



**Note by Dr.RakhshindaPerveen-4<sup>th</sup> May 2011**

***Just by chance while surfing on the internet I came across this report on the official web site of the Law & Justice Commission of Pakistan.***

***In 2003 I made a singular effort to organize first national level consultation on dowry issues including lavish marriages. That was for the first time that a local NGO without any foreign funding took such an innovative initiative.***

***But alas the issue of dowry was buried in the bureaucratic machine fuelled by elitist priorities. However, I still dream of a society free of dowry demand and other forms of violence rooted in the institution of dowry.***

## **Prohibiting Excessive Expenditure on Marriage Ceremony and Dowry**

**Report No.59**

# **Prohibiting Excessive Expenditure on Marriage Ceremony and Dowry**

## **Introduction**

The Government, with a view to imposing restriction on marriage expenses, dowry and bridal gifts, enacted the Dowry and Bridal Gifts (Restriction) Act 1976. Prior to the enactment of this Act, the West Pakistan Dowry (Prohibition on Display) Act 1967 was in force, which was repealed by the new Act. The Act of 1967 had imposed ban on the display/exhibition of dowry and presents. Further, it provided for the vesting of the property including dowry items and other presents given to the bride, in such woman. The law obligated all persons, having received any dowry or presents on behalf of the bride, to transfer the same to the bride. For breach, the law provided penalty i.e. one year imprisonment or fine for upto five thousand rupees or both. It may be noted that the Act of 1967 had only imposed ban on the display/exhibition of dowry and presents, but no restriction as to quantity/value of dowry, bridal gifts and presents given to bride and bridegroom.

The practice of giving/demanding huge properties/sums by way of dowry has been a cause of constant agony/suffering for poor families and has led to many social evils. The practice has been a remnant of Hindu culture and has no basis in Islam. It is fast spreading to every nook and corner of the country. In an attempt to address the problem, the Federal Government enacted the Dowry and Bridal Gifts (Restriction) Act 1976 and imposed restrictions on the aggregate value of dowry. The Act provided that dowry, bridal gifts and presents, exceeding five thousand rupees shall not be given. The Act also restricted the expenditure on marriage, stating that total expenditure on marriage ceremonies shall not exceed two thousand and five hundred rupees. The law further fixed the value of presents given to bride or bridegroom as one hundred rupees. The law required the dowry, bridal gifts and presents to be put on display. It also required the furnishing of a list of dowry, bridal gifts, presents and the details of expenditure incurred on marriage ceremonies. For contravention of the provisions, the penalty provided was imprisonment for upto six months or fine for upto ten thousand rupees or both penalties. Further, the dowry, bridal gifts and presents in contravention of the law could be forfeited to the Federal Government, to be utilized for the marriages of poor girls.

## **Earlier Commission Report**

Unfortunately, the law was not generally followed or strictly enforced. In 1992, the Law and Justice Commission of Pakistan examined the Dowry and Bridal Gifts (Restriction) Act 1976 in detail. After due analysis and examination of the law, the Commission recommended certain amendments thereto as follows:-

- 1- The limit of dowry, bridal gift, presents and marriage expenses were fixed in 1976. With the passage of time, the sums stated need to be rationalized. The Commission suggested to enhance the limit of dowry/bridal gifts from five thousand rupees to fifty thousand rupees, if marriage ceremony is held in urban area and twenty five thousand rupees, if such ceremony is held in rural area. The Commission further recommended to enhance the limit of marriage expenses from two thousand five hundred rupees to twenty five thousand rupees, if marriage is solemnized in urban area and ten thousand rupees, if such ceremony is held in rural area. The Commission also suggested appropriate enhancement in the limit of presents from one hundred rupees to four hundred rupees, if the marriage ceremony is held in urban area and two hundred rupees, if such ceremony is held in rural area.
- 2- The bridegroom or any person on his behalf shall not demand dowry, gift or give any indication of such demand in any manner whatsoever.
- 3- All forms of extravagance, unnecessary illumination, firing or fire cracking, 'mujras' and serving more than one dish in marriage functions shall be avoided.
- 4- Fine for upto five thousand rupees may be imposed on guests who knowingly and willfully attend a marriage function, which is so extravagant that it is patently far beyond the limits specified by the law.
- 5- The parents or guardian of each party to a marriage shall prepare and complete list of dowry, duly signed by all the witnesses of *nikah* and by the *Nikah Khawn* at the time of *nikah*.

The Recommendations of the Commission were not implemented.

It is pertinent to mention that the Commission had also earlier examined the Family Court Act 1964 and recommended the inclusion of dowry in the Schedule of the Act, thereby enabling the Family Court to decide the claims/disputes relating to dowry between spouses. This recommendation of the Commission was accepted and implemented by the Government.

The Council of Islamic Ideology examined the Dowry and Bridal Gifts (Restriction) Act 1976 and observed that the said Act is unrealistic and cannot be strictly enforced due to deep-rooted custom of giving of dowry by the parents/guardian of bride. One of the Members of the Council took the view that the payment of dowry should be left at the discretion and paying capacity of the parents of the bride. He stated that in presence of the Act, the parents of bride are giving dowry through backdoor or other improper ways. (10<sup>th</sup> Report of Muslim Family Laws, Council of Islamic Ideology, April 1983-Page 91/92)

## **New Enactments**

In 1997, the Federal Government enacted the Marriages (Prohibition of Wasteful Expenses) Act 1997, which prohibited wasteful expenses on marriage ceremonies. The life of the Act was initially fixed as two years. The Act prohibited the decoration of any house, building, street or road during marriage ceremonies. It further imposed ban on exploding crackers or using explosive devices or firing by firearms.

The Act imposed restrictions on wasteful expenses in marriage ceremonies, in particular the serving of meals except hot and soft cold drinks in a club, hotel, restaurant, wedding hall, community center or any other public place. For contravention of the law, the punishment of fine, not less than one hundred thousand rupees and not more than three hundred thousand rupees, was prescribed.

### **Law Challenged**

The Act of 1997 was subsequently amended in 1998 through promulgation of the Marriage (Prohibition of Wasteful Expenses) (Amendment) Ordinance 1998. The said Ordinance amended Section 5 of the Act and imposed restrictions to solemnize the marriages after sunset. The amending Ordinance also extended the life of the Act for upto five years.

The Government further promulgated the Marriage Function (Ostentatious Displays) Ordinance 1999. This Ordinance retained all provisions of the Act of 1997, with the addition of an interpretation clause that marriage shall include all ceremonies, preceeding and succeeding the formal wedding, whether religious or civil rituals such as *nikah*, *rukhsati*, *walima*, *mehndi*, *rasm-e-hina*, and other functions and celebrations connected with marriage and related festivities. The life of the Ordinance was fixed as two years.

The Act of 1997, Ordinance (XV) of 1998 and the Ordinance (III) of 1999 were challenged through a petition under Article 184 (3) of the Constitution in the Supreme Court of Pakistan by Ch. Muhammad Siddique and others. The petitioner in their petition quoted/referred to a number of Ahadith of Holy Prophet (S.A.W) to demonstrate that he encouraged the holding of walima on marriage. The petitioner further pointed out that majority of the participants of the wedding do not belong to the same locality. Even *barat* comprises of the people from different areas some of which are usually at great distance from the venue of marriage and the restriction, not to serve them with food, does not serve any purpose but create problems unnecessary embarrassment to the families. The petitioner further stated that the condition imposed by the Ordinance that marriages cannot be solemnized after sunset has caused numerous difficulties for the marriage participants. The petitioner further stated that the impugned legislation has imposed restriction on *walima*, which is permissible under a

tradition of Holy Prophet (S.A.W.), and as such the law is against the injunctions of Islam.

During the pendency of the petition in the Supreme Court, the Federal Government promulgated the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance 2000, to provide for prohibition on ostentatious display and wasteful expenses on marriage ceremonies. This Ordinance retained all the provisions of the Act of 1997 and Ordinances of 1998 and 1999.

