

C O N F I D E N T I A L

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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS AND MINORITIES AFFAIRS REGARDING THE PUNJAB ANAND KARAJ BILL 2017 (BILL NO. 31 OF 2017) MOVED BY MR RAMESH SINGH ARORA, MPA (NM-368)

The Punjab Anand Karaj Bill 2017 (Bill No. 31 of 2017) moved by Mr Ramesh Singh Arora, MPA (NM-368) was referred to the Standing Committee on Human Rights and Minorities Affairs on 24 October 2017. The Committee considered the Bill in its meetings held on 13 December 2017, 20 February and 7 March 2018.

2. The following were present:—

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|----|--|------------------------|
| 1. | Mr Ramesh Singh Arora, MPA (NM-368) | Chairman/ <i>Mover</i> |
| 2. | Mr Kanji Ram, MPA (NM-365) | Member |
| 3. | Mr Zulfiqar Ghor, MPA (NM-370)
(attended on 20 February and 7 March 2018) | Member |
| 4. | Mr Shahzad Munshi, MPA (NM-369) | Member |
| 5. | Ms Shunila Ruth, MPA (NM-371)
(attended on 13 December 2017 and 7 March 2018) | Member |

3. Mr Asim Iqbal, Secretary to Government of the Punjab, Human Rights and Minorities Affairs Department and Mr Mohsin Bukhari, Deputy Director, Law and Parliamentary Affairs Department, represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Mr Asim Iqbal, Secretary, Human Rights and Minorities Affairs Department apprised the Committee about the aims and objects of the Bill. He stated that it was expedient to remove any doubts as to the validity of the marriage ceremony among the Sikh community, commonly known as Anand Karaj. He further stated that the object of the Bill was to codify the law, in order to regulate marriage and the dissolution of marriage among the Sikh community and ancillary/incidental matters thereto. That Act would be applicable to all citizens of Punjab belonging to Sikh community in any of its forms. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Mover, Members, having view point of the Administrative as well as Law and Parliamentary Affairs Departments and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly with amendments to be incorporated in the introduced Bill.

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6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
7 March 2018

(RAMESH SINGH ARORA)
Chairman
Standing Committee on Human Rights and Minorities Affairs

Lahore
7 March 2018

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
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:

- (a) "Act" means the Punjab Anand Karaj Act, 2017;
- (b) "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;
- (c) "Anand Karaj Form" means the prescribed form duly filled in by bride and groom or Granthi;
- (d) "Granthi" is a Sikh male or female who is the reader of the Guru Granth Sahib and may conduct a marriage ceremony.
- (e) "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;
- (f) "Degree of Prohibited relationship" means any prohibited relationship as per laws, religion and customs having the force of law within the Sikh community;
- (g) "Marriage Deed" means certificate or document of marriage issued by the marriage Registrar;
- (h) "Marriage Registrar" means the person who is duly authorized and appointed by the Government to have authority to register Sikh marriages;
- (i) "Marriage Register" means the register of marriages maintained by the marriage Registrar as prescribed by Government;
- (j) "Government" means the Provincial Government of Punjab;
- (k) "Prescribed" means prescribe by rules made under this Act;
- (l) "Sikh" means Sikhism as a monotheistic religion where the followers believe in the scripture of Guru Granth Sahib;
- (m) "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;

- (n) "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;
- (o) "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:-

- a. the marriage is between a Sikh Male Adult and a Sikh Female Adult;
- b. at the time of the marriage, both persons are mentally fit and of sound mind and capable of giving free and valid consent;
- c. 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
- d. 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:

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

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

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

7. Registration of marriages.-

- a. 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.
- b. 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.
- c. The marriage registration process shall be commenced on the date the Anand Karaj Form is submitted to the Marriage Registrar.
- d. Upon receipt of the Anand Karaj Form the Marriage Registrar shall issue a Marriage Deed
- e. 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.

- f. 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:

- (i) One copy of the Marriage Deed shall be given to each of the parties to marriage;

- (ii) One copy of the Marriage Deed shall be kept in the office of Marriage Registrar as a public record.

8. **Miscellaneous.-**

- i. 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.
- ii. 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.**

- i. 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.
- ii. 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.-**

- i. The Anand Marriage Act, 1909 is hereby repealed in its applications to the extent of the province of Punjab.
- ii. Notwithstanding the aforesaid repeal, anything done, action taken, regulations, rules, bye-laws or orders made under the aforesaid Act,

shall, so far 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.

- iii. 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 the 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:
24 October 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE - B

(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON HUMAN RIGHTS AND MINORITIES AFFAIRS)

A BILL

to provide for solemnization and registration of Sikh marriages.

