Maintenance of Register of decrees and orders.** The Court shall maintain a register of decrees and orders in the form prescribed for decrees and orders under the Code of Civil Procedure, 1908.

15. **Preservation of Registers.** The records of the Court, including its registers, shall be preserved for such period as is provided under the rules of the High Court applicable to Civil Courts.

16. **Appeal against the orders of Court** (1) An appeal under sections 8, 9, 10, 11 and 13 against the decree or decision passed by the Court shall be preferred to the District Court within thirty days of the passing of the decree or decision, excluding the time requisite for obtaining copies thereof:

Provided that the Appellate Court may, for sufficient cause, extend the said period.

(2) The appeal in writing shall set out the grounds on which the appellant seeks to challenge the decree or decision and shall contain the names, description and addresses of the parties and bear the signature of the appellant or his counsel.

(3) A certified copy of the decree and decision of the Court where a decree is passed, and a copy of the decision where only an order is passed shall be attached with the appeal.

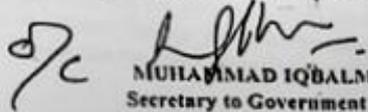
17. **Communication of Order.** Any order passed by the High Court/District Court on appeal shall as soon as may be, be communicated to the Court that had passed the original decree or decision, which shall modify or amend the decree or shall also make necessary entries to that effect in the appropriate column of the register of decrees.

RECORDS AND THEIR INSPECTION

18. (1) The Court shall, on the application of any party to a dispute, allow inspection of the records of the Court relating to the dispute on payment of a fee prescribed from time to time.

(2) On the application of any party to a suit, certified copies of the decree or decision or other proceedings or entry in any register maintained under these rules or of any portion thereof shall be supplied on payment of a fee calculated at the rate of per page or part thereof, as determined by the court.

(3) The seal of the Court shall be used on all summonses, orders, decrees, copies and other documents issued under the Act or these rules.

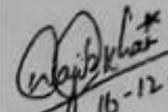

MUHAMMAD IQBAL MEMON
Secretary to Government of Sindh

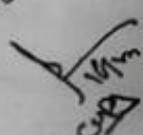
No. SO (ADMN)/MAD/2019/20/114: 1894

Karachi dated 27th November, 2019

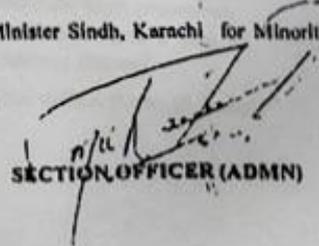
A copy is forwarded for information and necessary action to:-

- > The Chairman Planning & Development Board Sindh, Karachi.
- > The Principal Secretary to Governor Sindh, Karachi.
- > The Principal Secretary to Chief Minister Sindh, Karachi.
- > The Senior Board of Revenue Sindh, Karachi.
- > The Administrative Secretary (all) Govt. of Sindh, Karachi.
- > The Commissioner (all) in Sindh.
- > The Deputy Commissioner in Sindh
- > The Deputy Secretary (Cabinet), SGA&CD, Govt. of Sindh, Karachi
- > The Superintendent Printing Press Karachi.
- > The Private Secretary to Special Assistant to Chief Minister Sindh, Karachi for Minorities Affairs
- > The Director Minorities Affairs Sindh, Karachi.
- > The PS to Secretary Minorities Affairs Sindh, Karachi


16-12-19




16/12


SECTION OFFICER (ADMN)

Annexure D

Notifications / Regulations issued by Local Government Department for registration of Child Marriages under SCMRA, 2013, and SHMA, 2018.



GOVERNMENT OF SINDH
LOCAL GOVERNMENT DEPARTMENT
PLANNING, MONITORING & EVALUATION CELL
Ground FLOOR ANNEXE TUGHLUQUE HOUSE
SINDH SECRETARIAT NO:05
Tel: No: 092+21- 99211171-2
[E.mail:dgmelgd@gmail.com]

No: Dir (PM&EC)/LGD/AD(MIS)412(112)/2019/195
Karachi dated: 15th July, 2019

THROUGH URGENT MAIL SERVICE

The Director,
Local Government,
Karachi / Hyderabad / Mirpurkhas /
Sukkur / Larkana and Shaheed Benazirabad;

The Deputy Director,
Local Government,
District.....(all in Sindh),

SUBJECT: **IMPLEMENTATION OF THE PROVISIONS OF THE SINDH HINDUS MARRIAGE ACT-2016 AND THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017.**

Please refer to subject noted above.