The Supreme Court of Pakistan, as per media reports, allowed the petition on a technical ground, that the Federal Government does not have the power to make law of putting ban on serving meals in wedding ceremonies, as it is a provincial subject. The Court stated that only the Provincial Governments may legislate number of dishes to be served and guests to be invited in marriage ceremonies. The Supreme Court thus declared through a short order that the Wasteful Expenditure Ordinance is unconstitutional. The detailed judgment in the case is awaited.

The decision of the Supreme Court led to a gap in legislation relating to wasteful expenditure on marriage expenses. The general public was unhappy on the removal of ban on ostentatious displays and wasteful marriage expenses.

### **Province of Punjab Enacts New Law**

After restoration of democracy, on the demand of the general public and pressing need of the society, the Punjab Provincial Assembly enacted a law, the Punjab Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Act 2003. The Act retained most of the provisions of Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance 2000, but allowed the serving of one dish in *walima* ceremony to a maximum of three hundred invitees. If the number of guests exceeds three hundred, only soup or hot or cold soft drink shall be served. The Act has been enforced throughout the Province of the Punjab. The other provinces have not yet made any such law.

### **New Draft Bill**

Besides eliminating wasteful expenses in marriage ceremonies, there is also a dire need to check the deep rooted social evil of dowry in our society. There is a growing criticism against this exploitative custom. What is needed is not to totally ban the giving of dowry, as reasonable dowry can be given for the genuine requirements of the newly married couple. There are precedents to this effect said to have been in the Islamic history, for example Hazrat Fatima (R.A.A) was gifted some items of domestic utility by the Holy Prophet (S.A.W.) at the time of her marriage.

The Secretariat of the Commission therefore prepared a new draft law on the subject. The salient features of the proposed draft law were:

1. **Enhancement of Maximum Limit of Marriage Expenses**  
The maximum limit of marriage expenses may be enhanced from two thousand five hundred rupees (as fixed in the 1976 Act) to fifty thousand rupees.
2. **Enhancement of Maximum Value of Dowry.**  
The maximum value of dowry, given by parents/guardian may be enhanced from five thousand rupees (in the 1976 Act) to fifty thousand rupees.
3. **Enhancement of Maximum Value of Bridal Gifts**  
The maximum value of bridal gifts including ornaments, clothes or any other property given by bridegroom/parents of bridegroom, be enhanced from five thousand rupees (in the 1976 Act) to fifty thousand rupees.
4. **Enhancement of Maximum Limit of Presents Given by Relatives / Friends other than Guardians / Parents**  
The maximum value of presents given by parents, relatives and friends may be enhanced from one hundred rupees to five hundred rupees.
5. **Ban on Demand and Display of Dowry**  
No person shall demand or give indication of such demand nor shall display or exhibit dowry, bridal gifts or presents.
6. **Prohibition of Ostentatious Celebrations**  
No person shall decorate any street, road or public park or any place other than the house or building where marriage ceremony is being held, with unnecessary lights or illumination. Further, use of explosive devices or firing by firearm or fireworks shall be prohibited.
7. **Preparation of List of Dowry / Bridal Gifts by Parents**  
The parents of both parties to marriage contract shall prepare a list of dowry/bridal gifts and furnish the same to the *Nikah* Registrar.
8. **Enhancement of Penalty of Fine**  
The penalty of fine be enhanced from ten thousand rupees (fixed by 1976 Act) to twenty thousand rupees, whereas the punishment of imprisonment be reduced from six months to three month. In case of violation of prohibition on wasteful expenses, in marriage ceremonies and ostentatious celebrations, may be made liable, besides three months imprisonment, to a fine not less than one hundred thousand rupees and not more than three hundred thousand rupees.

The draft law was forwarded to the relevant Federal ministries, departments and provincial governments for their views/ suggestions to curb the practice of incurring excessive expenditure on marriage ceremonies and dowries. List of

such Federal/ Provincial ministries/departments and the letter addressed to them is at Annex 1. The draft was also published in the national press in Urdu and English newspapers i.e. Daily Jang, The News, The Nation and Dawn on 9 April 2003 for eliciting public opinion. The press note is at Annex-II.

The Ministry of Women Development, Social Welfare and Special Education, the Ministry of Religious Affairs, the National Commission on the Status of Women and the Governments of NWFP and Baluchistan forwarded their comments. No response from the Government of the Punjab and Sindh have received.

The Ministry of Religious Affairs which is the administrative Ministry on the subject, agreed with the draft law, with an observation that it would be appropriate that the provincial governments may legislate thereupon. The Ministry's response is as follows:

“The draft bill is actually an amalgamation of the Dowry and Bridal gifts (Restriction) Act, 1976 and the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000, with further both improvements/amendments”.

Both the above-referred laws are the administrative concern of the Ministry of Religious Affairs, Zakat and Ushr. The Dowry and Bridal Gifts (Restrictions) Act, 1976 has been outdated and requires amendments, while the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000 has been declared by the Supreme Court of Pakistan to be ultra vires of the Constitution and according to the Court the provinces are required to legislate in the matter. The Court judgment has not yet been released. The amendments/improvements in the shape of the new draft Act are reasonable and the need of the time. It would be appropriate that the provincial governments may legislate thereupon.”

The Ministry of Women Development and Social Welfare suggested that the definition of the 'bridal gifts' in the draft law may include the gifts given by bride's parents to the bride groom; and of "marriage" may include dinners given to meet the bride and grooms etc; and value of the "present" fixed up to Rs.500/- is too low to buy a small gift, therefore, it may be enhanced to above Rs.1000/-.

The Chairperson, National Commission on the Status of Women observed as follows:

“Generally speaking, the lower middle class was very happy when there was a ban on wedding feast ... There is definitely a popular demand in the society to check all forms of extravagance and ostentatious display in marriage ceremonies. But this is mostly applicable to the middle class or lower middle class, which has honest and salaried income and cannot afford any

extravagance. However, even these people adopt all means to avoid restrictions as far as the dowry/gift etc are concerned. But violating the law causes them irreparable loss in cases where the marriage is broken as they cannot prove the dowry and bridal gift, which were given under the table and are not mentioned anywhere.

In bringing the new law in this regard, we will have to consider the class distinction which is prevailing at present i.e. the business community, the salaried (as you yourself have mentioned above BS-17 and below) and the people of lower status who have hardly anything to give and enjoy/relieved under the protection of such laws. Our main target should be the upper and upper middle class which sets the trends.”

The Chairperson goes on to suggest certain improvements to the draft law as follows:

- 1) the draft law relating to the marriages is in the nature of personal law as such it cannot be made applicable to all citizens of Pakistan, therefore, it may not be made applicable to the minorities.
- 2) the money or the presents given as ‘neundra’ and ‘salami’ also relate to marriage as such they should be included either in the bridal gifts or under “property” as movable property or expenditure on marriage.
- 3) the prohibition proposed to the hotels, restaurants on serving not above the prescribed meals may also be extended to a wedding lawn or any place used for marriage ceremonies alongwith serving meals.
- 4) the prohibition upon decorating street road or general park may extend only to unnecessary lights or illumination.
- 5) the holder of public offices may not receive any present in connection with marriage of his any dependant.

The Law Department, Government of NWFP suggested that the ceremonies of ‘mehndi’ and ‘barat’ may be omitted from Section 3 of the proposed (draft) law and, gifts offered under provision of Section 9 (2) by the friends with whom the donee used to exchange gifts before entering into public office should be exempted from the proposed restriction as recommended by the Council of Islamic Ideology. It is further suggested that person accompanied by statement of two witnesses supported by affidavit may make a complaint instead of Nazim against any violation of the Act and in case the complaint succeeds, the complainant may be paid expenses of prosecution and if it fails the accused may be awarded compensation for false prosecution. The Government of NWFP further informed that a check on extra expenses on marriages has been

proposed to be included in functions of the Provincial Mohtasib for which a proposed law is under consideration of that Government.

