

Pakistan: Religious freedom under attack

Appendices

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دائلی 30 اگست (ہائی سٹیو 9 بقیہ نمبر 36) اداروں کو حکم بنانے کے لیے فوری اقدامات کریں۔ ملازمت خان اور محکم (ہائی سٹیو 9 بقیہ نمبر 37)

درخواستیں مطلوب ہیں

بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن پشاور کوشلیج پشاور چار سڈہ چرائل مہمند اور شیرانی کے ذریعہ کے حامل امیدواروں سے درخواستیں ملنی چاہئیں کیلئے درخواستیں مطلوب ہیں۔
موزوں امیدواروں کا چناؤ موجودہ موجودہ سرورٹیکوٹی پالیسی کے تحت کیا جائیگا۔ تفصیل درج ذیل ہے۔

نمبر شمار	نام آسانی	سکیل	جنس	کوائف	عمری حد
1	مائی (برائے پشاور بورڈ)	BPS-03	مرد	(i) کسی سرکاری یا غیر سرکاری ادارے میں مائی کی حیثیت سے گزر چکے ہوں (ii) کوثر، جی، ایم ایچ	18 سے 35 سال
2	سولجر (برائے پشاور بورڈ)	BPS-03	مرد	(i) امیدوار غیر مسلم (کرکچن) ہوں اور مضبوط تندرست اور توان جسم کا مالک ہوں۔ (ii) مقامی افراد کو ترجیح دی جائیگی۔	18 سے 35 سال
3	ٹائپ کاسٹ (برائے کپ آفس چرائل)	BPS-03	مرد	(i) کوثر، جی، ایم ایچ (ii) ساہراں لے اور اورینٹی وی جائیگی۔	18 سے 35 سال
4	سولجر (برائے کپ آفس چرائل)	BPS-03	مرد	(i) امیدوار غیر مسلم (کرکچن) ہوں اور مضبوط تندرست اور توان جسم کا مالک ہوں۔ (ii) مقامی افراد کو ترجیح دی جائیگی۔	18 سے 35 سال

شرائط و ضوابط (1) منسلک دستخط شدہ درخواست جس میں فرم نام و پتہ، ملی فون نمبر اور دو حوالہ جات مورخہ 14 اگست 2018 سے لڑی گئی ہیں دیا جائیگا (03) ہر امیدوار کو انٹرویو کے دن اپنے اصلی اسناد و دستاویزات پیش کرنے ہوں گے (04) سرکاری ملازمت اپنے طریق وسعت سے اپنی درخواستیں ارسال کریں (05) باکمل اور درست موصول ہونے والے درخواستوں کو ترجیح نہیں لایا جائیگا (06) نمبر شمار 04 اور 03 کیلئے درخواستیں چرائل کپ آفس میں جمع کرانیں۔

بختیار احمد خٹک
سیکریٹری
بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن پشاور

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DAWN

HEADQUARTERS PAKISTAN RANGERS (SINDH)
MUSLIM JINNAH COURTS BUILDING,
DR. ZIA UD DIN AHMED ROAD, KARACHI-4

RECRUITMENT PROGRAMME – PAKISTAN RANGERS (SINDH)

1. Following vacancies for recruitment of candidates (male) in Pakistan Rangers (Sindh) are available on merit basis in the light of SI No 3.15 ESTA Code 2015, Pakistan Rangers Recruitment Rules 1968 and prescribed instructions on the subject:

Ser	Rank/Trade	No of Vacant Posts	Provincial / Regional Quota Against Vacant Posts
a.	Sub Inspector General Duty (Direct Entrant)	20	Open Merit 7.5%
b.	Havildar General Duty (Direct Entrant)	80	Punjab 50%
c.	Naik General Duty (Direct Entrant)	40	(incl. ICT Islamabad)
d.	Religious Teacher (Direct Entrant)	2	Sindh Rural 11.4%
e.	Sepoy Clerk (Direct Entrant)	8	Sindh Urban 7.6%
f.	Sepoy General Duty	822	KPK 11.5%
g.	Sepoy Cook	20	Balochistan 6%
h.	Sepoy Mess Waiter	6	G B/FATA (2% G B 2% FATA) 4%
i.	Sepoy Misalchi	2	AJ&K 2%
j.	Non-Combatant Enrolled (NCsE) including Tailor, Barber, Carpenter, Painter, Boot maker, Water Carrier and Sanitary Workers (Non-Muslim only) etc	65	Total: 100%
Total:		1065	

2. Place / Date of Recruitment. At Training Centre & School-Pakistan Rangers (Sindh), Super Highway, Toll Plaza, Karachi for Punjab (including ICT Islamabad), Sindh Urban, Sindh Rural, Khyber Pakhtunkhwa, Balochistan, Gilgit-Baltistan, FATA and AJ&K provinces / areas, as per following schedule:-

Ser	Group-I	Date
a.	Collection and validation of original documents	10 Sep 2018
b.	Preliminary medical examination	11 Sep 2018
c.	Registrations	12 Sep 2018

SITUATIONS VACANT

A Public Sector Health Institute working under the umbrella of Government of Sindh requires following staff for positions given below:-

S. No.	Name of Post with BPS	Qualification	Age	Domicile	Quota	No of Vacancies
1	Male Sanitary Worker Equivalent to BPS-01	i. Primary pass ii. Experience of cleaning mandatory	18-28	Sindh (Non-Muslim)	Hyderabad (Merit)	01
2	Female Sanitary Worker Equivalent to BPS-01	iii. Primary pass iv. Experience of cleaning mandatory.	18-28	Sindh (Non-Muslim)	Hyderabad (Merit)	01

IMPORTANT INSTRUCTIONS:

1. The eligible candidates are informed to forward an application for the job along with relevant documents (i.e. educational / experience certificates, Domicile, CNIC, two photographs within 15 days of publication of advertisement in the newspaper.
2. The Age relaxation will be admissible as per decision of Government of Sindh.
3. The employee already in Government service must submit NOC from the existing Department.
4. The application along with relevant documents must be forwarded to P.O. Box No. 16 (Sixteen), GPO Hyderabad Sindh.
5. The appointments will be initially for (06) months period / contract extendable subject to the performance.
6. The Institute reserves the right to increase or decrease the No. of Seats.
7. Only shortlisted candidates will be called for test / interview.
8. No TA/DA will be admissible for appearing in the test / interview.

Prof. Dr. Khalid Iqbal Talpur,
Director,
Sindh Institute of Ophthalmology
& Visual Sciences, Hyderabad.