2. You might be aware that the legislation i.e. the Sindh Hindu Marriage Act-2016 has been enacted and the requisite Rules i.e. the Sindh Hindu Marriage rules 2017 have also been notified by the Minorities Affairs Department, Government of Sindh vide Notification No. SO(G)/MA/Sindh Hindu Marriage Registration Rules 2017, dated 08.12.2017.

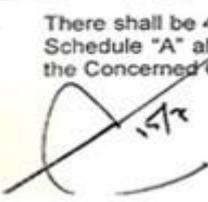
3. It has been observed that unfortunately, the provisions given there under relating to the Municipal Authorities are not being enforced / complied with. Therefore, in order to ensure strict compliance thereof, the relevant provisions are reproduced here under for your information and circulation among all Municipal Authorities. You, being the inspecting officers are further requested to please ensure that the relevant provisions are enforced / complied with in letter and spirit:-

SECTION-6 OF THE SINDH HINDU MARRIAGE ACT 2016: (REGISTRATION OF MARRIAGES).

i. 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.

SECTION-7 OF THE SINDH HINDU MARRIAGE ACT 2016: (MANNER OF REGISTRATION)

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.



Continued on page-2

-: 2 :-

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 Registrar for the purpose 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 witness: and
 - iv. concerned officer.

RULE 3 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REGISTRATION OF MARRIAGE)

- 1) The marriage shall be registered in accordance with provisions of Section-6 of the Act.
- 2) No marriage shall be registered unless conditions prescribed in Section-4 of the Act are not fulfilled.

RULE 4 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REQUIREMENTS FOR REGISTRATION OF HINDU MARRIAGE)

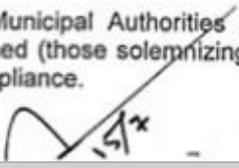
- 1) The Registration of Hindu Marriage shall be made on production of the Form in **Schedule-A** of the Act duly filled in quadruplicate along with payment of prescribed fee and copies of CNICs of Wife and Husband within 45 days of solemnization of the marriage.

RULE 5 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REQUIREMENTS FOR REGISTRATION OF HINDU MARRIAGE)

- 1) The Secretary, Union Council shall maintain a register with the heading "Registration of Hindu Marriages" in the following format:-

S.No.	Name of Groom	Name of Bride	CNIC of Groom	CNIC of Bride	Address of Groom	Witness #1		
						Name	CNIC #	Address
Witness #2			The Pandit / Mahraj or any person solemnizing the marriage			Remarks		
Name	CNIC #	Address	Name	CNIC #	Address			

- 1) If the concerned officer is satisfied with the marriage form and its witness, he or she may issue a marriage certificate as per format given in the Act.
4. In view of the above, the Municipal Authorities should be directed to disseminate these guidelines to all concerned (those solemnizing the Hindu Marriages) for their information guidance and strict compliance.

 Continued on page-3

-: 3 :-

Please acknowledge the receipt of this communication.

(KHALID HYDER SHAH)
SECRETARY TO GOVT: OF SINDH

copy is forwarded for information to:-

1. The Chairperson, Planning & Development Board, GoS Karachi.
2. The Secretary, Minorities Affairs Department, GoS, Karachi.
3. The Secretary, Social Welfare Department, GoS, Karachi.
4. The Secretary, Women Development Department, GoS, Karachi.
5. The Secretary, Law Department, GoS, Karachi.
6. The Secretary, Human Rights Department, GoS, Karachi.
7. The Chairperson, Provincial Commission on Human Rights Sindh Karachi.
8. The Chairperson, Provincial Commission on the Status of the Women Sindh Karachi.
9. The Director General, (CRMS) NADRA Headquarter, Islamabad.
10. The Deputy Secretary, Staff to Chief Minister Sindh, Karachi.
11. The Deputy Secretary Staff to Chief Secretary Sindh Karachi.
12. The Director (CRMS) NADRA, RHO, Karachi.
13. The Research Officer (LG) Local Government Department, Karachi.
14. Section Officer, General/DDO, Local Government Department, Karachi with a request to please issue instructions to In-Charge R&I LGD to distribute this letter.
15. PS to Minister, Local Government Department, Karachi.
16. PS to Secretary, Local Government Department, Karachi.
17. PS to Special Secretary (Technical), Local Govt. Department, Karachi.
18. Program Manager, DBR Sindh Karachi for similar action.
19. Master File -2019.

