

## SUPPORT TO STRENGTHEN LOCAL SERVICES BY LOCAL GOVERNMENT



# Need Assessment Report For Support in Marriage & Divorce Registration of Minorities in Punjab

**Punjab Municipal Development Fund Company**

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## **Executive Summary**

The executive summary provides a concise overview of the report, "Overcoming Hindrances in Marriage Divorce Registration of Minorities in Punjab," emphasizing key aspects and recommendations. The purpose of this report is to identify and address obstacles in marriage and divorce registration for minorities in Punjab and empower local governments to handle these functions effectively.

The report begins by outlining the preparation for the deliberation session, including meetings with key stakeholders from the Human Resources & Minorities Affairs Department and the Local Government & Community Development Department in Punjab. The objective was to understand the marriage and divorce processes of Christian, Hindu, and Sikh communities, identify bottlenecks, and propose effective solutions.

The scope of work encompassed an assessment of ground realities involving senior administration officials and relevant stakeholders. The focus was on identifying obstacles in marriage and divorce registration for minorities in Punjab. Following the need assessment, the consultant is expected to develop regulatory frameworks and rules to establish an effective system for registration.

Proceedings of the deliberation session are highlighted, featuring opening remarks by Mr. Mahmood Masood Tamana, General Manager of PMDFC, expressing gratitude to participants. Mr. Parvez Iqbal, Chairman of PMDFC, emphasized the importance of registering marriages for all communities. The report details group work and presentations for Sikh, Christian, and Hindu communities, outlining current procedures and challenges.

Issues identified during the need assessment include the absence of rules for certain minority marriage acts, scarcity of registered marriage services, and challenges in divorce registration. Recommendations include submitting rules for approval, drafting rules for new acts, and sharing drafts for input from stakeholders.

The report suggests submitting rules for Christian marriage registration, drafting rules for Sikh and Hindu marriage registration, and seeking input from stakeholders for finalization. The Managing Director of PMDFC thanked participants and appreciated their contributions during the closing session. The Director General of LG&CD Punjab assured cooperation in implementing the proposed rules. Justice (Rtd.) Mr. Akbar Ali Qureshi emphasized the constitutional responsibilities of all stakeholders and highlighted the importance of consensus.

In conclusion, the report underscores the critical importance of facilitating the marriage and divorce registration process for minorities in Punjab. The proposed solutions, ranging from rule submissions to community outreach campaigns, aim to address the identified issues comprehensively. The report emphasizes the need for a collaborative effort between various stakeholders, including government bodies, religious representatives, and community members, to ensure the successful implementation of the proposed measures.

The findings of the report shed light on the existing challenges in the marriage and divorce registration processes for minorities, emphasizing the need for streamlined procedures, awareness campaigns, and legal reforms. By addressing these challenges, the report envisions a more efficient and inclusive system that caters to the diverse needs of Christian, Hindu, and Sikh communities in Punjab. The commitment expressed by key stakeholders, including GIZ, PMDFC, LG&CDD Punjab and HR& MA Department, reflects a shared dedication to overcoming these hindrances and fostering a more equitable and accessible registration system for all minorities in the province.

## **1. Introduction**

Punjab Municipal Development Fund Company (PMDFC) is an autonomous government public sector company established to facilitate the Government of Punjab for the development of municipal infrastructure and institutional strengthening of local governments. PMDFC is working as technical arm of the Local Government & Community Development Department, Government of Punjab.

The company has extensive experience in implementation of various Institutional as well as Infrastructure Development Donor/ Foreign funded initiatives. PMDFC provides technical assistance to the LG&CD Department in establishing resilient infrastructure and offering institutional support to local governments throughout Punjab. Through these initiatives and projects, PMDFC aims to enhance the quality of municipal services in a sustainable manner by establishing an effective institutional framework. By leveraging its expertise and collaborating with local governments, PMDFC plays a vital role in advancing Punjab's local government system and promoting inclusive and efficient municipal service delivery.

Punjab Municipal Development Fund Company (PMDFC) is implementing a GIZ funded Project “Support to Strengthen Local Services by Local Governments” in selected local governments of Punjab under Participatory Local Governance (PLG) Program. The project aims to strengthen the local governments and improve municipal services delivery. GIZ believes that developing capacity building instruments is an important segment to enhance the capacity as well as efficiency of the LG&CD officers. Under the project, it has planned to develop SOPs/Rules/Bye-laws under the legal framework as required for Marriage and Divorce Registration of minorities in Punjab in the light of the feedback after deliberations with all the relevant stakeholders. In this regard, a need assessment session to provide support in marriage & divorce registration of minorities in Punjab was conducted by PMDFC in collaboration with PLG-GIZ Pakistan on 02.12.2023 at Pearl Continental Hotel, Lahore.