The Government of Baluchistan lamented the inadequate enforcement of the earlier enactments on restricting expenditure on marriage ceremonies and dowry. It suggested slight amendments in the existing laws in respect of value of dowry and bridal gifts, expenditures on marriage and amount/penalty of fine in case of violation of law. The Provincial Government further observed that existing laws did not bear any fruitful result for the simple reason that they could not be effectively implemented. Hence instead of enacting a new law, solid steps are required to be taken for securing the implementation of the following laws in letter and spirit:-

- (i) The West Pakistan Dowry (Prohibition on Display) Act, 1967.
- (ii) The Dowry and Bridal Gifts (Restriction) Act, 1976.
- (iii) The Marriages (Prohibition of Wasteful Expenses) Act, 1977.
- (iv) The Marriage Functions (Ostentatious Displays) Ordinance, 1999.
- (v) The Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000.

In its para-wise comments on the proposed law, the Government of Baluchistan further expressed the view that 'neundra' and 'salami' may be included in the definitions of presents, otherwise imposing restriction on "present" in the proposed bill will be useless, that to arrange mujras and all kinds of like programmes may be included in prohibition under Section 6 of the Bill. It further observes about the proposed Section 9 of the Bill, that how would it be possible and who would initiate criminal proceedings against the President or the Governor, receiving a present in violation of the proposed law, keeping in view Article 248 of the Constitution under which neither a criminal proceeding can be initiated against the President or Governor in any court during his tenure of office nor any process for his arrest or imprisonment can be issued. Further, that the proposed Section 9 is also silent about the judicial officer from lower court to the apex court and army personnel which needs consideration. The Provincial Government further observed that the provision of Section 11 needs to be happily drafted and application of the proviso of Section 15 providing for penalty on violation of law and the rules made thereunder so far as dowry, bridal gifts and presents are concerned, may not be possible for the reason that no member of the bride or bridegroom's family would come forward to make a complaint against either party, because obviously such a complaint would create tension and enmity amongst them leading to serious consequences. A detailed account of the above views of the Federal/Provincial Governments is at Annex 3 to 7.

The general public through letters, faxes, emails and personal visits gave a welcome response to the proposed draft law. All in all 39 letters were received by the Commission's Secretariat. Several citizen expressed their views through the print media. Some NGOs also responded to the call of the Commission. The

Society for the Advancement of Community Health, Education and Training, an NGO, working also for elimination of dowry forwarded their recommendations, as follows:

- “The value of dowry may be fixed to commensurate with the gold price (can be restricted to 15 taula gold) instead of fixed amount in rupees.
- Nikah Nama may contain a column for list of dowry to be signed by witnesses of Nikah
- Section 7 of the existing law dealing with display of dowry items contravenes the very spirit of restriction. Any such marriages should be boycotted and severely checked. No display should be allowed
- The existing law proposes a very cumbersome and justice delayed is justice denied theory based approach. The offence may be made cognizable by the Police.
- Dower (Mehr) payment to the girls should be made compulsory and according to the contemporary needs.
- The payment of Dower should be compulsory by law and will not be equivalent to bride price and the dower will be the property of the girl under her own signatory account.
- Courts should take suo moto action against deaths of married girls specially the newly weds under unexplained circumstances as

Stove Death = An Accident = Myth  
Stove Death = Dowry Death – Truth

The members of Poultry Farms Association also conveyed responses. They generally supported the ban on illumination of houses/streets and restrictions on dowry but favoured the serving of one dish in walima. Generally, the public response to the proposed draft law is appreciative of the measures and restrictions on meals, dowry and bridal gifts, etc. The Secretariat, therefore, reviewed/revised the earlier draft to incorporate the suggestions given by the public/private agencies and individuals. Salient features added to the revised draft are:

1. **Application of the Act to hotels, restaurants, etc.**

Any person owning or running wedding lawn or any place being the site of marriage ceremony has also been restricted to serve or allow to serve any meals or edibles to the persons participating in the marriage ceremony.

2. **Restriction on presents.**

The list of office holders prevented from receiving presents during marriage ceremonies is expended, adding thereto the judges of Supreme Court, Federal Shariat Court, High Courts, judges of the Sub-ordinate Courts,

members of Administrative Court/Tribunals and Commissioned Officers of Armed Forces.

### **3. Procedure for trial.**

Any person, accompanied by two witnesses, is also authorized to make complaint before the Court for contravention of the provisions of the Act. Earlier, only Nazim, Union Council was authorized to file such a complaint.

## **National Workshop**

To bring about uniformity in the views of various Federal Divisions/Departments, provincial governments and firm up recommendations, the Secretariat arranged a national consultation on the draft law, "Marriage Expenses, Dowry and Bridal Gifts (Restriction) Bill 2003. Thus, a National Workshop was arranged on 25-26 July, 2003 at Islamabad. The Workshop was organized in collaboration with the Society for Advancement of Community, Health, Education and Training (SACHET). Approximately one hundred participants, consisting of Chief Justices of High Courts, Ministers, members of the National Assembly and Provincial Assembly, Secretaries, other senior government officers, lawyers, judges and representatives of the NGOs, civil society and media attended the Workshop. The Workshop participants were later split into 2 groups for detailed deliberations and formulating specific recommendations. The lists of participants of Group-I and Group-II are as Annex 8 and 9.

On the first day of the Workshop i.e. 25<sup>th</sup> July, 2003 the Inaugural Session was held. The Session started with recitation from Holy Quran. In his Keynote Address, Dr. Faqir Hussain, Secretary, Law and Justice Commission of Pakistan highlighted the efforts made by the Secretariat in preparing the draft law. He stated that it carried out a comprehensive review of the law, its implementation mechanism and consequential implications. He further stated that the Secretariat thoroughly probed the issue, exploring the Islamic injunctions on the subject as well as the legal dimensions of the law, and that this was done through a process of fairly exhaustive consultation by sharing the draft with the concerned Federal ministries as well as the provincial governments. The Secretary informed that the matter falls within the Concurrent Legislative List of the Constitution and under the Federal Government Rules of Business, the subject has been assigned to the Ministry of Religious Affairs. The Secretary thanked the Ministry of Religious Affairs for their input to the draft. He pointed out that the Ministry of Women Development and Social Welfare as well as the National Commission on the Status of Women were also consulted, and have very kindly offered comments for improvement of the draft. He further informed that the draft was also shared with the provincial governments through their

respective law departments. Some provincial governments also consulted their respective Home departments. The Secretary further informed that the draft was also circulated and published through the print media for inviting public comments and the draft was accordingly revised.

Analyzing the existing statutes on marriage expenses and dowry, he highlighted the shortcomings of the law, leading to growing customs of extravagance and ostentatious display of wealth in marriage ceremonies. He elaborated that such customary norms are nurturing the twin evils of:

One, the extensive decorations of not just the wedding venue but the entire locality and whole street, and serving of lavish food to thousands of guests. The guests in such mega weddings often include political, bureaucratic, industrials and landed elites. Some such gatherings indeed result in traffic jams, thereby causing hardship and inconvenience to ordinary commuters and nearby residents.

Two, the equally infamous tradition of excessive quantity of dowry being demanded and/or given and its display in the wedding ceremony. This, most obnoxious practice, too is fast spreading to every nook and corner of the country.

This, he said was the background for the initiative of the Secretariat of the Law & Justice Commission to revise the marriage and dowry law. He stated that the law was not effective, mainly for three reasons:

First, because the pecuniary limits prescribed such as expenses on marriage ceremony and dowry were, fixed some quarter of century ago, and over the period of time, the sums had not been rationalized, in keeping with the rate of inflation and rising cost of living.