INF-KRY: No. 4139/18

Say No to Corruption

ہم دہشتگردی کے خلاف متحد ہیں۔

GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL
ADMINISTRATION DEPARTMENT

Dated Lahore, the 6th October, 2003.

NOTIFICATION.

No. SOR-III-1-12/2003 In exercise of the powers conferred upon him under section 23 of the Punjab Civil Servants Act, 1974 (VIII of 1974), the Governor of the Punjab is pleased to direct that the following rules shall be made:-

1. Short title and commencement. - (1)-These rules may be called the Punjab Health Department Miscellaneous Posts Service Rules, 2003.

(2) They shall come into force at once.

3. Method of recruitment and eligibility.-The method of recruitment, minimum qualifications, age limit and other matters related thereto for the posts shall be as given in the schedule annexed.

4. Repeal.-The West Pakistan Health Department Subordinate Miscellaneous Posts Sub-Regional Offices Recruitment Rules, 1969 are hereby repealed.

BY ORDER OF THE GOVERNOR OF THE PUNJAB

ADDITIONAL CHIEF SECRETARY
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT.

Functional Unit	Name of Post	Appointing Authority	Minimum Qualifications for Appointment by		Method of Recruitment	Age for Initial Recruitment		Examination/ Training & other Conditions Required
			Initial Recruitment	Promotion		Min	Max	
2	3	4	5	6	7	8	9	10
-do-	(33) Stracher Man/Stracher Bearer/Wheel Chair Bearer/ Trolley/Bearer Cum Stracher Man (BS-1)	Additional Director Medical (Administration) of Health Directorate Punjab / Transport Manager in the office of the Transport Management Organization/ Principals of Public Health Nursing Schools concerned/ Principals of General Nursing Schools concerned/ Principals of Paramedical Schools concerned/ Director Blood Transfusion Services Punjab /District Officers (Health) of the Districts concerned/Additional Director General Nursing in the office of Nursing Directorate / Dean Institute of Public Health/ Principal College of Dentistry/ Principal College of Paramedics, Faisalabad/Additional Medical Superintendents (Administration) of the Teaching Hospitals /Children Hospital concerned/ Medical Superintendents of DHQ Hospitals concerned/ Heads of the Special Institutions concerned/Principals of Medical Colleges concerned / Surgeon Medicolegal Punjab /Chief Chemical Examiner Punjab Director Drug Testing Laboratories Punjab and Dean Postgraduate Medical Institute Lahore.	Primary School Certificate from a recognized School.		By initial recruitment	18	25	SR
-do-	(34) Cleaner/Ward Cooli/Ward Cleaner Cum Sweeper (BS-1).	-do-	Primary School Certificate from a recognized School.		By initial recruitment	18	25	
-do-	(35) Sanitary Worker/ Sweeper/Sweeperess/ Jamadar/ Khakrob (BS-1).	-do-	Primary School Certificate from a recognized School.		By initial recruitment	18	25	Only Non-Muslims/ Persons who belong to Minorities will accommodate
-do-	(36) Oil Man (BS-1).	-do-	Primary School Certificate from a recognized School.		By initial recruitment	18	25	
-do-	(37) Paper Inner (BS-1).	-do-	Primary School Certificate from a recognized School.		By initial recruitment	18	25	
-do-	(38) Inker (BS-1).	-do-	Primary School Certificate from any recognized School.		By initial recruitment	18	25	Dr

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NO.S.O(CAB-I)8-7/2015(SR)
GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT
 (Implementation & Coordination Wing)
 Dated Lahore, the 6th November, 2015

To: All the Administrative Secretaries to Government of the Punjab.

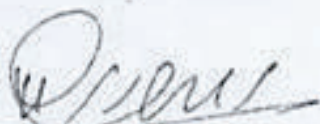
Subject: **AMENDMENT IN THE SERVICE RULES.**

P-26/C

I am directed to refer to the subject noted above and to state that Secretary Human Rights & Minorities Affairs Department has pointed out that in the schedule of the Punjab Health Department, Miscellaneous Posts Service Rules 2003, the required/eligibility conditions for the post of Sanitary Woker/Sweeper/Sweeperess/Jamadar/Khakrob (BS-01), it has been reflected that only non-Muslim/Persons who belong to Minorities will be accommodated.


2. It has been observed that it is not only deemed discriminatory but also in violation of article 27 of the Constitution of the Islamic Republic of Pakistan, 1973. In the light of constitutional requirement and international commitment to Convention on Elimination of Racial Discrimination (CERD), there is a need to amend/remove any such discrimination; if it exists in the Rules / Service Rules / Regulations of the departments.

3. I am, therefore, directed to convey that the competent authority has desired to make necessary amendments in the respective Rules / Service Rules / Regulations accordingly.


SECTION OFFICER (CABINET-I)

P.C:

1. Secretary Human Rights & Minorities Affairs Department
2. The Additional Secretary (General)/ Staff Officer to Chief Secretary, Punjab.
3. PSO to Additional Chief Secretary, Punjab.
4. P.S to Secretary (I&C) S&GAD.



S.O (A) HR&MA
 Dy. No. 890
 Date: 12-11-15

11/11/15

24/11/15

Q
4/11

RECEIVED
 Dy. No. 1239
 Date: 11-11-15

Secretary HR&MA Deptt. No. <u>14/14</u> dt. <u>11/11/15</u>	
ADOL. Secy/Dir	
D.S(A)	
D.S(M)	
S.O(A)	
S.O(C)	
S.O(HR)	
S.O(M)	
S.O(F)	

Amendment to the Service Rules - Government of Punjab Notification 2015

Christian Marriage law 1872 (Amendments 2016):

Further to amend the Christian Marriage Act 1872 to consolidate and amend the law relating to the solemnization of the marriage of Christians.

Preamble.— Whereas it is expedient to consolidate and amend the law relating to the solemnization of the marriage of persons professing the Christian religion: the mainline churches have participated in the following proposed amendments which are; Church of Pakistan, Roman Catholic Church, Presbyterian Church of Pakistan, The Salvation Army Church Pakistan, The Associate Reformed Presbyterian Church (ARP), Full Gospel Assembly, Universal Gospel Assembly, Assemblies of God, Baptist Church of Pakistan, Christian Evangelical Churches and other Church Denominations along with Civil Society Representatives and members of legal fraternity belonging to Christian faith. It is hereby enacted as follows:

PRELIMINARY

1. Short title, extend, commencement.— This Act may be called the Christian Marriage Act, 1872.

It extends to the whole of Pakistan **with regard to** Christian citizens of Pakistan to the Acceding States. [Repealed by the Repealing Act, XVI of 1874].

2. [Enactments repealed]. — Rep. By the Repealing Act, 1938 (I of 1938). S. 2 and Sch.