## **2. Purpose of Assignment**

The purpose of the assignment is to identify and overcome the hindrances in marriage divorce registration of minorities in Punjab and capacitate the local governments to perform this function effectively by developing SOPs/Rules/Byelaws/Framework (As needed) for Marriage and Divorce Registration of minorities. The main objective of this deliberation session was to know the process of marriage & divorce of minorities including Christian, Hindu & Sikh communities, bottlenecks as well as hindrances of registration process and their ultimate solutions.

## **3. Preparation of the Deliberating Session**

The preliminary meeting was held with Mr. Mahmood Masood Tamana, General Manager (Institutional Development), PMDFC in which list of stakeholders was finalized and decided to conduct meetings with Secretary, Human Resources & Minorities Affairs Department, Government of the Punjab and Director General, LG&CD, Punjab. Accordingly, a meeting was convened on 23.11.2023 with Mr. Shoaib Akbar, Secretary, HR&MA Department in his office chamber along with Mr. Mahmood Masood Tamana and Mr. Muhammad Yousaf, Deputy Director, HR&MA Department. This meeting remained very fruitful where the

Hon'able Secretary shared some valuable suggestions. Later on, a meeting was held with Hon'able Mr. Shafaat Ali, Director General, LG&CD, Punjab in which it was disclosed that registration of Hindu marriages and divorce is the burning issue and also required to resolve it. He also appreciated this step jointly taken by GIZ Pakistan and PMDFC. He assured to expend full cooperation to implement the rules through the field formations of LG&CD in Punjab once they are finalized. Its venue, date & time was finalized in consultation with key stakeholders. A list of 56 participants was finalized and invitation was extended to all the participants through emails, Whatsapp & telephonically confirmed their participation.

#### **4. Scope of work**

This consultation session was held to assess the ground realities involving the senior administration of PMDFC focusing senior officers of LG&CDD, PLGB, Civil Society Members and relevant stake holders including representatives of Christian, Hindu & Shikh Communities to identify the bottlenecks/hindrances in marriage & divorce registration of minorities in Punjab. After need identification, the consultant will develop Regulatory Framework/ Rules of Business (ROBs) / SOPs/ bye-laws as per need, to ensure the placement of effective system for Marriage and divorce registration of minorities in Punjab.

#### **5. Proceedings of Deliberation Session**

Mr. Mahmood Masood Tamana, General Manager (ID), PMDFC thanked to all the participants for joining the deliberation session of need assessment pertaining to marriage and divorce registration of minorities in the province. He appreciated the intellectual support of Mr. Shoaib Akbar Secretary HR& MA Department; Ms Ayesha Yasin Deputy Secretary and Mr. Muhammad Yousaf Deputy Director. He further shared that GIZ Pakistan through PMDFC has extended this support to carry out a very important assignment to facilitate the minorities to get their marriage and divorce registered.



Mr. Parvez Iqbal, Chairman PMDFC highlighted the importance of registration of marriage and divorce of minorities in the province. He shared that marriage solemnization is centuries old religious as well as civilization of all the religions and customs have its own history which is combination of activities of both the families. He said that it is a good opportunity to have an elaborative session with all the possible stakeholders to discuss the issues and bottlenecks regarding registration of marriage and divorce of all the minorities according to their religious parameters which is also under the agenda of PMDFC to serve and facilitate all the communities without any discrimination of caste and creed.



## 6. Group Work and Presentation of Marriage & Divorce registration of Sikh Community

A group comprised of various stakeholders lead by Sardar Mahindar Paul Singh representing the Sikh community. The following members participated in this group:

1. Mr. Ibrar Director (Legal), LG&CD
2. Mst. Ayesha Nasim Deputy Secretary (Minorities) HRMA
3. Mr. Zia-ul-Mustafa Assistant Director, PLGA
4. Mr. Waqas Khalid PMDFC
5. Mr. Muhammad Habib Social Counseling Officer, HRMAD
6. Ms. Naila Iqbal Advocate
7. Ms. Saima Jan Chair Person, SNWF
8. Mian Muhammad Saddique Secretary Union Council



### Procedure of Sikh Marriage Registration under M&D Act 2018

The procedure of Sikh marriage registration encompasses the following steps:

- 1- Meeting the age requirement
- 2- Registration Process
- 3- Registration Authority
- 4- Receive Marriage Certificate
- 5- Anticipated Problems and Solutions



#### I- Meeting the age requirement:

Man and Woman attaining the age of 18 or above are considered adults and are authorized to register wedding.