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15-7-19
SC copies
4.30 PM
(FAROOQUE AHMED SIDDIQUI)
DIRECTOR PM&EC
157
7
RECEIVED
(R&I)
GOVERNMENT DEPT.
GOVT. OF SINDH



GOVERNMENT OF SINDH
LOCAL GOVERNMENT DEPARTMENT
PLANNING, MONITORING & EVALUATION CELL
Ground FLOOR ANNEXE TUGHLUQUE HOUSE
SINDH SECRETARIAT NO:05
Tel: No: 092+21- 99211171-2
[E.mail:dgmelgd@gmail.com]

No: Dir (PM&EC)/LGD/AD(MIS)412(112)/2019/
Karachi dated: July, 2019

THROUGH SPECIAL MESSENGER

The Director,
Local Government,
**Karachi / Hyderabad / Mirpurkhas /
Sukkur / Larkana and Shaheed Benazirbabad.**

The Deputy Director,
Local Government,
District.....(all in Sindh),

SUBJECT: **IMPLEMENTATION OF THE PROVISIONS OF THE SINDH CHILD
MARRIAGE RESTRAINT ACT-2013 , THE SINDH CHILD MARRIAGES
RESTRAINT RULE-2016 & MUSLIM FAMILY LAW ORDINANCE-1961.**

Please refer to subject noted above.

2. You might be aware that the legislation i.e. the Sindh Child Marriage Restraint Act 2013 has been enacted and the requisite rules i.e. The Sindh Child Marriage Restraint Rules 2016 have also been notified by the Women Development Department Government of Sindh vide Notification No. SO(WDD)/2-100/2016, dated 22.03.2016.

3. It has been observed that unfortunately, the provisions given there under relating to the Municipal Authorities are not being enforced. Therefore, in order to ensure strict compliance thereof, the relevant provisions are reproduced here under for your information and circulation among all Municipal Authorities, You, being the inspecting officers are requested to please ensure that the relevant provisions are enforced / complied with in letter and spirit:-

**SECTION-4 OF THE SINDH CHILD MARRIAGE RESTRAINT ACT 2013:
(PUNISHMENT FOR SOLEMNIZING A CHILD MARRIAGE)**

Whoever performs, conducts, directs, brings about or in any way facilitates any child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine, unless the proves that he had reason to believe that the marriage was not a child marriage.

**RULE 3 OF THE SINDH CHILD MARRIAGE RESTRAINT RULES 2016
(ENSURING OF AGE OF PARTIES):**

- 1) Any person performing, conducting or solemnizing the marriage must ensure that the bride and the bridegroom are aged 18 or above as per the Act.

Continued on page-2

-: 2 :-

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 Registrar for the purpose 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 witness: and
 - iv. concerned officer.

RULE 3 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REGISTRATION OF MARRIAGE)

- 1) The marriage shall be registered in accordance with provisions of Section-6 of the Act.
- 2) No marriage shall be registered unless conditions prescribed in Section-4 of the Act are not fulfilled.

RULE 4 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REQUIREMENTS FOR REGISTRATION OF HINDU MARRIAGE)

- 1) The Registration of Hindu Marriage shall be made on production of the Form in **Schedule-A** of the Act duly filled in quadruplicate along with payment of prescribed fee and copies of CNICs of Wife and Husband within 45 days of solemnization of the marriage.

RULE 5 OF THE SINDH HINDU MARRIAGE REGISTRATION RULES 2017 (REQUIREMENTS FOR REGISTRATION OF HINDU MARRIAGE)

- 1) The Secretary, Union Council shall maintain a register with the heading "Registration of Hindu Marriages" in the following format:-

S.No.	Name of Groom	Name of Bride	CNIC of Groom	CNIC of Bride	Address of Groom	Witness #1		
						Name	CNIC #	Address
Witness #2			The Pandit / Mahraj or any person solemnizing the marriage			Remarks		
Name	CNIC #	Address	Name	CNIC #	Address			

- 1) If the concerned officer is satisfied with the marriage form and its witness, he or she may issue a marriage certificate as per format given in the Act.

