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Pakistan: Hindu Marriage Bill Passed in Sindh Legislature

(Feb. 25, 2016) On February 15, 2016, the Provincial Assembly of Sindh passed the Hindu Marriage Bill 2016, applicable to Hindus and other non-Muslim citizens. It is reportedly the first of its kind in Pakistan. (Hafeez Tunio, [Sindh Assembly Becomes First in Pakistan to Pass Hindu Marriage Bill](#), EXPRESS TRIBUNE (Feb. 15, 2016).) Similar draft legislation is being considered by the National Assembly. (Maryam Usman, [Pakistan NA Committee Clears Hindu Marriage Bill](#), EXPRESS TRIBUNE (Feb. 9, 2016).)

The Sindh bill was moved in the provincial assembly by the Pakistan People's Party (PPP) leader and Sindh Minister for Law and Parliamentary Affairs, Nisar Ahmad Khuhro. ([Sindh Assembly Approves Hindu Marriage Bill](#), DAWN (Feb. 15, 2014).)

Members of the Hindu religion, a large religious minority group in Pakistan with an approximate population of 3.3 million, have “had no legal mechanism to register marriages” or provide legal proof of such marriages in Pakistan. (*Id.*) According to news reports, the new legislation allows members of the Hindu, Sikh, and Zoroastrian faiths to register their marriages. (*Id.*) In order for a marriage to be validly registered, the parties have to be at least 18 years of age. Parties to the marriage must also be able to give consent to the marriage. In addition, at least two witnesses have to be present at the time the marriage is solemnized and registered. Marriages must be registered within 45 days of the solemnization. Failure to register a marriage is punishable with a fine of Rs.1,000 (about US\$9.46). (Tunio, *supra.*) The new law also applies retroactively to existing marriages. ([Sindh Assembly Approves Hindu Marriage Bill](#), *supra.*) One significant point of controversy was a clause in the Bill “which states that a marriage will be annulled if any of the spouses converts to another religion.” (*Id.*)

The issue of the absence of a Hindu marriage registration law has been highlighted in proceedings before the Supreme Court on a number of occasions, and in mid-January 2015 the Court ordered the federal government to ensure that a draft of the proposed Hindu marriage registration bill was laid before the Cabinet for final approval within two weeks. ([SC Wants Draft of Hindu Marriage Bill Approved in 2 Weeks](#), DAWN (Jan. 14, 2015).) On February 8, 2016, the National Assembly Standing Committee on Law and Justice cleared a much broader Hindu marriage bill, which covers issues such as inheritance, divorce, and child maintenance, for consideration by the National Assembly. (Kalbe Ali, [Clause in Draft Hindu Marriage Bill Creates Controversy](#), DAWN (Feb. 14, 2016); Usman, *supra.*)

In the absence of a law on marriage, activists have argued that Hindu women, particularly in the rural part of Sindh province, have been targets of abductions, rape, and forced conversions and marriages. ([Pakistan's Sindh Province Allows Hindu Marriages to Be Registered](#), BBC NEWS (Feb. 16, 2016).) They also face problems “in proving the legitimacy of their relationships before the law.” Moreover, without official proof of marriage, “getting government documents issued or moving forward on any other activity which involves documentation — from opening bank accounts to applying for visas — became next to impossible for any citizen.” ([Sindh Assembly Approves Hindu Marriage Bill](#), *supra.*)

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