#### II- Registration Process:

In the context of Gayani Sikhs engaging in the Anand Karaj ceremony, an integral step involves notifying the Granthi, the designated religious efficient overseeing the ceremony, upon the determination to proceed with said ceremony.

The Sangat, representing the Sikh community, assumes a pivotal role in the issuance of a community certificate, a document serving to acknowledge and affirm the matrimonial union within the collective Sikh community.

Furthermore, to formalize and document the marital union in compliance with legal and administrative requisites, the National Database and Registration Authority (NADRA) is instrumental in providing a computerized certificate. In pursuit of this, couples are obligated to submit specific documents, encompassing proof of identity, residence, and, on occasion, evidence substantiating divorce or the demise of any prior spouse. The precise documentation

requirements are subject to variation and, as such, necessitate consultation with NADRA for accurate and comprehensive guidance.

### **III- Registration Authority**

The signed marriage license from Garanthi is then submitted to the NADRA - government office for registration and provision of government register certificate.

### **IV- Receive Marriage Certificate:**

After the marriage is registered, the couple can obtain an official marriage certificate from the government office of NADRA. This document serves as legal proof of the marriage.

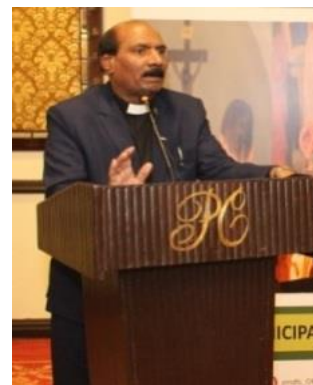
### **V- Anticipated problems and Solutions:**

The Civil Registration Management System (CRMS) contains data, but due to the absence of rules in the light of the Punjab Sikh Anand Karaj Marriage Act 2018, the government does not issue an authorized certificate. This problem could be solved if all the marriages are registered by the concerned Union Council (UC) on the NADRA software for issuance of Computerized Certificate. In this regard public awareness should be raised about this marriage act, and rules may be framed and approved by the competent authority i.e, LG&CD Department.

### **7. Group Work and Presentation of Marriage & Divorce registration of Christian Community**

A group comprised of various stakeholders lead by Mr. Emaneual S. Khokhar representing the Christian community. The following members participated in this group:

- |                        |                                   |
|------------------------|-----------------------------------|
| 1. Mr. Yousaf          | Deputy Director, HRMA             |
| 2. Mr. Rizwan          | Deputy Director, NADRA            |
| 3. Mr. M Jalil Bhatti  | Assistant Director, PLGA          |
| 4. Mr. Kamran          | Member, Water Judicial Commission |
| 5. Mr. Sarmad          | IMRF                              |
| 6. Mr. Meesam Abbas    | Secretary Union Council           |
| 7. Mr. Naukhez Khokhar |                                   |



### **Procedure of Christian Marriage Registration**

The procedure of Christian marriage registration encompasses the following steps:

- 1- Meeting the age requirement
- 2- Registration Process
- 3- Registration Authority
- 4- Receive Marriage Certificate
- 5- Anticipated Problems and Solutions
- 6- Divorce Process
- 7- Challenges & Solutions for divorce registration



### **I- Meeting the age requirement:**

Man and Woman attaining the age of 18 or above are considered adults and are authorized to get wedded.

### **II- Registration Process:**

Individuals vested with the requisite authority may proceed to formally register the marriage at the Union Council.

### **III- Registration Authority**

DCO and Human Rights Organization for Minority Rights.

### **IV- Receive Marriage Certificate:**

After the marriage is registered, the couple can obtain an official marriage certificate from the concerned Union Council on the format of NADRA. This document serves as legal proof of the marriage.

