

# Sikh Marriage Ordinance promulgated

*Minorities - Pakistan*

By Zulqernain Tahir

LAHORE, Jan 30: The Sikh Marriage Ordinance 2008 has been promulgated in order to provide congenial environment to Sikhs living in Pakistan so that they can live in accordance with their ethics and religious values.

The president has promulgated the ordinance following its approval by the caretaker federal cabinet last week.

The consultation on the draft ordinance has reportedly been made with the Sikh community in Pakistan and other stakeholders mainly the ministries of interior, foreign affairs, and law, justice and human rights.

The Anand Marriages Act 1909, a half page legislation, which dealt with specific issue of validation of Sikh marriages, now stands repealed.

The ordinance lays down necessary conditions for a valid Sikh marriage, makes the registration of Sikh marriages compulsory for

which the federal government shall appoint a registrar at Islamabad for the purpose.

The marriage can be solemnised at the four provincial headquarters as well as Nankana Sahib, the birthplace of Guru Nanak (founder of Sikhism), and any other place recommended by the Pakistan Gurdwara Parbandhak Committee provided that non-registration of Sikh marriage shall not affect its validity. There is a provision for restitution of conjugal rights, provisions for void and voidable marriages, grounds for dissolution of marriage, which include contracting another marriage.

It lays down that divorce will be by mutual consent except in the cases of exceptional hardship and further no petition for divorce will be entertained within one year of marriage. It also contains provisions for legitimacy of children, void and voidable

marriages and punishment for contravention of certain conditions of Sikh marriage.

It also provides legislation regarding alimony and maintenance, custody and maintenance of children, jurisdiction to hear petitions to vest with the district court, power to transfer petitions in certain cases, expeditious disposal of petitions as far as possible within six months and proceedings to be held in-camera.

It contains provisions regarding punishment for printing or publishing any matter in contravention of the provisions of the ordinance, efforts for reconciliation in the first instance by the court between the parties, appeal against order of the district court to the High Court within 90 days, rule making power by the federal government, protection of valid

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marriages solemnised before the commencement of the ordinance and pending proceedings under any law to continue as before.

The Anand Marriage Act was promulgated after its approval by the Imperial Legislative Council headed by Lord Minto.

Before partition, the Sikh community was reluctant to solemnise their marriages in accordance with the Hindu Vedic laws and traditions. The marriages were mainly solemnised in accordance with the Hindu faith by Mahants and Pujaris. After the implementation of this act, the Sikh community faced multiple problems in contrast to their ethics and socio-religious values.

The Pakistan Sikh Gurdwara Parbandhak Committee former presidents Sardar Sham Singh and Bishan Singh have welcomed the promulgation of the ordinance, saying that it would enable the Sikhs living in Pakistan to lead their life in conformity with the socio-religious practices of their religion.

They praised the government for accepting their longstanding demand, informing that the total population of Sikhs in Pakistan was not more than 3,000 while in India it was over 25 million but the government of India never bothered to introduce such a law to redress their grievances. The Sikhs there were bound to solemnise their marriages under the Anand Marriages Act, which was unacceptable to them. They urged the Indian government to follow the suit.

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