3. Interpretations.— In this Act, unless there is something repugnant in the subject or context:-

(a) **“Christian”** means a person who professes Christian faith (Apostles’ Creed).¹

(b) **“Church”** includes any chapel or building consecrated for Christian worship;

(c) **“Church Body”** means a body setup for Christians to regulate its members according to Christian faith.

(d) **“Minor”** means a person who has not attained the age of eighteen years.

(e) **“Prohibited Degree Relationship”** means a relationship prohibited under Christian faith.

(f) **“Registrar General of Births, Deaths and Marriages”** means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act,

¹ The Apostles’ Creed: I believe in God, the Father almighty, creator of heaven and earth. I believe in Jesus Christ, his only Son, our Lord. He was conceived by the power of the Holy Spirit and born of the Virgin Mary. He suffered under Pontius Pilate, was crucified, died, and was buried. He descended into hell. On the third day he rose again. He ascended into heaven and is seated at the right hand of the Father. He will come again to judge the living and the dead. I believe in the Holy Spirit, the Holy Catholic Church (Holy Church), the communion of saints, the forgiveness of sins, the resurrection of the body, and the life everlasting. Amen.

(http://www.vatican.va/archive/ccc_css/archive/catechism/credo.htm)

1886 (VI of 1886).

(g) “Ordained Christian Minister” means a person who has been ordained in accordance with the ceremonial, ritual or discipline of a church.

(h). ‘Banns’ means an announcement made three times at different times by the ordained Christian minister in the presence of the congregation for the parties who desire to get married. "Marriage banns are meant for carrying out the necessary inquiries which are to precede marriage. The Ordained Christian Minister can proceed to assist at a marriage such after the norm of banns have been diligently observed"

(i) “Free to marry certificate” means a letter/ certificate given by an Ordained Christian Minister to a party intending to marry declaring that nothing is standing in the way of its valid and lawful celebration.

(j) “Marriage” means a covenant arising from free consent by which a Christian man and a Christian woman establish between themselves a communion for their whole life.

PART-I

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED

4. Marriages to be solemnized according to Act.— Every marriage between male and female, both of whom Christians, shall be solemnized in accordance with the provisions of next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. Persons by whom marriages may be solemnized.— Marriage may be solemnized in Pakistan.

(1) By any person who has received Episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he/she is an Ordained Christian Minister in accordance with the rules laid down by the church.

(2) by any Ordained Christian Minister licensed under this Act to solemnize marriage;

(3) by, or in the presence of a Marriage Registrar appointed under this Act;

(4) by any person licensed under this Act to grant certificates of marriage
Between Christians.

6. Grant and revocation of licenses to solemnize marriage.— The Provincial Government so far as regards the territories under its administration, and the Central Government so far as regards any Acceding State may, by notification in the official Gazette, grant licenses to Ordained Christian Ministers to solemnize marriages within such territories and State, respectively, and may by a like notification, revoke such licenses.

7. Marriage Registrars.— The Provincial Government may appoint one or more Christians, either by name or as holding any office for any district subject to its administration.

Senior marriage Registrars. Where there are more marriage Registrars than one in any district, the Provincial Government shall appoint one of them to be the Senior Marriage Registrar.

Magistrate when to be Marriage Registrar. When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or, ill, or when his office is temporarily vacant, the Magistrate of the district shall act, as, and be, Marriage Registrar thereof during such absence, illness or temporary vacancy.

8. Marriage Registrars in Acceding States.— The Central Government may, by notification in the official Gazette appoint any Christian, either by name or as holding any office for the time being, to be a Marriage Registrar in respect of any district or place within any Acceding State.

9. Licensing of persons to grant certificates of marriage between Christians.— The Provincial Government or (so far as regards and Acceding State) the Central Government may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificate of marriage between Christians.

Any such license may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official Gazette.

PART II TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

10. Time for solemnizing marriage.— (omitted) Provided that nothing in this section shall apply to – (1) Omitted (2) omitted (3) omitted

11. Place of solemnizing marriage.— No Ordained Christian Minister shall solemnize a marriage in any place other than a church, where worship is generally held according to the forms of the church rules: unless he/she has received a special license authorizing him/her to do so under the hand and seal of the Bishop or head of the Church of the Diocese or his/her Commissary. Fee for special license. For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop or head of the Church from time to time authorizes.

PART III
MARRIAGES SOLEMNIZED BY ORDAINED CHRISTIAN MINISTERS LICENSED UNDER
THIS ACT

12. Notice of intended marriage.— Whenever a marriage is intended to be solemnized by an Ordained Christian Minister licensed to solemnize marriage under this Act, one of the persons intending marriage shall give notice in writing according to the form contained in the First Schedule hereto annexed, or the like effect, to the Ordained Christian Minister whom he or she desires to solemnize the marriage, and shall state therein:-

(a) the name and surname, and the profession or condition, of each of the persons intending marriage.

(b) The dwelling-place of each of them.

(c) The time during which each has dwelt there, and

(d) The Church or private dwelling in which the marriage is to be solemnized: Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. Publication of such notice.— If the persons intending marriage desire it to be solemnized in a particular Church and if the Ordained Christian Minister to whom such notice has been delivered be entitled to officiate therein, he/**she** shall cause the notice to be affixed in some conspicuous part of such Church.

Return or transfer of notice. But if he/**she** is not entitled to officiate as an Ordained Christian Minister in such church, he/**she** shall, at his/**her** option, either return the notice to the person who delivered it to him/**her**, or deliver it to some other Ordained Christian Minister entitled to officiate therein who shall thereupon cause the notice to be affixed as aforesaid.

14. Notice of intended marriage in private dwelling.— (omitted)

15. Sending copy of notice to Marriage Registrar when one party is a minor.— (omitted)

16. Procedure on receipt of notice.— The Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his/**her** own office and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrar in the same district, who shall likewise publish the same in the manner above directed.

17. Issue of Banns certificate and Free to Marry Letter or by license (in case of emergency) given and declaration made.— Any Ordained Christian Minister consenting or intending to solemnize any such marriage as aforesaid, shall on being required so to do

by or on behalf of the person by whom the bans was given, and upon one of the persons intending marriage making the declaration hereinafter required issue under his hand a certificate of such bans having been given and of declaration having been made.

Provided—

(1) that no such certificate shall be issued until the expiration of four days after the date of the bans by such Ordained Christian Minister;

(2) that no lawful impediment be shown to his/her satisfaction why such certificate should not issue; and

(3) that the issue of certificate has not been forbidden, in manner hereinafter mentioned, by any person authorized.