### **V- Anticipated problems and Solutions:**

The scarcity of registered marriage services has led to the involvement of non-registered individuals offering their services under Christian Marriage Act 1872. The licensing process for Christians is perceived as challenging, and there is a need to streamline and simplify this process to address the issue. It is imperative to enhance awareness among the populace, emphasizing the importance of having marriages registered by authorized personnel. A concerted effort should be made to facilitate an accessible and straightforward licensing procedure for Christians, promoting broader compliance with legal and regulatory requirements. Awareness should be made on church and government level. To resolve the issue of marriage registration of Christian community, it is suggested that the proposed rules may be got approved by the competent forum for issuance of computerized marriage certificate.

### **VI- Divorce Process:**

There is currently no specific divorce registration authority. Under the provisions of the 1872 Act, if it can be substantiated that one of the partners has engaged in adultery, divorce can be pursued.

### **VII- Challenges & Solutions for divorce registration:**

When a parent wishes to send their child abroad or register the child post-divorce, complications arise in the procedural aspects. This is primarily attributed to the system indicating the status as "still married," leading to substantial hindrances in document-related matters. Efforts should be made towards addressing and rectifying this issue to streamline and simplify the post-divorce processes, ensuring a smoother experience for individuals dealing with documentation matters involving their children.

The resolution to this problem can be facilitated by presenting a court decree that explicitly states the divorce. This decree, when showcased, should prompt a change in the status to be

"registered," thereby mitigating the hindrances faced in various processes. It is imperative to raise awareness about this solution at both, the church and government levels, ensuring that individuals are informed about the means and ways to address and rectify such post-divorce status-related issues.

## **8. Group Work and Presentation of Marriage & Divorce registration of Hindu Community**

A group comprised of various stakeholders lead by Mr. Amer Nath Randhawa representing the Hindu community. The following members participated in this group:

- |                            |                            |
|----------------------------|----------------------------|
| 1. Mr. Shoaib Zafar        | Legal Advisor, HRMA        |
| 2. Ms. Anum Ch.            | Assistant Director, Lahore |
| 3. Ms. Amina Liaqat        | Advocate                   |
| 4. Ms. Rizwana Anjum       | PMDFC                      |
| 5. Ms. Madeeha Munawar     |                            |
| 6. Mr. Abdul Sattar Ghurki | Secretary Union Council    |



### **Procedure of Hindu Marriage Registration**

The procedure of Hindu marriage registration encompasses the following steps:

- 1- Meeting The age requirement
- 2- Registration Process
- 3- Divorce Process
- 4- Anticipated Problems and Solutions for marriage registration
- 5- Anticipated Problems and Solutions for marriage registration



#### **I- Meeting the age requirement:**

Man and Woman attaining the age of 18 or above are considered adults and are authorized to register wedding.

#### **II- Registration Process:**

The marriage registration process is non-existent. Validation of marriage is substantiated through documentation on the letterhead of the Solemnizer/Pendant/Meharag, individuals duly appointed by the community to officiate and solemnize marriages.

#### **III- Divorce Process:**

The divorce registration process is non-existent.

#### **IV- Anticipated Problems and Solutions for marriage registration:**

The absence of marriage registration within Union Councils creates a significant void in the formal registration. Furthermore, the non-appointment of a registrar in accordance with Section (VII) adds complexity to the administration of marriage records. Compounding the issue, the lack of specific legislations leaves a legal vacuum, hindering the establishment of a structured registration process. Community awareness is notably deficient, with insufficient understanding of the legal importance of marriage registration. Particularly concerning is the absence of a dedicated system for registering Hindu marriages, intensifying the challenges associated with legal acknowledgment within this community.

To address the absence of marriage registration, establish dedicated centers within Union Councils, appoint registrars promptly per Section (VII), and advocate for specific legislations. Launch community outreach campaigns to enhance awareness of the legal importance of marriage registration. Develop a specialized system for registering Hindu marriages to ensure legal acknowledgment.

In the absence of rules in the light of the Hindu Marriage Act 2017, the government does not issue an authorized certificate. This problem could be solved if all the marriages are registered by the concerned Union Council (UC) on the NADRA software for issuance of Computerized Certificate. In this regard, rules may be framed and approved by the competent authority i.e, LG&CD Department.