4. In view of the above, the Municipal Authorities should be directed to disseminate these guidelines to all concerned (those solemnizing the Hindu Marriages) for their information guidance and strict compliance.

Continued on page-3

-: 3 :-

5. Please acknowledge the receipt of this communication.


(KHALID HYDER SHAH)
SECRETARY TO GOVT. OF SINDH

A copy is forwarded for information to:-

1. The Chairperson, Planning & Development Board, GoS Karachi.
2. The Secretary, Minorities Affairs Department, GoS, Karachi.
3. The Secretary, Social Welfare Department, GoS, Karachi.
4. The Secretary, Women Development Department, GoS, Karachi.
5. The Secretary, Law Department, GoS, Karachi.
6. The Secretary, Human Rights Department, GoS, Karachi.
7. The Chairperson, Provincial Commission on Human Rights Sindh Karachi.
8. The Chairperson, Provincial Commission on the Status of the Women Sindh Karachi.
9. The Director General, (CRMS) NADRA Headquarter, Islamabad.
10. The Deputy Secretary Staff to Chief Secretary Sindh Karachi. / CM
11. The Director (CRMS) NADRA, RHO, Karachi.
12. PS to Minister, Local Government Department, Karachi.
13. PS to Secretary, Local Government Department, Karachi.
14. PS to Special Secretary (Technical), Local Govt. Department, Karachi.
15. Program Manager, DBR Sindh Karachi for similar action.
16. Master File -2019.


(FAROOQUE AHMED SIDDIQUI)
DIRECTOR PM&EC

Encl. copy



GOVERNMENT OF SINDH
LOCAL GOVERNMENT DEPARTMENT
PLANNING, MONITORING & EVALUATION CELL
Ground FLOOR ANNEXE TUGHLUQUE HOUSE
SINDH SECRETARIAT NO:05
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[E.mail:dgmeigd@gmail.com

No: Dir (PM&EC)/LGD/AD(MIS)412(112)/2019/
Karachi dated: July, 2019

THROUGH SPECIAL MESSENGER

The Director,
Local Government,
Karachi / Hyderabad / Mirpurkhas /
Sukkur / Larkana and Shaheed Benazirabad.

The Deputy Director,
Local Government,
District.....(all in Sindh),

SUBJECT: **IMPLEMENTATION OF THE PROVISIONS OF THE SINDH HINDUS
MARRIAGE ACT-2016 AND THE SINDH HINDU MARRIAGE
REGISTRATION RULES 2017.**

Please refer to subject noted above.

2. You might be aware that the legislation i.e. the Sindh Hindu Marriage Act-2016 has been enacted and the requisite Rules i.e. the Sindh Hindu Marriage rules 2017 have also been notified by the Minorities Affairs Department, Government of Sindh vide Notification No. SO(G)/MA/Sindh Hindu Marriage Registration Rules 2017, dated 08.12.2017.

3. It has been observed that unfortunately, the provisions given there under relating to the Municipal Authorities are not being enforced / complied with. Therefore, in order to ensure strict compliance thereof, the relevant provisions are reproduced here under for your information and circulation among all Municipal Authorities. You, being the inspecting officers are further requested to please ensure that the relevant provisions are enforced / complied with in letter and spirit:-

**SECTION-6 OF THE SINDH HINDU MARRIAGE ACT 2016:
(REGISTRATION OF MARRIAGES),**

- i. 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.

**SECTION-7 OF THE SINDH HINDU MARRIAGE ACT 2016: (MANNER
OF REGISTRATION)**

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.

Continued on page-2

-: 2 :-

He shall provide a signed affidavit stating that he has satisfied himself about the age of the contracting parties as not being less than 18 years, such affidavit shall be attached with the Nikkahnama.

- 2) An attested copy of valid CNIC of both contracting parties shall be attached with the Nikkahnama, marriage contract or any other documentation having the same effect:

Explanation: The copies of the CNIC may be attested by a Nikah Registrar having license Under Section-5 of Muslim Family Laws Ordinance, 1961 and attached with Nikkahnama for registration of marriages.