18. Declaration before issue of certificate.— The certificate mentioned in section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Ordained Christian Minister and made a solemn declaration-

(a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage,

(b) That the consent or consents of the bride and the groom have not been required by force or pressure or coercion.

19. Consent of father or guardian or mother.— (omitted)

20. Power to prohibit by notice issue of certificate.—(Omitted)

21. Procedure on receipt of notice/Banns.— If any such notice or banns be received by such Ordained Christian Minister he/she shall not issue his/her certificate and shall not solemnize the said marriage until he/she has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has not lawful authority for such prohibition, or until the said notice or banns is withdrawn by the person who gave it.

22. Issue of certificate in case of minority.— (omitted)

23. Issue of certificate to Christians.— When any Christian citizen of Pakistan about to be married obtains certificate of banns and free to marry letter from an Ordained Christian Minister who has announced the bans and said certificate which produced before the ordained Christian minister solemnizing marriage shall verify about the issuance of the certificate of banns and free to marry letter before the solemnization of the marriage.

24. Form of free to marry letter/ certificate.— The certificate to be issued by such Ordained Christian Minister shall be in the form contained in the Second Schedule hereto annexed, or to the like effect.

25. Solemnization of marriage.— After the issue of the certificate by Ordained Christian Minister, marriage may be solemnized between a male and a female therein described according to such form or ceremony as the Ordained Christian Minister thinks fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses besides the Ordained Christian Minister.

26. Free to Marry letter/ Certificates void if marriage not solemnized within six months.— Whenever a marriage is not solemnized with six months after the date of the certificate issued by such Ordained Christian Minister as aforesaid such certificate and all proceedings (if any), thereon shall be void. And no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in the manner aforesaid.

PART IV

REGISTRATION OF MARRIAGES SOLEMNIZED BY ORDAINED CHRISTIAN MINISTERS

27. Marriages when to be registered.— All marriages hereafter solemnized in Pakistan between male and female both of whom profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, be registered in the manner hereinafter prescribed.

28. Registration of marriages solemnized by Clergy person of Churches.— Every Clergy person from denominations of recognized Churches in Pakistan shall keep a register of marriages and shall register therein, according to the tabular form set forth in the Third Schedule hereto, annexed, every marriage which he/she solemnizes under this Act

29. Quarterly returns to Archdeaconry.— Every Clergy person of the Church shall maintain proper record of the marriages performed by him or her and shall bring to the notice after every year by providing a duplicate copy of his/her record to the Bishop or heads of the churches of his/her diocese.

The copy of the said record shall be provided to the registrar general of birth, death and marriages, in accordance with the prevailing.

30. Registration and returns of marriages solemnized by clergymen of Church of Rome.— (omitted)

31. Registration and returns of marriages solemnized by Clergymen of Church of Scotland.—(omitted)

32. Certain marriages to be registered in duplicate.— (omitted)

33. Entries of such marriages to be signed and attested.— The entry of such marriage in both the certificate and marriage-register-book shall be signed by the person solemnizing the marriage, and also by the persons married and shall be attested by two credible witnesses, other than the person solemnizing the marriage, present at its solemnization. Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register-book.

34. Certificate pertaining to the solemnization of the marriage to be forwarded to Union Councils/City Councils/Cantonment Boards/Town Committees/metropolitan corporations, etc: The person solemnizing the marriage shall provide a copy of the marriage certificate from the marriage-register-book, within one month from the time of the solemnization of the marriage to the Secretary Union Council or any other authorized office, whom if feel necessary may provide the copy of the same to Marriage Registrar and Registrar General of Births, Deaths and Marriages.

35. Copies of certificates to be entered and numbered.— Such copies shall be entered in order from the beginning to the end of the said book and shall bear both the number of the certificate as copied and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

36. Registrar to add number of entry to certificate and send to Registrar General.— The Marriage Registrar shall also add such last mentioned number of the entry of the in the book to the certificate, with his signature or initials, and shall, at the end of every month send the same to the Registrar General of birth Deaths and Marriages.

37. Registration of marriages between Native Christians by persons referred to clauses (1), (2) and (3)of section 5.— (omitted)

PART V

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR

38. Notice of intended marriage before Marriage Registrar.— When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one, of the parties to such marriage shall give notice in writing, in the form contained in the First Schedule hereto annexed, or to the like effect, to any Marriage Registrar of the District within which the parties have dwelt; or if the parties dwell in different district, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling-place of each

of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized.

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. Publication of notice.— Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his/her office and send one copy to the local church.

40. Notice to be filed and copy entered in Marriage Notice Book - The Marriage Registrar shall file all such notices and keep them with the records of his/her office. And shall also forthwith enter a true copy of all such notices in a book to be furnished to him/her for that purpose by the Provincial Government and to be called the “Marriage Notice Book”, And the marriage Notice Book shall be open at all reasonable times, without fee, to a persons desirous of inspecting the same.

41. Certificate of notice given and oath made.— If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Register shall issue under his/her hand a certificate of such notice having been given and of such oath having been made:

Proviso provided – That no lawful impediment be shown to his/her satisfaction why such certificate should not issue; That the issue of such certificate has not been forbidden in manner hereinafter mentioned, by any person authorized in that behalf by this Act;

42. Oath before issue of certificate.— The certificate mentioned in section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said Marriage and

(b) that both the parties have, or (where they have dwelt in the district of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such marriage Registrar.

And,

(c) that the consent or consents of the bride and the groom for the solemnization of marriage has been acquired by law without any force or pressure or coercion

43. [Petition to High Court to order certificate in less than fourteen days].— omitted by A.O., 1949, Schedule

44. Consent of father or guardian. Protest against issue of certificate.— (omitted)

45. Petition where person whose consent is necessary is insane, or unjustly withholds consent.— If any person whose consent is necessary to any marriage under this part is of unsound mind, or if any such person (other than the father) without just cause withholds his/her consent to the marriage, the parties, intending marriage may apply by petition, to the District Judge.

Procedure on petition. And the said District Judge may examine the allegations of the petition in a summary way: And, if upon examination such marriage appears proper, such District judge shall declare the marriage to be a proper marriage. Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage; And, if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceeding may be had under this Part in relation to the Marriage as if the issue of such certificate had not been forbidden.

46. Petition where Marriage Registrar refuses certificate.— Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition to the District Judge.