It is necessary to make provisions to regulate Sikh marriages commonly known as Anand Karaj;

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement. - (1) This Act may be cited as the Punjab Sikh Anand Karaj Marriage Act 2018.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions. - In the Act:

(a) "Act" means the Punjab Sikh Anand Karaj Marriage Act 2018;

(b) "Anand Karaj" means the lawful union of a Sikh male and a Sikh female solemnized under the Act and conducted in accordance with the practices of the Sikh religion, where the four laavaan, permitted in the Sri Guru Granth Sahib, are recited;

(c) "Anand Karaj Certificate" means the certificate of a marriage issued by the Anand Karaj Registrar;

(d) "Chairman" means the Chairman of a Union Council or Municipal Committee or any officer authorized by the Government to perform the functions of the Chairman under the Act;

(e) "Government" means Government of the Punjab;

(f) "Granthi" means a Sikh who recites the Guru Granth Sahib and solemnizes a marriage between Sikhs;

(g) "prescribed" means prescribed by rules;

(h) "Sikh" means a person who follows Sikh religion as a monotheistic Sikh religion and believes in the scriptures of Guru Granth Sahib and does not subscribe to any other religion; and

(i) "Sikh religion" means the belief in Akalpurakh (One Eternal Being), the ten Gurus from Guru Nanak to Guru Gobind Singh and the acceptance of Guru Granth Sahib as the Eternal-Living Guru.

3. Solemnization of Anand Karaj.— (1) A Sikh male and a Sikh female may contract a marriage in accordance with Sikh religion, if the parties to the marriage:

- (a) are of sound mind and not below the age of eighteen years;
- (b) enter into marriage contract with their free and full consent; and
- (c) are not related to each other in any degree of consanguinity or affinity which, according to the customary law of Sikhs, renders the marriage between them unlawful.

(2) Nothing in the Act shall be deemed to validate any marriage between the persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of Sikhs render a marriage between them illegal.

4. Saving of marriages.— Nothing in the Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs.

5. Registration of marriages.— (1) Every marriage between Sikhs shall be registered under the Act.

(2) For purposes of the registration of the marriages under the Act, the Government, in the prescribed manner, shall grant license to one or more persons professing Sikh religion to be called Anand Karaj Registrar authorizing them to grant Anand Karaj Certificate.

(3) The bridegroom and the bride or a Granthi shall fill the Anand Karaj Form and present it, within thirty days of the marriage, to the Anand Karaj Registrar for registration of the marriage and a copy thereof shall be sent to the Chairman.

(4) The parties to the marriage or the Granthi or any other person who solemnizes Anand Karaj shall accurately fill all the columns of the Anand Karaj Form.

(5) On receipt of the Anand Karaj Form, the Anand Karaj Registrar, having been satisfied that the marriage has been duly solemnized under the Act, shall register the marriage and issue the Anand Karaj Certificate.

(6) A marriage which is not solemnized by the Anand Karaj Registrar shall, for the purpose of registration under the Act, be reported, within thirty days of the solemnization of the marriage, to him by the Granthi or the person who solemnized the marriage.

(7) The Anand Karaj Form, the register to be maintained by the Anand Karaj Registrar, the records to be preserved by a Union Council, the manner in which the Anand Karaj shall be registered, supply of the copies of Anand Karaj Certificate and the fees to be charged therefor shall be such as may be prescribed.

(8) Whoever contravenes the provisions of this section shall be punished, in the prescribed manner, with fine which may extend to ten thousand rupees.

6. Dissolution of marriage.— (1) Any party that wishes to dissolve the marriage shall give to the Chairman, notice in writing of his or her intention to do so and shall supply a copy thereof to the other party.

(2) Within thirty days of the receipt of the notice under subsection (1), the Chairman shall constitute an Arbitration Council in the prescribed manner for the purpose of bringing about reconciliation between them and the Council shall take all steps necessary to that effect.

(3) If the reconciliation is not effected within ninety days from the date of the notice, the Chairman shall, after the lapse of the ninety days, declare the marriage to have been dissolved and issue the Certificate of the Dissolution of Marriage in the prescribed manner.

7. Power to make rules.— The Government may, by notification in the official Gazette, make rules to carry out the purposes of the Act.

8. Overriding effect.— Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall have effect.

9. Repeal and savings.— (1) The Anand Marriage Act, 1909 (VII of 1909), in its application to the Province of Punjab, is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done, action taken, rules or orders made under that Act, shall, so far they are not inconsistent with the provisions of the Act, be deemed to have been done, taken, made or issued under the Act and shall have effect accordingly.

(3) Any document referring to the repealed Act shall be construed as referring to the corresponding provisions of the Act.
