**PROVINCIAL ASSEMBLY OF THE PUNJAB**

**Bill No. 31 of 2017**

**THE PUNJAB ANAND KARAJ BILL 2017**

A

Bill

*An Act to provide for the solemnization and registration of Anand Karaj in the province of Punjab.*

WHEREAS it is expedient to remove any doubts as to the validity of the marriage ceremony among the Sikhs, commonly known as called Anand Karaj;

It is hereby enacted as follows:

**1 Short title, application and commencement.-** (1) This Act may be called the Punjab Anand Karaj Act, 2017.

 (2) It shall apply to the Province of Punjab and applies to all those that profess the Sikh religion in Punjab, Pakistan.

**2 Definition.-** In this Act, unless the context otherwise requires:

1. “Act” means the Punjab Anand Karaj Act, 2017;
2. “Anand Karaj” means the lawful union of a Sikh male and Sikh female solemnized under the Act and conducted in accordance with the practices of the Sikh religion, as permitted in the Guru Granth Sahib;
3. “Anand Karaj Form” means the prescribed form duly filled in by bride and groom or Granthi;
4. “Granthi” is a Sikh male or female who is the reader of the Guru Granth Sahib and may conduct a marriage ceremony.
5. “Chairman” means the Chairman of a Union Council, Union Administration or Municipal Committee or any officer authorized by the Government to discharge the functions of the Chairman under the Act;
6. “Degree of Prohibited relationship” means any prohibited relationship as per laws, religion and customs having the force of law within the Sikh community;
7. “Marriage Deed” means certificate or document of marriage issued by the marriage Registrar;
8. “Marriage Registrar” means the person who is duly authorized and appointed by the Government to have authority to register Sikh marriages;
9. “Marriage Register" means the register of marriages maintained by the marriage Registrar as prescribed by Government;
10. “Government” means the Provincial Government of Punjab;
11. “Prescribed” means prescribe by rules made under this Act;
12. “Sikh” means Sikhism as a monotheistic religion where the followers believe in the scripture of Guru Granth Sahib;
13. “Sikh Adult Male” means a male person aged 18 years or older and who is a member and follower of the Sikh religion and holds a valid Computerized National Identity Card;
14. “Sikh Adult Female” means a female person aged 18 years or older and who is a member and follower of the Sikh religion and holds a valid Computerized National Identity Card;
15. “Union Council” means a Union Council, Municipal Committee, Cantonment Board, a Union Administration or, in case of absence of any of these local governments in a local area, any other comparable body constituted under any law relating to the local governments or local authorities.

**3. Overriding effect.-** Notwithstanding anything contained in any other law or custom for the time being in force which is contrary to the Act. the provisions of this Act shall have overriding effect.

**4. A marriage according to the Sikh religion and the Anand Karaj.-** A Sikh marriage may be solemnized if:-

1. the marriage is between a Sikh Male Adult and a Sikh Female Adult;
2. at the time of die marriage, both persons are mentally fit and of sound mind and capable of giving free and valid consent;
3. the parties to the marriage are not related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal; and
4. the solemnization is in accordance with Sikh customary law.

**5. Exemption of certain marriages from this Act-** Nothing in this Act shall apply to any marriage:

1. between persons not professing the Sikh religion, nor
2. any marriage that has been judicially declared null and void.

**6. Restrictions on marriage.-** The following restriction shall apply to Anand Karaj marriages:

1. A marriage between Sikh persons otherwise than in accordance with this Act shall be void
2. A marriage between a Sikh persons either of whom has not attained the age of 18 years shall be void

**7. Registration of marriages.-**

1. Each and every marriage between Sikh persons, whether solemnized before or after this Act, shall be registered with a Union Council. Each Union Council shall grant licence(s) to one or more persons (to be called “Marriage Registrars”) for the purposes of entering and registering Anand Karaj marriages into the Marriage Registry.
2. Every marriage under this Act not solemnized by the Marriage Registrar shall be notified to the Union Council by the person that solemnized such marriage by submitting a duly completed Anand Karaj Form within thirty days of the date of the marriage.
3. The marriage registration process shall be commenced on the date the Anand Karaj Form is submitted to the Marriage Registrar.
4. Upon receipt of the Anand Karaj Form the Marriage Registrar shall issue a Marriage Deed
5. Whoever contravenes the provisions of sub-section (a) and (b) of section 7 shall be punishable with a fine, which may extend to one thousand rupees.
6. The Marriage Registrar shall prepare a minimum of three copies of the Marriage Deed or such other greater number of copies of the Marriage Deed as may be prescribed. The copies of the Marriage Deed shall be distributed as follows:
7. One copy of the Marriage Deed shall be given to each of the parties to marriage;
8. One copy of the Marriage Deed shall be kept in the office of Marriage Registrar as a public record.

**8. Miscellaneous.-**

1. The Anand Karaj form and copies of the Marriage Deed shall be supplied to the parties to the marriage, subject to the payment of the prescribed fee.
2. Any person may, on payment of any prescribed fee inspect at the office of the Union Council the marriage register to be maintained under the Act.

**9. Dissolution of Marriage.**

1. Any party wishing to dissolve the marriage shall do so by submitting a written notice to the Chairman and shall provide a copy of the written notice to his or her spouse.
2. Within thirty days of the receipt of written notice under sub-section (i), the Chairman shall arrange a meeting between the parties to the marriage.

iii. No dissolution of die marriage may be issued by the Chairman before the period of 90 days of the notice under subsection (ii) has expired.

**10. Maintenance.-** Either party to the marriage may make an application to a Court for an Order for maintenance payment(s) and/or a lump sum payment for themselves or for a dependent child of the marriage.

**11. Power to make rules.-** Government may make rules to carry out the purposes of this Act.

**12. Validity of Anand marriage.-** All marriages, which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively.

**13. Saving of marriages solemnized according to other ceremonies**.- Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs.

**14. Repeal & Savings.-**

1. The Anand Marriage Act, 1909 is hereby repealed in its applications to the extent of the province of Punjab.
2. Notwithstanding the aforesaid repeal, anything done, action taken, regulations, rules, bye-laws or orders made under the aforesaid Act, shall, so for as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, made or issued, under this Act shall have effect accordingly.
3. Any document referring to the repealed Act shall be construed as referring to the corresponding provisions of this Act.

**STATEMENT OF OBJECT AND REASON**

The object of this Bill is to codify the law in order to regulate marriage and the dissolution of marriage among the Sikh community and die matter ancillary and incidental thereto. This Act is applicable to all citizens of Punjab who are Sikh by religion in any of its forms.

The above Bill seeks to achieve the above mentioned objectives.

 **MR RAMESH SINGH ARORA**

 **MPA (NM-368)**

 **MEMBER INCHARGE**

**Lahore: RAI MUMTAZ HUSSAIN BABAR**

**24 October 2017 Secretary**