Second, the enforcement mechanism was faulty, in a sense, that proceedings for violation can be initiated only on a written complaint of the Deputy Commissioner.

Third, notwithstanding the legal prohibition, the higher-ups, in particular, the political and bureaucratic elite keep on gracing the wedding ceremonies, knowing fully well that their host is in brazen disregard, rather breach of law. This participation in such events shows their disrespect for the law. It tantamounts to undermining the writ of law. It makes the job of the enforcement agencies all the more difficult. No wonder then, the common man remains generally indifferent and defiant. In practice thus, the law is seldom observed.

He concluded by saying that in formulating the proposed draft law, the Secretariat took all such factors into consideration and have proposed remedial

measure. It carried out a comprehensive review of the law, its implementation mechanism and consequential implications, he stated. The Secretariat thoroughly probed the issue, exploring the Islamic injunctions on the subject as well as the legal dimensions of the law. This was done through a process of fairly exhaustive consultation with the concerned Federal Ministries as well as the provincial governments, he elaborated. He thanked the concerned Federal/Provincial ministries and the general public for responding to the call of the Law & Justice Commission and giving useful recommendations for reform of the law.

Dr. Rakhashanda Parveen, Founder Director, Agehi Resource Center, SACHET, read the message of Dr. A.Q. Khan as he was unable to attend the Workshop due to some prior commitments abroad. Message of Dr. A.Q. Khan is at Annex-10.

Justice Sheikh Riaz Ahmed, Chief Justice of Pakistan/Chairman, Law and Justice Commission inaugurated the Workshop. In the Inaugural Address, the Chief Justice appreciated the efforts of the Secretariat of the Commission in preparing the draft law. He stated that the draft has been carefully prepared, taking into consideration the previous statutes relating to fixing expenses on marriage and dowry and the problems associated with the implementation of such statutes. He also expressed views regarding the primary objective of the draft law. He said that the purposed draft is to prevent the abuse of the social practices to an extent that the solemnization of marriage and its related festivities is increasingly being perceived as a social evil. He further stated that the draft law basically addresses the problem of excessive expenditure being incurred and ostentatious display of wealth on the occasion of marriage ceremonies and through the provision of dowry and the display and exhibition of dowry items during such ceremonies.

The Chief Justice observed that a society without justice is a society misruled, that such a society cannot stand up for itself. He stated that when we talk of justice, the first thing that comes to mind is justice delivered through courts with its accompanying delays and shortcomings. Yet, this is only one type of justice and is called "corrective justice", he said. Two other major types of justice are "distributive justice" and "justice in the social norms and practices of society". Distributive justice, he elaborated, deals with the distribution of wealth, status and other types of goods and services among the members of the community. Justice in social practices and customs deals with situations where the social norms and practices are geared to serve the rich, thereby making a mockery of the lives of the poor and adding to the miseries of their already meager existence. The proposed law on ostentatious expenditure in weddings and payment of dowries, which is under consideration today, touches all three forms of justice, he observed. He went on to state that the draft law is an attempt to address and resolve the problems faced by the common man – the man in the street – facing enormous difficulties in coping with exploitative customs and

social evils, prevalent in the society. (The address of the Chief Justice is at Annex 11)

On the second day of the Workshop i.e. 26<sup>th</sup> July, 2003, two groups were formed for discussion on the issue. Group-I was to examine the draft law and suggest improvement to it. It was chaired by Syed Afzal Haider, Senior Advocate and Member, Law and Justice Commission. Syed Muhammad Anwar, Advocate acted as facilitator/rapporteur for the Group. Group-II was formed to consider way and means of effective enforcement of the draft law and the eradication of the evil of dowry from the society. Dr. Rakhshanda Parveen chaired the session and also acted as rapporteur for the Group. The participants of Group-I and Group-II discussed the issue in detail and submitted their recommendations as follows:-

### **Recommendations of Group-I**

- I. In Sub-section 2 of Section 1, the phrase “and applies to all citizens of Pakistan” is redundant, hence it may be deleted from the final draft.
- II. The group also discussed whether this law should be treated as Federal law or a provincial law or the federal Government may approve the draft as a policy document, recommending its adaption to the Provincial Governments.

The Group after a lengthy discussion and quoting references from the Constitution of Pakistan, in the light of Item 5 of the 4<sup>th</sup> Schedule of the Constitution, reached the conclusion that it may be a Federal law. It will create uniformity and harmony in different federating units of the country.

- III. In Section 2, the group suggested that
  - The word Dower may be written in parenthesis alongwith the word Mehr used in Section 2(a) or the word Mehr should be deleted altogether because it is not used in Muslim Family Law Ordinance.
  - The word (which) is proposed to be added in article 2(b) after the word (property)
  - The function of engagement is also proposed to be added among the list of functions associated with marriage festivities.

- The group suggested that in definition clause of Section 2, definition of “house guests” and “marriage guests” to avoid ambiguity in the law be added.
- IV. In Section 3 the group suggested that instead of writing fifty thousand rupees, some quantity of gold which is equivalent today to 50,000 rupees as the upper ceiling may be mentioned.
  - V. In Section 4 the group suggested that instead of writing words like “soup or hot or cold soft drinks” the word one dish should be written.
  - VI. In Section 6 a suggestion was made that the display of dowry or bridal gifts should be banned.
  - VII. In Section 7 the group proposed to delete the words “to be given to the bride at the time of her marriage or Rukhsati”. It was also suggested that the explanation clause which earlier existed in Section 3 of Dowry and Bridal Gifts (Restriction) Act, 1976 may be added in Section 7 of the draft law.
  - VIII. The group pointed out that in Section 8 the term Haq-e-Mehr is used, which is meaningless term and it may be replaced either by the term Mehr only or with the term Dower.

There was consensus in the group that the contents of Section 9 to Section 18 are reasonable and should be retained. However, a number of errors, omissions of words, phrases and punctuations were pointed out and it was suggested that the drafting of Section 9 and 10 specifically, are not upto the mark of normal standards of drafting, and therefore should be redrafted.

The group-I also recommended that the law must be promulgated either after the enforcement of the law regarding inheritance, guaranteeing the women rights to inheritance or it should be promulgated simultaneously with the said laws.

### **Recommendations of Group-II**

The group consisted of 7 male and 9 females which was mix of scholars, activists, academic, young people, parliamentarians and media persons. The group had the consensus to develop and implement strategy for dealing for dowry violence cases. The group agreed that law is necessary to deal with this problem but it alone cannot eradicate it from our society. It emphasized upon bringing behavioural change through effective use of communication strategies such as print/electronic media in more effective way to eradicate this social evil from the society.

The recommendations of the group are as follows:-

- Dowry must be completely abolished.
- Bridal gifts and dowry are two separate issues.
- There should not be any upper limit on bridal gifts but there should be restriction on their display.
- Neither dowry nor bridal gifts should be demanded.
- Demand of Dowry should be taken as an offence.
- Banning of wedding meals would be unrealistic and there is a greater possibility of the selective application of this law. Thus one dish weddings should be promoted and the number of guests excluding the brides and groom's family members must not exceed 300.
- Baraat and Valima are two different events so should be dealt separately in terms of expenses, etc.
- Pre marriage functions be allowed but only within the four walls of the house.
- The language of the law should be reviewed and protectionist approach and patriarchal phrasing must be avoided. For instance, instead of poor girls there should be poor couples.
- The issue of dower must be taken into serious account by the Islamic Ideology Council, the Commission and the shariat experts and it may be connected to the dowry issue to strengthen the financial security of the girl/bride.