- 3) If a CNIC of either party to the marriage is not available, the parties may attach a medical certificate verifying the age of parties.
- 4) Any person or institution providing a medical certificate verifying age of a person shall sign and provide an affidavit stating that he has satisfied himself about the age of the person examined. Such affidavit shall be attached with the Nikkahnama, marriage contract or any other having the same effect.
- 5) Fabricating of false evidence, statement of a affidavit shall be liable to prosecution as per the Pakistan Penal Code 1860 (ACT XLV of 1860).

4. The relevant extract of Section-5 of Muslim Family Laws Ordinance, 1961 which regulates marriages solemnized under MFLO and further elucidates the procedure regarding grant of licenses to Nikah Registrars etc is re-produced here under:-

**SECTION-5 OF MUSLIM FAMILY LAW ORDINANCE, 1961
(REGISTRATION OF MARRIAGES).**

- 1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.
- 2) For the purpose of the registration of marriage under this Ordinance, the Union Council shall grant licenses to one or more persons, to be called Nikah Registrars, but in no case shall more than one Nikah Registrar be licensed for any one Ward.
- 3) Every marriage not solemnized by the Nikah Registrar shall for the purpose of registration of this Ordinance be reported to him by the person who has solemnized such marriage.
- 4) Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to three months, or which fine which may extend to one thousand rupees, or with both.
- 5) The form of Nikkahnama, the registers to be maintained by Nikah Registrar, the records to be preserved by Union Council, the manner in which marriage shall be registered and copies of Nikkahnama shall be supplied to the parties, and the fees to be charged thereof, shall be such as may be prescribed.
- 6) Any person may, on payment of the prescribed fee, if any, in respect at the office of the Union Council, the record preserved under sub-section (5), or obtain a copy of any entry therein.

Continued on page-3

-: 3 :-

5. In view of the above, the Municipal Authorities should be directed to disseminate these guidelines to all concerned Nikkah registrars / Nikkah Khuwah (those solemnizing the Marriages of Muslim under MFLO-1961) for their information guidance and strict compliance.
6. Please acknowledge the receipt of this communication.


(KHALID HYDER SHAH)
SECRETARY TO GOVT: OF SINDH

A copy is forwarded for information to:-

1. The Chairperson, Planning & Development Board, GoS Karachi.
2. The Secretary, Minorities Affairs Department, GoS, Karachi.
3. The Secretary, Social Welfare Department, GoS, Karachi.
4. The Secretary, Women Development Department, GoS, Karachi.
5. The Secretary, Law Department, GoS, Karachi.
6. The Secretary, Human Rights Department, GoS, Karachi.
7. The Chairperson, Provincial Commission on Human Rights Sindh Karachi.
8. The Chairperson, Provincial Commission on the Status of the Women Sindh Karachi.
9. The Director General, (CRMS) NADRA Headquarter, Islamabad.
10. The Deputy Secretary Staff to Chief Secretary Sindh Karachi/ *CM*
11. The Director (CRMS) NADRA, RHO, Karachi.
12. PS to Minister, Local Government Department, Karachi.
13. PS to Secretary, Local Government Department, Karachi.
14. PS to Special Secretary (Technical), Local Govt. Department, Karachi.
15. Program Manager, DBR Sindh Karachi for similar action.
16. Master File -2019.


(FAROOQUE AHMED SIDDIQUI)
DIRECTOR-PM&EC



Annexure E

Advocacy efforts for the implementation of Sindh Hindus Marriage (Amendment) Act 2018.

**Sindh Human Rights Commission**
Government of Sindh

No. SHRC/GOS/ 15389/3185 /2023 . Karachi, Dated: 11th Oct /2023 .