Procedure on petition. The said District Judge may examine the allegations of the petition in a summary way, and shall decide thereon. The decision of such District Judge shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

47. Petition when Marriage Registrar in Acceding State refuses certificate.— (omitted in 1981 and remain omitted)

48. Petition when Registrar doubts authority of person forbidding.— (omitted)

49. Liability of frivolous protest against issue of certificate.— Every person entering a protest with the Marriage Registrar, under this Part against the issue of any certificate, under section 45 & section 46 and or the District Judge, under section 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

50. Form of certificate.— The certificate to be issued by the Marriage Registrar under the provisions of provisions of section 41 shall be in the form contained in the Second

Schedule to this Act annexed or to the like effect, and the Provincial Government shall furnish to every Marriage Registrar a sufficient number of certificates.

51. Solemnization of marriage after issue of certificate.— After the issue of the certificate of the Marriage Registrar, or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates, of the Marriage Registrars for such districts, Marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

And in some part of the ceremony each of the parties declare as follows, or to the like effect: “I do not solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D.”

And each of the parties shall say to the other as follows or to the like effect:—“I call upon these persons here present to witness that I, A.B. do take the, C.D., to be my lawful wedded wife [or husband].

52. When Marriage not had within two months after notice, new notice required.— Whenever a marriage is not solemnize the marriage nor shall any Marriage Registrar enter the same, until, new notice has been given, and entry made, and certificate thereof given, at the time and the manner aforesaid.

53. Marriage Registrar may ask for particulars to be registered.— A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

54. Registration of marriage solemnized under Part V.— After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate that is to say, in a marriage-register-book, according to the form of the Schedule hereto annexed, and also in a certificate attached to the marriage-book as a counterfoil.

The entry of such marriage in both the certificate and the marriage-register-book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it

is solemnized by him/her, and also by the parties married, and attested by two credible witness other than the Marriage Registrar and person solemnizing the marriage. Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book.

55. Certificates to be sent monthly to Registrar General.— The marriage shall forthwith separate the certificate from the marriage-register-book and send it, at the end of every month, to the Registrar General of Births, Deaths and Marriages.

Custody of register-book. The Marriage Registrar shall keep safely the said register-book until it is filled, and shall then send it to the Registrar General of Births, Deaths and Marriages, to be kept by him/her with the records of his office. One copy shall also be sent to the Secretary Union Council or any other authorized office.

56. Officers to whom Registrars in Acceding States shall send certificate.—(omitted in 1981)

57. Registrar to ascertain that notice and certificate are understood by native Christians.— When any Christian citizen of Pakistan about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Christian citizen understands the language spoken to him/her, and, if he/she does not, the Marriage Registrar shall translate, or cause to be translated, such notice or certificate, or both of them as the case may be, into a language which he/she understands.

58. Person to be made to understand declarations.— When any person professing Christian faith is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such person understands the language spoken to him/her, and if he/she does not, the person solemnizing the marriage shall, at the time of the solemnization translate, or cause to be translated, to such person, into a language which he/she understands, the declarations made at such marriage in accordance with the provision of this Act.

59. Registrar of marriage between Christian.— (Omitted)

**PART VI
MARRIAGE OF CHRISTIANS**

60. On what conditions marriages of Christian may be certificated.— Every marriage between-Christians applying for a certificate shall without the preliminary notice required under Part III be certified under this Part, if the following conditions to be fulfilled, and not otherwise:-

- (1) the age of the male and female intending to be married shall exceed eighteen years,
- (2) Neither of the persons intending to be married shall have a wife or husband still living;
- (3) In the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other. "I call upon these persons here present to witness that I, A.B. in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, C.D., to be my lawful wedded wife [or husband]" or words to the like effect:

Provided that no marriage shall be certified under this Part when either of parties intending to be married has not completed his or her eighteenth years,

61. Grant of certificate.— When, in respect to any marriage solemnized under this Part, the conditions, prescribed in section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and on the payment of a prescribed fee, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

62. Keeping of register-book and deposit of extract therefrom with Registrar.— (1) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Provincial Government by which he/she was licensed may from time to time prescribe, a register-book of all Marriage solemnized under this Part in his/her presence, and shall deposit in the territories under the administration of the said Provincial Government in such form and at such intervals as the Government may prescribe, true and duly authenticated extracts from his/her register-book of all entries made therein since the last of those intervals.

(2) Where the person keeping the register-book was licensed as regards and acceding State by the Central Government, references in sub-section (1) to the Provincial Government therein mentioned shall be read as references to the Provincial Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of

births and deaths are for the time being required to be sent under section 24, subsection (2) of the Births, Deaths and Marriages Registration Act, 1886.

63. Searches in register-book and copies of entries.— Every person licensed under this Act to grant certificates of marriages and keeping a marriage-register-book under section 62, shall, at all reasonable times allow search to be made in such book, and shall payment of the proper fee, give a copy, certified under his/her hand, of entry therein.

64. Books in which marriages of Christians under Part I or Part III are registered.— The provisions of sections 62 and 63, as to the form of the register- book, depositing extracts there from, allowing searches thereof, and giving copies of the entries therein, shall, mutandis,

65. Part VI not to apply to Roman Catholics, saving of certain marriages.— This Part of this act, except so much of sections 62 and 63 as are referred to in section 64 shall not apply to marriages between Roman Catholics. But nothing herein contained shall invalidate any marriage celebrated between Roman Catholics under the provisions of Part V of Act No. XXV of 1864, previous to the twenty-third day of February, 1865

PART VII PENALTIES

66. False oath, declaration, notice or certificate for procuring marriage.— Whoever, for the purpose of procuring a marriage or license of marriage, intentionally
(a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being any denomination, makes a false oath or declaration, or,
(b) Where a notice or certificate is required by this Act, signs a false notice or certificate.
Shall be deemed to have committed the offence punishable under section 193 of the Pakistan Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.

67. Forbidding, by false personation, issue of certificate by Marriage Registrar.— Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself/**herself** to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Pakistan Penal Code.

68. Solemnizing marriage without due authority.— Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize the

absence of a Marriage Registrar of the district in which the ceremony takes place. Marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years, and shall also be liable to fine.

69. Solemnizing marriage without witnesses.— Whoever knowingly and willfully solemnizes a marriage between **male and female** in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

70. Solemnizing marriage of a minor. — Any Ordained Christian Minister licensed to solemnize marriages under this Act, who solemnize the marriage of a minor, shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

71. Issuing certificate, or marrying without publication of notice; marrying after expiry of notice: solemnizing marriage with minor within fourteen days without authority of Court or without sending copy of notice; issuing certificate against authorized prohibition. — A Marriage Registrar under this Act, who commits any of the following offences:

- (1) knowingly and willfully issues any certificate for marriage, or solemnize any marriage, without publishing the notice of such marriage as directed by this Act;
- (2) after the expiration of six months after the copy of the notice has been entered as required by section 40 in respect of any marriage, solemnizes such marriage.
- (3) Solemnizes, without any order of a competent Court authorizing him/her to do so, any marriage, when one of the parties is a minor,
- (4) Issue any certificate the issue of which had been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof, Shall be punished with imprisonment for a term, which may extend to five years, and shall also be liable to fine.