### **Penalty/Implementation**

- Demand of dowry be made an offence, carrying fine of rupees one lakh to three lakh.
- The group was totally against punishment by imprisonment because in its opinion the Pakistani jails need reforms.
- Dowry giving or taking will be dealt in the same way as above.
- Display of bridal gifts + presents (same fine).
  - No protectionism approach
  - Poor couples should replace the word poor girls.
  - Complaints + checks (in case of any kind of violation)
- Involve union councils for implementation
- Dowry violence (stove deaths, bridal burning, verbal abuse, psychological violence, economic abuse etc) be made punishable with imprisonment (needs further review)
- Dowry violence should be dealt with separately from domestic violence cases.

In the Concluding Session of the Workshop, both the groups presented their group recommendations. After group presentations, the floor was opened for discussion. All participants enthusiastically took part in the discussion and put their comments about the draft. The Session was chaired by Syed Saeed Ashhad, Chief Justice, High Court of Sindh and Member, Law and Justice

Commission of Pakistan. In his concluding remarks, he said that the amendments given by the two groups are merely proposals, which need further deliberations and insight into its different dimensions, before implementation. He further said that a positive development is that the society as a whole has started taking notice of the menace of dowry. These proposed amendments will be further reviewed by the Law and Justice Commission before forwarding it to the Parliament, he elaborated.

Dr. Faqir Hussain, Secretary, Law and Justice Commission thanked the participants for their participation and valuable input to further improve the draft law. He stated that the recommendations of the Workshop will be carefully examined and suitable amendments made to the draft.

The Secretariat of the Commission examined the recommendations of participants of the Workshop and accordingly amended the draft bill.

Comparative table showing the proposed draft law and corresponding provisions of Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Act, 2003 is given below:-

### Comparative Table

<b>Marriage Functions (Prohibition Of Ostentatious Displays And Wasteful Expenses) Ordinance 2000.</b>	<b>Marriage Functions (Prohibition Of Ostentatious Displays And Wasteful Expenses) Act, 2003.</b>
<p><b>1. Short title, extent and commencement.</b> (1) This Ordinance may be called the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000.</p> <p>(2) It extends to the whole of Pakistan.</p> <p>(3) It shall come into force at once.</p>	<p><b>1. Short title and commencement.</b>—(1) This Act may be called Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Act, 2003.</p> <p>(2) No Change</p> <p>(3) No Change</p>

<p><b>2. Interpretation.</b>—For the purpose of this Ordinance the expression “marriage” shall include all ceremonies, preceding and succeeding the formal wedding whether religious or civil rituals such as nikah, rukhsati, walima, mehndi, rasme-hina and other functions and celebrations connected with marriage and related festivities.</p>	<p><b>2. Definitions.</b>—In this Act, unless there is anything repugnant in the subject or context—</p> <p>(a) “Committee” means a Committee constituted under Section 7;</p> <p>(b) “Government” means the Federal or Provincial Government, as the case may be;</p> <p>(c) “marriage” shall include all ceremonies, preceding and succeeding the formal wedding whether religious or social rituals such as mayun, mehndi, barat, nikah, rukhsati, walima and other related festivities;</p> <p>(d) “one dish” means one salan with rice and roti or nan and one sweet dish; and (e) “prescribed” means prescribed by rules made under this Act.</p>
<p><b>3. Prohibition of ostentatious celebrations.</b>—(1) Subject to sub-Section (2), no person celebrating his marriage or the marriage of any other person shall--</p> <p>(a) decorate or cause to be decorated any house or building including any space appertaining thereto, street, road or other place whether owned by him or otherwise with lights or illumination; or</p> <p>(b) explode or allow any one to explode cracker or other explosive device including firing by fire-arm; or</p> <p>(c) display or allow any one to display fire-works.</p> <p>(2) Nothing contained in Sub-section-(1) shall prohibit the use of such lights as are ordinarily necessary to lit the house or any other place being the site of marriage</p>	<p><b>3. Prohibition of Ostentatious Celebrations.</b>—No person celebrating his marriage or the marriage of any other person shall—</p> <p>(i) decorate or cause to be decorated any street, road or public park or any place other than a house or a building, where marriage ceremony is being held, with lights or illumination;</p> <p>(ii) decorate or allow anyone to explode cracker or other explosive device including firing by fire-arm;</p> <p>(iii) display or allow anyone to display fire works;</p> <p>(iv) display or allow any person to display dowry to the public eye.</p>
<p><b>4. Restriction on wasteful expenses.</b>—(1) No person celebrating his or the marriage of any other person serve or allow any one to serve meals or other edibles to persons, participating in the marriage in a club, hotel, restaurant, wedding hall, community center or any other</p>	<p><b>4. Restriction on wasteful expenses.</b>—(1) No person celebrating his marriage or the marriage of any other person shall serve or allow anyone to serve meals or other edibles to the person except one dish in connection with a marriage in a club, hotel, restaurant, wedding hall,</p>

<p>place except hot and cold soft drinks.</p> <p>(2) Nothing contained in Sub-section (1) shall apply to the eating of meals within the house by the members of family celebrating the marriage or the house guests.</p>	<p>lawn, community center, community park or any other place:</p> <p>Provided that in case the number of invitees, including hosts, attending the Walima or Barat ceremony exceeds three hundred, no meal shall be served except soup or, hot or cold soft drinks.</p> <p>(2)Nothing contained in Sub-section (1) shall apply to the eating of meals within the house by the members of family celebrating the marriage, and the house guests.</p>
	<p><b>5. Application of the Act to hotels, restaurants, etc.</b>—No person owning or running a hotel, restaurant, wedding hall, lawn, community center, community park or club being the site of marriage ceremony or any caterer shall serve or allow anyone to serve any meals or edibles to the persons participating in the marriage ceremony except as provided in Section 4.</p>
	<p><b>6. Committees for prohibition of wasteful expenses on marriage.</b>—Government shall, by notification in the official Gazette, constitute a committee for each Union, Tehsil or Town, which shall perform such functions as may be prescribed.</p>
	<p><b>7. Enforcement of provisions of the Act.</b>—The District Coordination Officer at District level, Tehsil Municipal Officer or Town Municipal Officer at Tehsil or, as the case may be, town level, Secretary Union Council at the Union Council level and Local Government and Rural Development Department at provincial level shall take all necessary measures for the enforcement of the provisions of this Act and shall be assisted by the committees, in this regard, constituted under Section 6.</p>
<p><b>6. Offences.</b>—Whoever contravenes the provisions of Section 3, Section 4 or Section 5 shall be guilty of an offence punishable with simple</p>	<p><b>8. Offences.</b>—Whoever contravenes the provisions of Section 3, 4 or 5 shall be guilty of an offence punishable with fine which shall not</p>

<p>imprisonment for a term which may extend to one month or with fine which shall be not less than one hundred thousand rupees and not more than five hundred thousand rupees or with both.</p>	<p>be less than one hundred thousand rupees and not more than three hundred thousand rupees.</p>
<p><b>7. Cognizance of offence.--</b>(1) The offences under this Ordinance shall be non-cognizable and no Court shall take cognizance of an offence under this Ordinance except on a complaint in writing by an officer or agency as the Federal Government or a Provincial Government may, by notification in the official Gazette, appoint.</p> <p>(2) No Court inferior to that of the Magistrate of the First Class shall try an offence under this Ordinance.</p> <p>(3) Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class to pass any sentence authorized by this Ordinance even if such sentence exceeds his power under the said Section 32.</p>	<p><b>9. Cognizance of offences.--</b>No. Court shall take cognizance of an offence under this Act except on a complaint in writing made by the Committee or the Authorities mentioned in Section 7, in the manner prescribed.</p>
	<p><b>10. Disposal of food and other edibles.—</b>The food and other edibles procured, prepared, arranged or set for serving in contravention of this Act shall be disposed of in the manner prescribed.</p>
	<p><b>11. Rules.—</b>Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.</p>

**A  
BILL**

**Preamble.**—Whereas it is expedient to provide for the prohibition of wasteful expenses on marriages and ceremonies related to it and to make provisions connected therewith and ancillary thereto;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Act, 2003.