To,
The Secretary to Government of Sindh,
Local Government Department, Karachi

SUB: IMPLEMENTATION OF SINDH HINDUS MARRIAGE (AMENDMENT) ACT, 2018 AND RULE (03) SINDH CHILD MARRIAGE RESTRAINT ACT, 2013

1. The Sindh Human Rights Commission (SHRC) is a statutory body established under Sindh Protection of Human Rights Act, 2011, with the mandate to protect and promote Human Rights in the province of Sindh. The Commission U/S 4(v) of Sindh Protection of Human Rights Act, 2011, is mandated "to review the safeguards provided by or under the Constitution or any law for the time being in force for protection of human rights and recommend measures for their effective implementation."
2. Through this letter, the Commission intends to bring to your attention the non-implementation of Sindh Hindus Marriage (Amendment) Act, 2018 and subsequent non-compliance with your good office circular dated 15th July, 2019 (Ref no. Dir (PM&EC)/LGD/AD(MIS)412(112)/2019/95) wherein a comprehensive set of instructions were issued by the Local Government Department (*Planning, Monitoring and Evaluation Cell*) to all the relevant directors and deputy directors of Local Government Department, Government of Sindh for the implementation of the Act.

(Copy of the referred Notification is enclosed as 'Annexure 'A')
3. Also, the Commission would like to bring into your notice regarding non-implementation of Sindh Child Marriages Restraint Act, 2013. It is important to mention here that as per Chapter -II, Rule (3) of Sindh Child Marriages Restraint Rules 2016, which bounds the Marriage Registrars at UC level to verify the age of bridegroom, (*Copy of Rule '3' Sindh Child Marriages Restraint Rules, 2016 enclosed herewith as Annexure 'B'*) whereas it has been noticed by the Commission that there is a considerable omission of Rule (3) of Sindh Child Marriage Restraint Rules 2016 on the part of UC Authorities i.e. no procedure (as laid down in the Rules) is followed for ascertainment of the age of bridegroom at the time of Marriage registration, consequently poses hurdles in the implementation of Sindh Child Marriages Restraint Act, 2013.
4. It is important to mention here that SHRC along with the civil society organizations has been working on increasing awareness and identifying hurdles in implementation of Sindh Hindus Marriage (Amendment) Act, 2018, and Sindh Child Marriage Restraint Act, 2013. During its interaction with the communities and officials of Local Government Department, it has been observed that in most of the districts there is minute awareness on part of the communities as well as concerned officials of the department, while in most of the districts there is no any mechanism in place with relevant authorities to register the marriages/ marriage registrars consequently leading towards non-implementation of the Act. It may be noted that as per Section 6 and 7 of Sindh Hindus Marriage (Amendment) Act, 2018, every marriage is to be registered with the Union

Head Office: Room No's 408, 414, 4th Floor, Sindh Secretariat Building No.03 (Old KDA Building), Kamal Ata Turk Road, Karachi - 74200.
Tel: 021-99217318, Fax: 021-99217317, 0333-9217323, Email: shrc.gos@gmail.com, Website: www.shrc.org.pk
Regional Office Sukkur: District Women Development Complex, Near SRSO Complex, Main Shikarpur Road,
National Highway, Opposite Govt. College of Physical Education, Sukkur.
Tel: 071-5824055, Fax: 071-5824053, Email: shrcsukkur.gos@gmail.com



Sindh Human Rights Commission

Government of Sindh

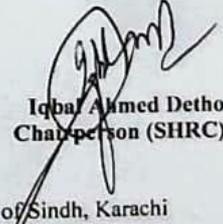
No. SHRC/GOS/ 15399/3195 /2023

Karachi, Dated: 11th, Oct 2023,

Councils/Wards or any other Municipal Authority within 45 days of the solemnization & as per Rule (03) Sindh Child Marriage Restraint Rules, 2016 the UC Authorities have to ascertain age of the bridegroom prior to issuance of the Marriage Registration Certificate on which the Commission seeks your intervention.

5. In view of the aforementioned facts, the Commission (U/S 4(ii) of Sindh Protection of Human Rights Act, 2011, recommends the following action points to be initiated by the Union Councils in Sindh as per their mandate under Section 72 & Schedule-IV (48) The Sindh Local Government Act, 2013:-
- Training sessions of the concerned officials of Local Govt. department may be organized to increase awareness of the Sindh Hindus Marriage (Amendment) Act, 2013 & role of Local Government Department in the implementation of Sindh Child Marriage Restraint Act, 2014.
 - Special efforts may be taken to establish and activate the requisite mechanisms in all districts for the purpose of registration of marriages as prescribed under Sindh Hindus Marriage (Amendment) Act, 2018.
 - All concerned officials may be issued instruction to ensure effective and strict implementation of the Sindh Hindus Marriage (Amendment) Act, 2018 and Sindh Child Marriage Restraint Act, 2013 at Union Council/Ward level in all districts.
 - Relevant officials of the Local Government may be instructed to engage with the communities for the purpose of raising awareness of the said law and extending facilitation to the communities for registrations of marriages/ marriage registrars.