72. Issuing certificate after expiry of notice, or, against authorized prohibition.— Any Marriage Registrar knowingly and willfully issuing any certificate for marriage after the expiration of **six** months after the notice has been entered by him/her as aforesaid, or knowingly and willfully issuing, without the order of a competent Court. It shall be deemed to have committed an offence under section 166 of the Pakistan Penal Code.

73. Persons authorized to solemnize marriage.— (other than Ordained Christian Ministers of the churches; Issuing certificate or marrying, without publishing notice, or other expiry of certificate; issuing certificate for, or solemnizing marriage with minor; issuing certificate authorized forbidden; solemnizing marriage authorized forbidden. Whoever,

being authorized under this Act to solemnize a marriage, and not being an Ordained Christian Minister of any of the Church, solemnizing a marriage after due publication of bans, or under a license from the Archbishop or Bishop or head of the churches of the Diocese or a Surrogate duly authorized in that behalf. Or not being solemnizing a marriage according to the rules, rites, ceremonies and customs of their respective Church, Knowingly and willfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part III of this Act, or after the expiration of six months after the certificate has been issued by him/her. Or knowingly and willfully issues any certificate of marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, Or knowingly and willfully issues any certificate the issue of which has been forbidden under this Act, by any person authorized forbid the issue; Or knowingly and willfully solemnizes any marriage forbidden by any person authorized to forbid the same; Shall be punished with imprisonment for a term which may extend to four years and shall also be liable to fine.

74. Unlicensed person granting certificate pretending to be licensed.— Whoever, not being licensed to grant a certificate of marriage under Part VI of this Act, grants such certificate intending thereby to make it appear that he/she is licensed, shall be punished with imprisonment for a term which may extend to five years, and shall be liable to fine. Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or willfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to ten thousand Pak Rupees.

75. Destroying or falsifying register books.— Whoever, by himself or another willfully destroys or injures any register-book or the counterfoil certificate thereof, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register-book or counterfoil certificates, or willfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

76. Limitation of prosecutions under this Act.— The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

PART VIII MISCELLANEOUS

77. What matters need not be proved in respect of marriage in accordance with Act.— Whenever any marriage has been solemnized in accordance with the provision of sections

4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:-

- (1) any statement made in regard to the dwelling of the persons married,
- (2) the notice of the marriage.
- (3) The certificate or translation thereof:
- (4) The registration of the marriage.

78. Correction of errors.— Every person charged with the duty of registering any marriage who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, correct the error, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof. And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And in case such certificate has been already sent to the Registrar General of Births, Deaths and Marriages and Secretary Union Council or any other authorized office, such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

79. Searches and copies of entries.— Every person solemnizing a marriage under this Act, and hereby required to register the same, and Every Marriage Registrar or Registrar General of Births Deaths and Marriages having the custody for the time being of any register of marriages or of any certificate, or duplicate or copies of certificate, under this Act, shall on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate, or copies, and give a copy under his hand of an entry in the same.

80. Certified copy of entry in marriage-register, etc., to be evidence.— Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage-register or certificate, or duplicate, required to be kept or delivered under this Act, of an entry of a marriage in such register, or of any such certificate or duplicate shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate or duplicate, or of any entry therein, respectively or of such copy.

81. Certificates of certain marriages for Central Government.— The Register General of Births, Deaths, and Marriages and the Secretary Union Council or any other authorized office shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to them, respectively, during such quarter, the certificates of the marriages

of which the Government by whom he/she was appointed may desire that evidence shall be transmitted to the authorized department of the Central Government.

82. Provincial Government to prescribe fees.— Fees shall be chargeable under this Act for receiving and publishing notices of marriages; issuing certificates for marriage by Marriage Registrars, and registering marriages by the same; entering protests against, or prohibitions of, the issue of certificates for marriage by the said Registrars; searching register-books or certificates, or duplicates of copies thereof, giving copies of entries in the same under sections 63 and 79.

The Provincial Government or the local government shall fix the amount of such fees respectively; And may from time to time vary or remit them either generally or in special cases as it may seem fit.

83. Power to make rules.— The Provincial Government may make rules in regard to the disposal of the fees mentioned in sections 82, the supply of register-books, and the preparation and submission of returns of marriages solemnized under this Act.

84. Power to prescribe fees and rules for Acceding States.— (omitted)

85. Power to declare who shall be District Judge.— The Provincial Government may, by notification in the official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. Powers and functions exercisable as regards Acceding States.— (1) The powers and functions exercisable by the Central Government under section 6, 8 and 9, shall so far as regards any Acceding State which is within the political charge of a Provincial government be exercisable by that Provincial Government. The exercise under this section by any Provincial government of powers and functions under sections 6,8 and 9 shall be by notification in the local official Gazette.

(2) The powers and functions exercisable under this Act by the Central Government may be delegated to and exercised by such officers as it may from time to time appoint in this behalf.

87. Saving of consular marriage.— Nothing in this Act applies to any marriage performed by any Ordained Christian Minister, Consul or Consular Agent between subjects of the State which he/she represent and according to the laws of such State.

88. Non-validation of marriages within prohibited degrees.— Nothing in this Act shall be deemed to validate any marriage, which the personal law applicable to either of the parties forbids him or her to enter into.

**The Divorce Act
Act No. IV of 1869 (Amendments 2016)**

An act to amend the law relating to Divorce and Matrimonial Causes Preamble; the mainline churches have participated in the following proposed amendments which are; Church of Pakistan, Roman Catholic Church, Presbyterian Church of Pakistan, The Salvation Army Church Pakistan, The Associate Reformed Presbyterian Church (ARP), Full Gospel Assembly, Universal Gospel Assembly, Assemblies of God, Baptist Church of Pakistan, Christian Evangelical Churches and other Church Denominations along with Civil Society Representatives and members of legal fraternity belonging to Christian faith. WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon Courts jurisdiction in matters matrimony; It is hereby enacted as follows:

I. PRELIMINARY

1. Short title, Commencement of Act. This Act may be called the Divorce Act, 1869 (Amended 2016)

2 Extent of Act: [This Act extends to the whole of Pakistan.] Extent of the power to grant relief generally, and to make decrees of judicial separation, dissolution, or of nullity. (Nothing hereinafter contained shall authorize any Court to grant relief under this Act except where the petitioner (or Respondent) professes the Christian religion, or to make decrees of dissolution of marriage, judicial separation except where the parties to the marriage are domiciled in [Pakistan] at the time when the petition is presented.