It extends to the whole of Pakistan.

It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(a) “Committee” means a Committee constituted under Section 7;

“Government” means the Federal or Provincial Government, as the case may be;

(c) “marriage” shall include all ceremonies, preceding and succeeding the formal wedding whether religious or social rituals such as mayun, mehndi, barat, nikah, rukhsati, walima and other related festivities;

(d) “one dish” means one salan with rice and roti or nan and one sweet dish; and

(e) “prescribed” means prescribed by rules made under this Act.

3. **Prohibition of Ostentatious Celebrations.**—No person celebrating his marriage or the marriage of any other person shall—

(i) decorate or cause to be decorated any street, road or public park or any place other than a house or a building, where marriage ceremony is being held, with lights or illumination;

(ii) decorate or allow anyone to explode cracker or other explosive device including firing by fire-arm;

- (iii) display or allow anyone to display fire works;
- (iv) display or allow any person to display dowry to the public eye.

4. **Restriction on wasteful expenses.**—(1) No person celebrating his marriage or the marriage of any other person shall serve or allow anyone to serve meals or other edibles to the person except one dish in connection with a marriage in a club, hotel, restaurant, wedding hall, lawn, community center, community park or any other place:

Provided that in case the number of invitees, including hosts, attending the Walima or Barat ceremony exceeds three hundred, no meal shall be served except soup or, hot or cold soft drinks.

(2) Nothing contained in Sub-section (1) shall apply to the eating of meals within the house by the members of family celebrating the marriage, and the house guests.

5. **Application of the Act to hotels, restaurants, etc.**—No person owning or running a hotel, restaurant, wedding hall, lawn, community center, community park or club being the site of marriage ceremony or any caterer shall serve or allow anyone to serve any meals or edibles to the persons participating in the marriage ceremony except as provided in Section 4.

6. **Committees for prohibition of wasteful expenses on marriage.**—Government shall, by notification in the official Gazette, constitute a committee for each Union, Tehsil or Town, which shall perform such functions as may be prescribed.

7. **Enforcement of provisions of the Act.**—The District Coordination Officer at District level, Tehsil Municipal Officer or Town Municipal Officer at Tehsil or, as the case may be, town level, Secretary Union Council at the Union Council level and Local Government and Rural Development Department at provincial level shall take all necessary measures for the enforcement of the provisions of this Act and shall be assisted by the committees, in this regard, constituted under Section 6.

8. **Offences.**—Whoever contravenes the provisions of Section 3, 4 or 5 shall be guilty of an offence punishable with fine which shall not be less than one hundred thousand rupees and not more than three hundred thousand rupees.

9. **Cognizance of offences.**—No court shall take cognizance of an offence under this Act except on a complaint in writing made by the Committee or the Authorities mentioned in Section 7, in the manner prescribed.

10. **Disposal of food and other edibles.**—The food and other edibles procured, prepared, arranged or set for serving in contravention of this Act shall be disposed of in the manner prescribed.

11. **Rules.**—Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

### **Statement of Objects and Reasons**

The objective of recommendations of the Commission is to provide relief to general public by imposing restriction on ostentatious displays such as decoration of any place other than house with unnecessary lights or illuminations and to control wasteful marriage expenses on serving of meals except hot or cold soft drink in marriage ceremonies. The purpose of recommendations is also to rationalize the prescribed limits of dowry, bridal gifts and presents which were fixed by the legislatures earlier in 1976 and further to enhance the penalty of fine to be imposed for violation of the law.

The Commission in its meeting held on 11 October 2003 considered after an in-depth discussion of the pros and cons of the matter, decided-

1. the suggested maximum limit of expenditure of fifty thousand rupees each for marriage expenses and dowry are unreasonable difficult to enforce hence be deleted from the draft;
2. the draft should be appropriately amended to provide for the serving of a single dish to a limited number of guests in Waleema and Barat functions;
3. the provisions of the recently enacted the Punjab Marriages Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Act 2003 should be followed for the purpose of definition of a single dish, number of guests and penalties etc;
4. the issue of excessive expenditure on marriage functions as well as dowries and the social evils associated with such practices, should be highlighted through press/electronic media for the education of the general public;
5. the law should be uniformly implemented and the ban on ostentatious displays of wealth through wasteful expenses and display/exhibition of dowry, etc. should be strictly enforced.



**A  
Bill**

*further to amend the Dowery and Bridal Gifts (Restrictions) Act, 1976*

**Whereas** it is expedient to amend the Dowery and Bridal Gifts (Restrictions) Act, 1976 for the purpose hereinafter appearing;

It is hereby enacted as follows:-

**Short title and commencement.-** (1) This Act may be called the Dowery and Bridal Gifts (Restrictions)(Amendment) Act, 2003.

It shall come into force at once.

2. Amendment of Section 6, XLIII of 1976.- In the Dowery and Bridal Gifts (Restrictions) Act, 1976, in Section 6 after the word "presents" the words "and expenses incurred on serving one dish meat or soup, hot or cold soft drinks as the case may be, to Barrat or in Walima" shall be inserted.

**List of Federal/Provincial Ministries/Departments whose Views were Solicited**

1. Secretary, Ministry of Women Development Social Welfare & Special Education, Government of Pakistan, Islamabad.
2. The Chairperson, National Commission on the Status of Women, Government of Pakistan, Islamabad.
3. Secretary, Ministry of Religious Affairs, Zakat and Ushr, Government of Pakistan, Islamabad.
4. Secretary, Law and Parliamentary Affairs Department, Government of Punjab, Lahore.
5. Secretary, Law and Parliamentary Affairs Department, Government of Sindh, Karachi.
6. Secretary, Law and Parliamentary Affairs & Human Rights Department, Government of N.W.F.P. Peshawar.
7. Secretary, Law and Parliamentary Affairs Department, Government of Baluchistan, Quetta.

## TEXT OF LETTER

Subject:- Prohibiting Excessive Expenditure on Marriage Ceremonies and Dowry.

The practice of incurring excessive expenditure on marriage ceremony and dowry has been a cause of constant agony and suffering for many families and especially the low income and poor ones. The same can be said about the practice of excessive dowries being demanded and given and its public display in marriage ceremonies. Regrettably, these practices are fast spreading to every nook and corner of the country, affecting all segments of the population. The Government have, from time to time, through legislation, sought to curb such practices. The law, however, has not been very effective in arresting the trend. In the last 5 years, new laws were promulgated to prohibit ostentatious displays and wasteful expenses on marriage ceremonies by prohibiting the illumination of buildings/streets and serving meals to guests. The measure however, was only partially successful, in as much as, it had some effect in parts of the urban belt but elsewhere, its enforcement was extremely weak. Later, the law was challenged in the Supreme Court and through a short order, the Court struck down the law on the ground, inter alia, that putting ban on serving meals in wedding ceremony is a provincial subject and they alone may legislate on the subject. Detailed judgment is awaited.

Apparently, there has been a popular consensus in the society to check all forms of extravagance and ostentatious displays during marriage ceremonies. The evil of demands made and parents having to pay excessive dowries, and its display in marriage ceremonies, continuous unabated. It has been a cause of tremendous agony and suffering to many families and especially the poor and downtrodden sections of the society.

The Secretariat of the Law & Justice Commission of Pakistan have, therefore, undertaken an exercise to prepare a draft law on the subject. The key points of the proposed new draft law are: fixing maximum limit of expenditure on marriage ceremonies and prohibiting the serving of meals and all kinds of ostentatious displays including decoration/illumination of buildings/streets, other than the house where the marriage ceremony is held; banning the use of fire arms, crackers and carrying fire work; restricting the amount/value of dowry, bridal gifts and presents and its display in wedding ceremonies; providing for the vesting of all property in the bride including dowry and bridal gifts; prescribing enhanced penalties for violation of the law and an effective procedure for its enforcement.

