

Advocacy Campaign for Implementation of Sindh Hindu Marriage Act, 2016 and Sindh Child Marriage Restraint Act 2013

District Cultural Advisory Committee, District Women Group Umerkot & CSSP advocacy detail and successes for implementation of Sindh Hindu Marriage Act, 2016 and Sindh Child Marriage Restraint Act 2013 to stop forced conversion of minority girls and early child marriages in Sindh particularly in District Umerkot, Tharparkar & Mirpurkhas.

The major bottleneck in implementation of Hindu Marriage Act, 2016 was absence of clear directions for implementation mechanism of the Act with true spirit. Rule of business were developed but not circulated at district level. People were unaware about Hindu marriage Act, its rules of business and implementation mechanism. Considering the importance of mechanism for implementation of the Act as per rules of business, District Cultural Advisory Committee (DCAC) and District Women Group (DWG) initiated a comprehensive advocacy campaign with technical assistance of CSSP team. CSSP involved district bar members during awareness sessions for community on Sindh Hindu Marriage Act, 2016. All the relevant district and provincial departments, relevant provincial ministries and legislatures were engaged through consultative meetings at Umerkot and provincial head quarter Karachi. During these advocacy and lobbying meetings conducted with Mr. Hari Ram Kishori (Minister Minorities Affairs), Social Welfare department & Food Sindh, Ms Shehla Raza (Minister Women development Department), Mr. Veerji Kohli (special assistant to CM Sindh), Ms. Sheema Arif (DG Social welfare), Mr. Faraz Dero (Minister Auqaf, Zakat & Usher development) and members of minority standing committee and Ms. Nuzhat Shereen (Chairperson Sindh commission on status of women) and some parliamentarians during assembly sessions.

In the response, all the concerned ministers and officials endorsed DCAC and DWG demand for developing and accelerating mechanism to implement the Act as per rules of business. It was assured by the relevant legislators to take up the issue with Sindh Chief Minister, cabinet members and Sindh assembly members about unavailability of proper mechanism for implementation of Hindu Marriage Act and Child Marriage restraint Act. A roadmap was finalized to accelerate the mechanism for implementation process of Sindh Hindu Marriage Act 2016 with true spirit.

As a result of continuous follow up with ministers and provincial assembly members by DCAC and CSSP team, Secretary Local Govt issued letters to directors and deputy directors of LG for ensuring the registration of Hindu Marriages within 45 days as per section 6 & 7 of Sindh Hindu Marriage Act, 2016 in the respective UCs and Municipal Committees. In the spirit of letter, UC secretaries and Municipal administrators are bound to register the marriages and issue marriage certificate within 45 days of marriage ceremony. In this letter, terms and conditions with procedures are also clearly mentioned

according to which CNICs of two witnesses and Pandit/Mahraj should be mandatory for registration of Hindu marriages.

As the result of this advocacy, another letter was issued for implementation of Sindh Child marriage restraint Act, 2013 and Muslim Family Ordinance Law 1961, through this letter it is clearly mentioned that in both laws age of 18 & above is mandatory for boys and girls to conduct marriage. These both letters will be helpful in implementation of these laws and ultimately support in stopping forced conversion and early child marriages. Now DCAC and DWG with the technical assistance of CSSP are planning to conduct consultative dialogue with UC secretaries, municipal administrators, chairmen and other relevant stakeholders at district and grass root level for implementation of law in the context of letter issued by secretary local government. (Letter of local government department planning and monitoring cell, pictures of meetings by CSSP, DCAC and DWG and Press cutting is attached as MOV).



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
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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. 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)

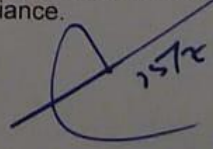
- 1) The Registration of Hindu Marriage shall be made on production of the Form in **Schedule-A** of the Act duly filled in quadruplicate along with payment of prescribed fee and copies of CNICs of Wife and Husband within 45 days of solemnization of the marriage.

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.

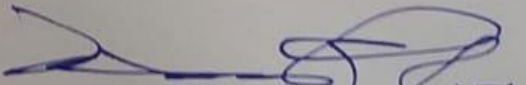


5. Please acknowledge the receipt of this communication.

(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 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.


(FAROOQUE AHMED SIDDIQUI)
DIRECTOR PM&EC



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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 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 :-

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 with 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.

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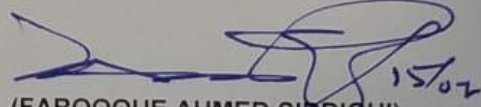
-: 3 :-

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.
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(FAROOQUE AHMED SIDDIQUI)
DIRECTOR PM&EC



DCAC & DWG members conducting meeting with Hari Ram Kishori Minister Minorities Affairs, Social welfare department & Food Sindh.



DCAC & DWG members conducting meeting with Mr. Veerji Kolhi Special assistant to CM Sindh for minority affairs and human rights.