3:

Interpretation-clause. In this Act, unless there be something repugnant in the subject or context, ___

(1) "Christian" means a person who professes Christian faith (Apostles' Creed).¹

(2) "Court of Civil Judge" "Court of Civil Judge" means, in the case of any petition under this

Act, the Court of the Civil Judge within the local limits of whose ordinary jurisdiction the husband and wife resided or last reside together;

¹ The Apostles' Creed: I believe in God, the Father almighty, creator of heaven and earth. I believe in Jesus Christ, his only Son, our Lord. He was conceived by the power of the Holy Spirit and born of the Virgin Mary. He suffered under Pontius Pilate, was crucified, died, and was buried. He descended into hell. On the third day he rose again. He ascended into heaven and is seated at the right hand of the Father. He will come again to judge the living and the dead. I believe in the Holy Spirit, the Holy Catholic Church (Holy Church), the communion of saints, the forgiveness of sins, the resurrection of the body, and the life everlasting. Amen.

(http://www.vatican.va/archive/ccc_css/archive/catechism/credo.htm)

(3) "Court" "Court" means the Court of Civil Judge,

(4) "Minor child" "Minor children" means, who have not attained the age of eighteen (18) years,

(5) "Incestuous adultery." "incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

(6) "Bigamy with adultery." "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

(7) "Marriage with another woman or man" means marriage of any person, being married, to any other person, during the life of the **existing** wife/husband, whether the second marriage shall have taken place.

(8) "Desertion." "Desertion" implies an abandonment against the wish of the person.

(9) "Property." "Property" includes, in the case of a wife/husband, any property to which he/she is entitled for an estate in remainder or reversion, or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife/husband becomes entitled as executrix or administratrix.

II.-JURISDICTION

4. Matrimonial jurisdiction of High Courts to be exercised subject to Act. Exception. (Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 3.)

5. Enforcement of decrees or orders made heretofore by Supreme or High Court. (Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 4.)

6. Pending suits. (Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 4.)

7. Court to act on principles of Divorce Court. (Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and IIInd Sch)

8. Extraordinary jurisdiction of High Court.-(Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 6.)

9. Reference to High Court. (Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 7.)

III.-DISSOLUTION OF MARRIAGE

10. When husband or wife may petition for dissolution. – The husband or wife may present a petition for the dissolution of marriage to a Competent Court on any of the following grounds:

(1) The marriage cannot be dissolved on the basis of conversion of religion unless and until the party approaches the court on the said ground and decree is passed in favor of that

party. In the absence of the decree of the court, the marriage shall not be considered automatically as dissolved.

(2). That the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent,²

(3). That the respondent has contracted another marriage and is living an Adulterous life,

(4). That the husband has committed rape, sodomy or bestiality or brutality³.

(5). That the respondent has deserted the petitioner or not known of his/her whereabouts for over two years without sufficient cause,

(6). That the marriage has not been consummated within one year since the solemnization of the marriage,

Contents of petition. Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded

11: Adulterer to be co-respondent. (omitted)

12: Court to be satisfied of absence of collusion. Upon any such petition for the dissolution of marriage, the court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

13: Dismissal of petition. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or not satisfied that the alleged adultery has been committed, or find that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or adultery of the other party to the marriage, or the grounds mentioned in section 10, or has condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with either of the respondents then and in any of the said cases the Court shall dismiss the petition.

14: Power to Court to pronounce decree for dissolving marriage. In case the Court is satisfied on the evidence that the case of the petitioner has been proved and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of that said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of, or that the petition is presented or prosecuted in collusion with the respondent. The Court shall pronounce a decree declaring such marriage to be dissolved.

² Luke 16:18, Mark 10:10-12 and Matthew 5: 27-28, 31-32 & 19:9

³ Malachi Chapter 2:13-16,

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery, or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition, or the cruelty towards the other party to the marriage, or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse. Or of such wilful neglect or misconduct of or towards the other party as has conducted to the adultery.

Condonation. No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal co-habitation has been resumed or continued

15:

Relief in case of opposition on certain grounds. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty or desertion without reasonable excuse, or, in case of such suit instituted by a wife, on the ground of her adultery and cruelty, the court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she has presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

16. Dismissal of petition. (Omitted by Divorce (Amdt.) Act, 1975 (VI of 1976), s11)

17. Power to Court to pronounce decree for dissolving marriage. (Omitted by Divorce (Amdt.) Act, 1975 (VI of 1976), s11)

IV.-NULLITY OF MARRIAGE

18: Petition for decree of nullity. Any husband or wife may present a petition to the (Court of the Civil Judge), praying that his or her marriage may be declared null and void.

19: Grounds of decrees. Such decree may be made on any of the following grounds:

- (1) That the respondent was impotent at the time of the marriage and at the time of the institution of the suit ;
- (2) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity ;
- (3) That either party was a lunatic or idiot at the time of the marriage ;
- (4) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the [Court] to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

20. Confirmation of District Judge's decree. (Omitted by the Divorce (Amdt.) Act, 1975. (IV of 1976), s. 14

21: Children of annulled marriage. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.- JUDICIAL SEPARATION

22: Bar to decree for divorce a mensa et toro but judicial separation obtainable by husband or wife. No decree shall hereafter be made for a divorce a mensa et toro, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce a Mensa et toro under the existing law, and such other legal effect as hereinafter mentioned. The petitions filed under section 10, 18 and 20 before the competent court of law shall be disposed off within the period of one year.

23: Application for separation made by petition. Application for judicial separation on any of the ground aforesaid may be made by either husband or wife by petition to the (Court of Civil Judge) and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

24: Separated wife deemed spinster with respect to after-acquired property. In every case of judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolved upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead: Provided that, if such wife again cohabits with her husband, all such property as she may be entitled to when such co-habitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

25: Separated wife deemed spinster for purposes of contract and suing. In every case of a judicial separation under this Act, the wife shall whilst so separated, be considered as

unmarried woman for the purposes of contract, and wrings and injuries, and suing and being sued in any civil proceeding; and her husband shall not liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation:

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use:

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

REVERSAL OF DECREE OF SEPARATION

26: Decree of separation obtained during absence of husband or wife may be reversed.

Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly ; but such reversal shall not prejudice or affect the rights or remedies which any other person have had, in case it has not been decreed, in respect of any debts, contracts or acts of the wife incurred, entered into or done between the times of the sentence of separation and of the reversal thereof.

