

Proposed Bill By WIL Forum

A BILL

To establish an effective systems to regulate marriage functions and provide restrictions on dowry and bridal gifts.

It is hereby enacted as follows:

Section 1 short title and commencement: a) This act may be called as *The Khyber Pakhtun Khuwa Dowry, Bridal Gift and Marriage Functions Restriction Act, 2016.*

b) It extends to whole of Khyber Pakhtun Khuwa Province.

c) It shall come in force at once.

Section 2. Definitions: In this act, unless there is anything repugnant in the subject or context. -

a. "Bridal gift" means any property given as a gift before, at or after the marriage either directly, by the parents of bridegroom or parents of bride or any other member of the family or any other person friend to either party or their parents in connection with the marriage but it does not include Mehr.

b. "dowry" means any property given before, at or after the marriage either directly or indirectly to the bride by her parents in connection with the marriage but it does not include property which the bride may inherit under the laws of inheritance and succession applicable to her.

c. "Government" means government of Khyber Pakhtun Khuwa.

d. "house" means a private residence.

e. "marriage ceremony" means any gathering under nikah, baarat and valima solemnized under any sect and religion.

f. "one dish" means one rice dish or one gravy/salan dish and or sweet dish.

g. "parents" include the guardian of a party to a marriage and any person who provides for dowry or bridal gifts and in the case of a party to a marriage who has no parents or whose

marriage is solemnized in circumstances in which or at a place at which no parent is present such party.

h. "public place" means a wedding hall, club, restaurant, community centre, Community Park or any open space, a private residence, farm house or any other private property hired for a marriage.

Section 3. Ban on dowry article: There shall be total ban on dowry articles either given by parents or any other family member or any other person (s) to bride.

Section 4. Restrictions on bridal gifts and presents: The aggregate value of the gift amount or articles given to bride by her parents or any other family member shall not exceed the amount of ten thousand rupees.

Section 5. Expenditures on marriage: The total expenditures on a marriage excluding the value of bridal gifts and presents, but including the expenses on baarat or valima incurred by or on behalf of either party for each ceremony shall not exceed seventy five thousand rupee

Section 6(a). Ban on edibles/meals: A person or family celebrating nikkah or baarat or organizing the marriage of any other person shall not serve or allow anyone to serve meals or other edibles except beverages to the people /persons participating in the ceremony

(b). Restricted meals: Provided that on valima ceremony there shall be only one dish of rice one dish of gravy and one sweet dish shall be allowed.

Section 7. Function time: The nikah ceremony or baarat and valima ceremony shall not continue after ten O'clock in the night, person owning, managing or running a public place, being the site of marriage, shall ensure conclusion of all ceremonies relating to the marriage on or before 10:00pm.

Section 8. Punishments: Whoever contravenes, or fails to comply with, any provision of this act shall be guilty of an offence punishable with fine which shall not be less than two hundred thousand rupees or imprisonment for a term which may not exceed three months or both.

Provided that anyone from bridegroom family or any one on their behalf ask or force bride's family for dowry amount or articles shall be punished with imprisonment for term not exceeding two months and fine not less than three hundred thousand rupees or both.

Provided that if both the parents of a party to the marriage contravene, or fail to comply with, any provisions of this act or rules made there under, action under this section shall be taken only against father or male guardian.

Section 9: Complaint and Procedure: An offence under this act shall be a bail able offence try able by a magistrate of 1st class summarily. A complaint shall be made in writing to the magistrate of 1st class under whose jurisdiction the offence under this act committed by any one witnessed the ceremony within one month from date of nikah and if rukhsati took place, from the date of such rukhsati.

Section 10. Power to make rules: The provincial government may by notification make rules for carry out the purposes of this act.

STATEMENT OF OBJECT AND REASONS

The object of this bill is to give an effective and comprehensive control to government on marriage expenses and to improve the conditions of white color families who tangled in the webs of inflation and loan. People spend more money on marriages than education wasting their time and hard earn money on customs and functions which are not Islamic and adopted from our neighbors. The high expenditures in marriage are not Islamic and put people in a difficult position. This bill is design to control the marriage functions so that everyone in the society can enjoy matrimonial functions of their love ones without putting too much financial burden upon themselves. If this bill passes, it would have a huge impact on the lives of the people of KPK and it also improve social and economical position of KPK Province