Therefore, it is desired that that your good office may take into account the above recommendations for the effective implementation of Sindh Hindus Marriage (Amendment) Act, 2018 and Sindh Child Marriage Restraint Act, 2013 in the interest of Article (9)(14) and (20) of the Constitution of Islamic Republic of Pakistan.


Iqbal Ahmed Detho
Chairperson (SHRC)

CC:

1. The Chief Secretary, Government of Sindh, Karachi
2. PS to Minister for Human Rights, Law and Religious Affairs, Government of Sindh, Karachi
3. The Secretary, Minorities Affairs Department, Karachi
4. The Secretary, Social Welfare Department, Government of Sindh, Karachi
5. The Director General, Sindh Child Protection Authority, Government of Sindh, Karachi
6. The Secretary, Human Rights Department, Government of Sindh, Karachi.

Head Office: Room No's 408, 414, 4th Floor, Sindh Secretariat Building No.03 (Old KDA Building), Kamal Ata Turk Road, Karachi - 74200.
Tel: 021-99217318, Fax: 021-99217317, 0333-9217323, Email: shrc.gos@gmail.com, Website: www.shrc.org.pk
Regional Office Sukkur: District Women Development Complex, Near SRSO Complex, Main Shikarpur Road,
National Highway, Opposite Govt. College of Physical Education, Sukkur.
Tel: 071-5824055, Fax: 071-5824053, Email: shrcsukkur.gos@gmail.com



CHIEF MINISTER'S SECRETARIAT, SINDH
KARACHI

No.SO(VI)/CMS/M.A/4(6)/2023/26
Karachi, dated the 21st December, 2023

MOST IMMEDIATE

NO TO CHIEF SECRETARY SINDH
Diary No 30664
Dated 24/12/23

To,

The Additional Chief Secretary,
Local Government, HTP Department,
Government of Sindh,
Karachi.

The Secretary,
Minorities Affairs Department,
Government of Sindh, Karachi.

C.S.M
SO: (IFC)/LG/Minorities/Laws

Subject: IMPLEMENTATION OF THE SINDH HINDU MARRIAGE ACT 2018.

I am directed to bring to your attention the current challenges and obstacles hindering the effective implementation of The Sindh Hindu Marriage Act 2018. Despite its passage in February 2018, the Act is facing impediments that require urgent attention and resolution. The following issues have been identified as major bottlenecks in the successful execution of the Act:

P.S to Law Secretary
Diary No 11904
Dated 22-12-2023

2. **Obstacles at Union Council level:**
 - Lack of familiarity of local government staff at Union Council (UC) levels with the processes for Pandit and marriage registration,--
 - Lack of proper mechanism and checklist for maintaining records of registered Pandits, licenses issued, and registered marriages
 - Demand of Panchayat Nama along with CNIC for Pandits' registration.
 - Inconsistent fee structures (fee ranging from Rs 1000-5000) and document requirements for Pandit registration across different districts in Sindh.
 - Lack of Digitalization for the registration of marriages and Pandits
3. **Obstacles in NADRA & Social Awareness Gap:** NADRA's acceptance of affidavits instead of marriage registration for CNIC issuance and a prevailing lack of social awareness contribute to obstacles in implementing the Sindh Hindu Marriages Act, 2018.
4. In light of above facts, it is requested to overcome implementation obstacles, ensure implementation of the Sindh Hindu Marriage Act 2018 in letter and spirit and submit compliance report for the perusal of Chief Minister Sindh within one week.

**AGHA WASIF ABBAS
PRINCIPAL SECRETARY TO C.M**

Copy for information to:

- ✓ 1. The Chief Secretary Sindh, Government of Sindh, Karachi.
2. The Chairperson, Human Rights Commission of Pakistan, Islamabad.
3. The Deputy Secretary (Staff) to Chief Minister Sindh, Karachi.