#### **V- Anticipated Problems and Solutions for divorce registration:**

The imperative for legal separation necessitates adherence to Section IX. Unfortunately, the absence of a streamlined process is underscored by the non-issuance of divorce certificates, exacerbating challenges in substantiating marital dissolution. Additionally, there exists a notable dearth of community awareness regarding the significance of formalizing divorces. The absence of a structured mechanism for legal registration further compounds these issues, leaving individuals without a clear and regulated path to navigate the complexities associated with marital separation within the legal framework. Addressing these gaps requires comprehensive legal reforms, heightened community education, and the establishment of an effective registration system.

Address the gaps by enacting clear legislative provisions in Section IX for separation, instituting a streamlined process for the issuance of divorce certificates, implementing community awareness programs, and establishing an effective mechanism for the legal registration of divorces to provide clarity and structure within the legal framework.

#### **8. Need Assessment**

The CRMS system contains data, but due to the absence of rules in the light of the Punjab Sikh Anand Karaj Marriage Act 2018, the government does not issue an authorized certificate. This problem could be solved if all the marriages are registered by the concerned Union Council (UC) on the NADRA software for issuance of Computerized Certificate. In this regard public awareness should be raised about this marriage act, and rules may be framed and approved by the competent authority i.e, LG&CD Department.

The scarcity of registered marriage services has led to the involvement of non-registered individuals offering their services under Christian Marriage Act 1872. The licensing process

for Christians is perceived as challenging, and there is a need to streamline and simplify this process to address the issue. It is imperative to enhance awareness among the populace, emphasizing the importance of having marriages registered by authorized personnel. A concerted effort should be made to facilitate an accessible and straightforward licensing procedure for Christians, promoting broader compliance with legal and regulatory requirements. Awareness should be made on church and government level. To resolve the issue of marriage registration of Christian community, it is suggested that the proposed rules may be got approved by the competent forum for issuance of computerized marriage certificate.

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## **9. Recommendations**

- i. It is proposed that rules for Christian marriage registration under Christian Marriage Act 1872 may be submitted before the competent forum for approval and its implementation in letter and spirit.
- ii. It is suggested that rules for Sikh marriage registration under Sikh Anand Karaj Act 2018 may be drafted in collaboration with Sikh community representatives and submitted to provincial cabinet through LG&CD Department for approval and subsequent implementation.
- iii. It is suggested that rules for Hindu marriage registration under The Hindu Marriage Act 2017 may be drafted and submitted to provincial cabinet through LG&CD Department for approval and subsequent implementation.
- iv. After drafting the aforementioned rules, the same will be shared with Human Rights & Minorities Affairs Department, Government of the Punjab and relevant stake holders including LG&CD Department and religious representatives of said minorities for their input and finalization of these rules

## 10. Closing Session

Syed Zahid Aziz, Managing Director PMDFC paid homage and regard to all the dignitaries and intellectuals for their valuable inputs and appreciated their keen interest on this important segment. Capacity building of local government officials is on the top priority of PMDFC which ultimately leads towards improved service delivery to the door steps of the communities at grass root level. He further thanked GIZ Pakistan for extending support to resolve such important issues which is no doubt helpful to bridge the gap between the state and citizen. He also appreciated all the participants particularly religious leaders for joining this valuable deliberation session to assess the on-ground needs.



Syed Shafaat Ali Gilani, Director General LG&CD Punjab shared that registration of vital events including birth, death, marriage and divorce is the prime responsibility of LG&CD Department through its field formation existed at rural and urban areas of Punjab. He further added that Christian marriage registration is already being registered through their nominated representatives. Similarly, Hindu and Sikh marriage registration will be taken place after finalizing the rules under their respective laws.



He also thanked GIZ Pakistan and PMDFC for arranging this deliberation session and ultimately framing the rules for marriage and divorce registration of Hindu and Sikh communities which is an appreciable human service he also committed for full cooperation to extend this noble cause.

Justice (Rtd.) Mr. Akbar Ali Qureshi highlighted the importance of constitutional responsibilities of all the stakeholders for framing the laws, rules and regulations. He further elaborated that law making is the constitutional responsibility of parliaments, interpretation of laws is the core responsibility of Judiciary, whereas implementation of law is the responsibility of the executive machinery. If all the institutions work under the given constitutional ambit, there will be no hinderance in the implementation of all the rules and regulations. He further pointed out that unfortunately we have closed the door of consensus. He further said that if any violation or deviation from law is existed, it is the responsibility of state to curb it. He also highlighted the importance of registration and divorce of minorities under the given legal framework.