VI. PROTECTION – ORDER

27: Deserted wife or husband may apply to Court for protection. Any wife or husband to whom Succession Act 1925 doesn't apply then either of the party may present a petition to the court of civil judge at any time after such desertion, for an order to protect any property which she/he may have acquired or may acquire, and any property of which she/he may have become possessed or may become possessed after such desertion, against wife/husband or their creditors, or any person claiming under them.

28: Court may grant protection-order. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

29: Discharged or variation of orders. The husband or any creditor of, or person claiming under him, may apply to the Court by which such order was made for discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

30: Liability of husband seizing wife's property after notice of order. If the husband, or any creditor of, or person claiming under, the husband, seizes or continues to hold any property of the wife after notice of such order, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

31: Wife's legal position during continuance of order. So long as any such order of protection remains in force the wife shall be and be deemed to have been, during such desertion of her, tin the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.- RESTITUTION OF CONJUGAL RIGHTS

32: Petition of restitution of conjugal rights. When either the husband or the wife has without reasonable excuse withdrawn from the society of the other, either wife or husband may apply, by petition to the (Court of Civil Judge), the restitution of conjugal rights, and the court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

33: Answer to petition. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII. DAMAGE AND COSTS

34: Husband may claim damages from adulterer. -(Omitted)

35: Power to order adulterer to pay costs.. (Omitted)

IX. ALIMONY

36: Alimony pen dente lite. In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just: Provided that alimony pending the suit shall in no case exceed one fifth of the husband's average net income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

37: Power to order permanent alimony. (The Court may, if it think fit, on any decree declaring a marriage to be dissolved or on any decree of judicial separation obtained by the wife, order) that the husband shall, to the satisfaction the Court, secure to the wife such gross sum of money, or such annual sum of money for any exceeding her own life, as having regard to her fortune (if any), to the ability of the husband , and to the conduct of the parties, it thinks reasonable, and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments. In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable: Provided that if the husband afterwards from cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or nay part of the money so ordered to be paid, and again to revive the same order wholly or in part, as the Court seems fit.

38: Court may direct payment of alimony to wife or to her trustee. In cases in which the Court makes any decree or order for alimony it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X. SETTLEMENTS

39: Power to order settlement of wife's property for benefit of husband and children. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as It thinks reasonable to be made such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after t he pronouncing of a decree of dissolution of marriage or judicial separation shall be deemed

valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

Settlement of damages. The Court may direct that the whole or any part of the damages recovered under this act shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40: Inquiry into existence of ante-nuptial or post nuptial settlements. (The Court, after making a decree for dissolution of marriage or a decree of nullity of marriage, may) inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties marriage is the subject of the decree, and may make such order, with reference to the application the while or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit: Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI. CUSTODY OF CHILDREN

41:

Power to make orders as to custody of children in suit for seperation. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim order, and may make such provision in the decree, as it deems proper with respect custody, maintenance and education of the minor children, the marriage of whose parents is subject of such suit, and may, if it thinks fit, direct proceedings to be taken far placing such children under the protection of the said Court.

42: Power to make such order after decree. The Court, after a decree of judicial separation may upon application (by petition) far this purpose make, from time to time, all such orders and provision, with respect to custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim order in case the proceeding far obtaining such decree were still pending.

43. Power to make orders as to custody of children in suits for dissolution or nullity. The power to make orders as to custody of children in suits for dissolution or nullity shall be subject to Guardians Wards Act 1890.

44: Power to make such orders after decree.- (omitted)

XII. PROCEDURE

45: Code of Civil Procedure to apply. Subject to the provisions herein contained, all proceeding under this Act between party and party shall be regulated by the Code of Civil Procedure.

46:

Forms of petitions and statements. The forms set forth in the Schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

47: Stamp on Petition. Petition to state absence of collusion. Every petition under this Act for a decree of dissolution of marriage or of nullity of marriage, or of judicial separation shall state that there is not any collusion or connivance between the petitioner and the other party to the marriage;

Statements to be verified. the statements contained in every petition under this Act shall be

verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

48: Suits on behalf of lunatics. (Omitted)

49: Suits by minors. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under the Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such undertaking shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

50: Service of petition. Every petition under this Act shall be served on the party to be affected thereby, either within or without (Pakistan), in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

51:

Mode of taking evidence. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined and may be cross-examined and re-examined, like any other witness: Provided that the parties shall be at liberty to verify their respective cases in

whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to the cross examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or behalf of the party by whom such affidavit was filed.

52:

Competence of husband and wife to give evidence as to cruelty or desertion. On any petition presented by a wife/ husband, praying that her/his marriage may be dissolved on the ground of having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and the wife respectively subject to the ground mentioned in section 10 of this act shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

53: Power to close doors. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

54:

Power to adjourn. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55: Enforcement of and appeal form orders and decrees. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from, in the manner as the decrees and orders of the court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force:

No appeals as to costs. Provided that there shall be no appeal on the subject of costs only.

56. Appeal to Supreme Court. Omitted by the Divorce (Amdt.) Act, 1975 (IV of 1976), s. 22

XIII. RE-MARRIAGE

57. Liberty to parties to marry again. After the expiry of six months from the date of a decree for the dissolution of a marriage, or, where an appeal has been presented against any such decree, after the dismissal of such appeal or the declaration of the marriage as dissolved as a result of such appeal, but not sooner, it shall be lawful for the parties to the marriage to marry again as it the prior marriage has been dissolved by death.

58: Clergyperson shall not be compelled to solemnize marriages of person divorced for adultery: Clergyperson shall not be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the grounds of his or her adultery, or shall be

liable or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

59: Ordained Christian Minister refusing to perform ceremony to permit use of his/her church. When any Ordained Christian Minister of any church or chapel of the said Church refuses to perform such marriage service between any persons who, but for such refusal would be entitled to have the same service performed in such church or chapel, such minister shall permit any other minister in as per the rule of respective church of the said Church entitled to officiate within the diocese in which such church or chapel is situate, to perform such marriage service in such church or chapel

XIV. MISCELLANEOUS

60: Decree for separation or protection order valid as to persons dealing with wife before reversal. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary, for protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies

which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order and of the reversal, discharge or variation therefore.

Indemnity of persons making payment to wife without notice of reversal of decree or protection order. All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation has not ceased or been discontinued, unless, at the time of the payment, transfer or other act, such persons has notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

61: Bar of suit for criminal conversation. After this Act comes into operation, no person competent for criminal to present a petition under sections 2 and 10 shall maintain a suit for criminal conversation with his wife.

62: Power to make rules. (Omitted)

63: Announcement of judgment and decree. The court shall dispose off the petition under section 10 of the divorce act within one year of the filing of the petition.