*for 27/12/23
SO (LC)*



3104-2023

(DHANI BUX BHUTTO)
SECTION OFFICER-VI

S&P

*26.12.2023
SO (LC)*

*26/12/23
SO (LC)*



NO.S.LEGIS:2(17)/2013/476
GOVERNMENT OF SINDH
LAW DEPARTMENT

Karachi dated the 01st January, 2024.

To,

The Secretary,
Minorities Affairs Department,
Government of Sindh,
Karachi.

Human Rights Commission
Government of Sindh

INWARD No 6530/2024

Dated 02/01/2024 @ 03:16 PM

**SUBJECT: IMPLEMENTATION OF THE SINDH HINDU
MARRIAGE ACT, 2018.**

I am directed to refer to the subject noted above and to forward herewith a copy of the Chief Minister's Secretariat letter No.SO(VI)/CMS/M.A/4(6)/2023/26 dated the 21st December, 2023, whereby attention has been brought to the current challenges and obstacles hindering the effective implementation of the Sindh Hindu Marriage Act, 2018 and impediments being faced while implementing the said Act. The several issues have been identified in para-2 and 3 of the letter under reference as major bottlenecks in the successful execution of the said Act.

Since the Minorities Affairs Department is administratively concerned with the said Act, the issues referred to in para-2 & 3 of the letter under reference may kindly be examined in consultation with the other stakeholders, if the Department deems it appropriate, and process the matter in accordance with the provisions of the Sindh Government Rules of Business, 1986,

(SHAFQUAT ALI LARIK)
SECTION OFFICER(LEGISLATION)
FOR SECRETARY TO GOVT. OF SINDH

A copy is forwarded for information to:-

1. The Chairperson, Sindh Human Rights Commission, Karachi.
2. The Section Officer-VI, Chief Minister's Secretariat, Sindh, Karachi.
3. The Deputy Secretary(Staff) to Chief Secretary, Sindh w/r. to C.S. Dairy No.30664 dated 21.12.2023.
4. The Private Secretary to Caretaker Minister for Law, Sindh, Karachi.

1-1-2024
(SHAFQUAT ALI LARIK)
SECTION OFFICER(LEGISLATION)
FOR SECRETARY TO GOVT. OF SINDH

☎ 021-99211536
☎ 021-99211537



No. RO(LG)/Misc:4(5)/2021
GOVERNMENT OF SINDH
LOCAL GOVERNMENT & HOUSING
TOWN PLANNING DEPARTMENT

Karachi dated the 29th January- 2024

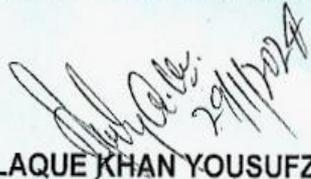


The Regional Director,
Local Government,
Karachi/Hyderabad/Mirpurkhas/Sukkur/
Shaheed Benazirabad & Larkana.

SUBJECT: IMPLEMENTATION OF THE SINDH HINDU MARRIAGE ACT 2018

I am directed to enclose herewith a copy of letter No.SO(VI)/CMS/M.A/4(6)/2023/26, dated 21st December- 2023, received from the Principial Secretary to Chief Minister Sindh, Chief Minister's Secretariat, Sindh, Karachi, on the subject noted above. The contents of which are self-explanatory.

2. It is requested to overcome implementation obstacles, ensure implementation of the Sindh Hindu Marriage Act 2018 in letter and spirit and submit compliance report to this department for onward transmission to the Chief Minister's Secretariat, Karachi.


(AKHLAQUE KHAN YOUSUFZAI)
FOCAL PERSON

A copy is forwarded for information to :-

- o The Chairperson (SHRC), Sindh Human Rights Commission, Government of Sindh, Karachi,
- o The Deputy Secretary (Staff) to Chief Secretary Sindh, Karachi.
- o The Private Secretary to Principal Secretary to Chief Minister Sindh, Karachi.



Head Office - Karachi:

Room No's 408, 414, 415 & 416, 4th Floor
Building No-3, (old KDA Building),
Sindh Secretariat, Kamal Atta Turk Road,
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Tel: 021-99217318 & 021-99213328
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Regional Office - Sukkur:

District Women Development Complex
near SRSO Complex, Main
Shikarpur Road, National
Highway opposite Govt.
College of Physical Education,
Sukkur

Tel: 071-5824055
Fax: 071-5824053

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HUMAN RIGHTS IN SINDH



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