I am pleased to share with you a working paper, accompanied by a draft bill, on the subject for obtaining your views/comments. I should appreciate if I may receive your opinion/comments within 2 weeks. The Secretariat will revise the draft in the light of comments received. The revised draft will be placed before the Law & Justice Commission for approval. The Commission is headed by the Chief Justice of Pakistan as its Chairman and comprise other members including

the Chief Justice, Federal Shariat Court, 4 Chief Justices of High Courts, Senior Adviser to Prime Minister on Law & F.A., Attorney General for Pakistan and others. After approval, the draft law shall be forwarded to the Federal Government and Provincial Governments for consideration and enactment through the Cabinet and Parliament/Provincial Assembly.

## Annex II

Law & Justice Commission of Pakistan  
(Supreme Court Building)  
Islamabad  
8<sup>th</sup> April 2003

### PRESS RELEASE

#### **Law & Justice Commission of Pakistan Invites Public Suggestions on Prohibiting Excessive Expenditure on Marriage ceremonies and Dowry**

The practice of incurring excessive expenditure on marriage ceremonies has been a cause of constant agony and suffering for many families and especially the low income and the poor ones. The same can be said about the practice of excessive dowries being demanded and given, and its public display in weddings. Regrettably, these practices are fast spreading to every nook and corner of the country, affecting all segments of the population.

The Law & Justice Commission of Pakistan intends to deal with this social problem through enactment of a consolidated new law to prohibit excessive expenditure on marriage ceremonies and dowry. The draft law will be submitted to the Government for implementation. The key points of the proposed draft law are:

1. fixing a maximum limit of expenditure on marriage ceremonies and allowing either one dish to be served or only cold/hot drink to be served to guests attending the marriage ceremony;
2. prohibiting all kinds of ostentatious displays including decoration/illumination of buildings/streets, other than the house where the marriage ceremony is held, use of fire arms, explosive devices and display of fire works, etc;
3. restricting the amount/value of dowry and bridal gifts to a reasonable limit and prohibiting its display in wedding ceremonies;
4. providing for a list of dowry and bridal gifts to be prepared and furnished to Nikah Registrar who shall file it in the office of Nazim;
5. providing that all property including dowry, bridal gifts and presents given to the bride, shall absolutely vest in such woman;
6. prohibition on receiving presents by holders of public offices, members of legislatures and public officials in Grade 17 and above;

7. prescribing stringent penalties for violation of the law and prescribing an effective procedure for its enforcement.

The general public is requested to forward suggestions for any changes or further improvement to the draft law. Suggestions may be forwarded by 25<sup>th</sup> April 2003 to the Deputy Secretary (Admin), Law & Justice Commission of Pakistan, Supreme Court Building, Islamabad, on Phone 051-9214797, Fax 051-924416,

Email [ljcp@ljcp.gov.pk](mailto:ljcp@ljcp.gov.pk)

(Habibur Rehman Sheikh)  
Deputy Secretary

### Annex III

**GOVERNMENT OF PAKISTAN  
MINISTRY OF WOMEN DEVELOPMENT  
SOCIAL WELFARE & SPECIAL EDUCATION**

**SUBJECT: PROHIBITING EXCESSIVE EXPENDITURE ON MARRIAGE CEREMONIES AND DOWRY.**

Reference Law & Justice Commission of Pakistan letter No. 50/DS-I/Dowry/LJCP, dated 2<sup>nd</sup> April, 2003 on the subject noted above and to say that we generally agree with the recommendations proposed by Law Commission, however this Ministry offers the following comments on Section 2-e, Sub-section (2) of Section 4 and Section 9 (restriction on presents).

Clause (e) of Section-2 (Definitions).

- Bridal gift to cover gift given by bride's parents to the bridegroom as well (Bride's parents often gift cars and diamonds etc).

Sub-section-2 of Section No.4 (Restriction on wasteful expenses).

- Celebration of marriage has to be defined – Not only the actual marriage ceremony, but dinners given to meet the bride & grooms etc.

Contents of Section – 9 (Restriction on presents).

- We are living in a traditional society and strictly following customs. A present valuing up to Rs. 500/- is of no value. Even a small gift presented by either party at the marriage values more than a thousand, therefore, this limit may be enhanced upward.

(Suhela Asif)  
Director General (Mo WD)

Dr. Faqir Hussain, Secretary, Law & Justice Commission of Pakistan, Supreme Court Building, Constitution Avenue, Islamabad.

M/O Women Dev. S.W & Spl.Edu. U.O.No.7-3/2002-SRO-II, dt.28<sup>th</sup> April, 2003.

**Annex IV**

DO. No. E&A/LD/5-1/91/2952.  
Dated Peshawar, the 24th April, 2003

Subject: **Prohibiting Excessive Expenditure on Marriage Ceremonies and Dowry**

My Dear Dr Sahib

Please refer to your letter No. 50/DS/I/Dowry/LJCP, dated 2<sup>nd</sup> April, 2003 and of even number dated 5<sup>th</sup> April, 2003 on the above noted subject.

Thank you very much to favour me with the opportunity to share my views in the proposed law on the subject issue. I hope you will agree with me that implementation of law, now-a-days is a burning issue in our country, and every legislation needs a serious consideration on this score.

Keeping in view the above scenario in mind, inter-alia, I propose the following:-

- i. In Section-3 the words "Mehindi" and "Barat" should be deleted as recommended by Islamic Ideology Council.
- ii. In Section-9(2) the gifts offered by the friends with whom the donee used to exchange gifts before entering into office or service should be exempted from restriction as recommended by Islamic Ideology Council.
- iii. In Section-16(3) the competency of complaint should not be restricted to Nazim but instead it should be left open to every person who is capable

of becoming a witness in a criminal case. But such complaint must be accompanied with statement of two witnesses in shape of affidavit.

- iv. In case of conviction the complainant must be paid expenses of the case and vice versa in case of acquittal the accused must be paid compensation for false charge.
- v. In N.W.F.P. the check on extra expenses on marriages is proposed to be included in the functions of Mohtasib for which the proposed law is under process.

With regards

Sincerely Yours'

(AMIR GULAB KHAN)  
Secretary,

Law, Parliamentary Affairs & Human Rights  
Department, NWFP, Peshawar

Dr. Faqir Hussain  
Secretary

GOVERNEMENT OF PAKISTAN  
Ministry of Religious Affairs  
Zakat and Ushr

No.21(14)99/Pt.

Islamabad 11<sup>th</sup> April 2003

Subject: PROHIBITING EXCESSIVE EXPENDITURE ON MARRIAGE  
CEREMONIES AND DOWRY.

The undersigned is directed to refer to Law and Justice Commission of Pakistan D.O. No.50/DS-I/Dowry/ LJCP dated 2<sup>nd</sup> April 2003, on the subject cited above and to convey the views/comments of the Ministry of Religion Affairs as under:-

“The draft bill is actually an amalgamation of the Dowry and Bridal Gifts (Restriction) Act, 1976 and the Marriage Functions (Prohibition of Ostentations Displays and Wasteful Expenses) Ordinance, 2000, with further both improvements/amendments

Both the above-referred laws are the administrative concern of the Ministry of Religious Affairs, Zakat and Ushr. The Dowry and Bridal Gifts (Restrictions) Act, 1976 has been out dated and required amendments, while the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000 has been declared verbally by the Supreme Court of Pakistan to be ultra vires of the Constitution and according to the court the provinces are required to legislate in the matter. The court judgment/written short orders have not yet been releases. The amendments/improvements in the shape of the new draft Act are reasonable and the need of the time. It would be appropriate that the provincial governments may legislate thereupon”

(Nusratullah Khan)  
Acting Secretary

Dr Faqir Hussain.  
Secretary,  
Law and Justice Commission of Pakistan,  
Supreme Court Building,  
Islamabad.

Annex VI

**Government of Pakistan**  
**National Commission on the Status of Women**  
State Life Building No.V, Jinnah Avenue, Sector F-6/4  
Street No. 56, House NO. 39, F-6/4, Islamabad.

May 6<sup>th</sup>, 2003

Dr. Faqir Hussain,  
Secretary,  
Law & Justice Commission of Pakistan,  
Supreme Court Building, Constitution Avenue,  
Islamabad.

Subject: Prohibition Excessive Expenditure  
On Marriage Ceremonies & Dowry.

Dear,

Many thanks for your letter dated 2<sup>nd</sup> April, 2003 followed by another letter correcting some mistake in the draft. I must admit that the subject picket-up by you is of great importance as it is a social evil which is prevailing unabated and there is a need to confine the same.

Generally speaking the lower middle class was very happy when there was a ban on wedding feast and were disappointed when the Supreme Court passed judgment which meant allowing the continuation of dinner etc. relating to marriage ceremonies. There is definitely a popular demand in the society to check all forms of extravagance and ostentatious display in marriage ceremonies. But this is mostly applicable to the middle class or lower middle class which has honest and salaried income and cannot afford any extravagance. However, even these people adopt all means to avoid restrictions as far as the dowry/gift etc. are concerned. But violating the law causes them irreparable loss in cases where the marriage is broken as they cannot prove the dowry and bridal gift which were given under the table and are not mentioned any where.

In bringing the new law in this regard we will have to consider the class distinction which is prevailing at present i.e. the business community the salaried. (as you yourself have mentioned above Bs-17 & below) and the people of lower strata who have hardly anything to give and enjoy/relieved under the protection of such laws. Our main target should be the upper and upper middle class which sets the trends.

I have not shared this draft with the Commission members. I need a clarification if such drafts can be discussed in the Commission meetings. In my opinion it should be. However, I will wait for your reply.

Thanks

(JUSTICE ® MAJIDA RAZVI)  
CHAIRPERSON (NCSW)

I have gone through the proposed bill forwarded by you and my comments are as under:-

**Section 1(2):** This law being related to marriages is in the nature of personal law as such it cannot be made applicable to “all citizen of Pakistan”. In my opinion the Section should be:-

“It extends to the whole of Pakistan and applies to all citizens of Pakistan except the minorities.”

**Section 2:** The definition given are O.K. except in (e) where you have exclude ‘neundra’ & ‘salami’ be included.

In my opinion the money or the presents given under these two heads are also related to marriages as such they should be included either under bridal gift or under ‘**property**’ as movable property or under Section 3 expenditure on marriage.

(f) At the end after ‘any law’ the word” effective at relevant time” may be added.

(g) In the third line after ‘designated’ the word “**by the Government**” should be added.

**Section 4:** Since this law is going to be Federal Law restriction on service of meals may be considered in contravention of judgment of Supreme Court as being a ‘**provincial subject**’.

**Section 5:** In second line after the word ‘centre’, ‘and’ should be substituted for “Coma” and after club the words **wedding lawn or any place** should be added, the Section will be read as under:-

**Section 14(2)(a):** There seems to be some typing mistake. It should be read as under:-

**S.14(2)(a):** In the case of property given or accepted before, **after** and at the time of marriage; and

**Section14(2)(b):** I do not agree with the rationale of prescribing fifteen days time as the same can be easily violated.

**Section 14(4):** In my opinion this will give unnecessary power to the Registrar. Instead it may be that "the list may be submitted before the Income Tax Authorities, if being the income tax payee".

At the end of sub-article 4 after "one Week", the words "from the date of marriage" be added. As such 14(4) will be read as under:-

**S.14(4):** The parents of each party to a marriage shall furnish to the marriage, duly signed or thumb marked by them within one week '**from the date of marriage**'.

Sub-section (5) is related with Sub-Section (4).

**Section 15(1):** In second line after the word 'shall' the words '**an offence**' be added. It will be read as under:-

**Section 15(1):** Whoever contravenes, or fails to comply with the provision of this Act or the rules made thereunder shall be '**an offence**' punishable with imprisonment of either description for a term which may extend to three months or with fine which may extend to rupees fifty thousand or with both.

In my opinion the term of six months was better. The penalty should be deterrent and carry effective repercussion on the people who violate this law. Simple conviction in my opinion is not enough. This conviction should be treated as misconduct for service people and violation of Income Tax Rules for business community so that there is a deterrent to keep them away from mischief.

Under the Proviso the amount can further be enhanced.

**S.16(3):** Sub-section 3 of Section 16 is related to 14(4) and (5).

## **Annex VII**

No. Legis:1-115/Law/99/2799  
GOVERNMENT OF BALOCHISTAN  
LAW DEPARTMENT.

Dated Quetta, the 28<sup>th</sup> May, 2003.

The Secretary,  
Law and Justice Commission of Pakistan  
Supreme Court Building,  
Constitution Avenue, Islamabad.

Subject: **PROHIBITING EXCESSIVE EXPENDITURE ON MARRIAGE AND DOWRY**

Dear Sir,

Kindly refer to your letter No. 50/DS-1/Dowry/LJCP, dated 2-4-2003, on the subject cited above and to state that most of the salient features of the proposed draft Bill are similar to those of the Dowry and Bridal Gift Restriction Act, 1976 and the Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expense) Ordinance, 2000, hence making of new law/enactment on the identical Provision and subject would be futile and will serve no useful purpose. There is a need of slight amendment in respect of value of dowry and bridal gifts, expenditures on marriage and amount/penalty of fine in case of violation of Law.

2- Previously the following enactment were made in this behalf, which did not bear any fruitful result for the simple reason that they could not be effectively implemented. Hence instead of enacting a new Law solid steps are required to be taken for securing the implementation of Law in letter and spirit:

- (i) The West Pakistan Dowry (Prohibition on Display) Act, 1967.
- (ii) The Dowry and Bridal Gifts (Restriction) Act, 1976.
- (iii) The Marriage (Prohibition of Wasteful Expenses) Act, 1997.
- (iv) The Marriage Functions (Ostentatious Displays) Ordinance, 1999.
- (v) The Marriage Functions (Prohibition of Ostentatious Displays and Wasteful Expenses) Ordinance, 2000.

Subject to above observation section wise comments have been prepared separately which are attached herewith as F/A for consideration.

Yours faithfully,  
(ALI JUMA)  
Section Officer (Legislation)  
Ph: 9202805

<b>Comments</b>	<b>Flag-A</b>
Section 1. Short title, extent and commencement-	Formal, hence no comments;
Section 2. <b>Definitions-</b>	
(e) "present" means a gift of any property, not being a bridal gift or dowry, given before, at or after the marriage, either directly or indirectly, to either party to a marriage in connection with the marriage or to the relatives of the bride or bridegroom but does not include neundra and salami;	"In clause (e) of the said section the word "but does not include neundra and salami" need consideration if the word neundra and salami is excluded from definition of "present" then imposing restriction on "present" in section 9 of the proposed bill will be useless";  No comments;

<p><b>Section 3. Expenditure on marriage-</b></p>	<p>No comments;</p>
<p><b>Section 4. Restriction on wasteful expenses-</b></p>	<p>“In the said section, at the end instead of section 4, section 10 has inadvertently been mentioned which needs to be corrected”;</p>
<p><b>Section 5. Application of the Act to hotels, restaurants, etc-</b> No person owing or running a hotel, restaurant, wedding hall, community center, or club being the site of marriage ceremony or any caterer shall serve or allow any one to serve any meals or edibles to the persons participating in the marriage ceremony except as provided in section 10;</p>	<p>“In said section after clause (iii) the following clause (iv) is also required to be added:-</p>
<p><b>Section 6. Prohibition of ostentatious celebrations-</b> <b>Section 7. Restriction on dowry.</b></p>	<p>(iv) to arrange mujras and all kinds of musical programme.</p>
<p><b>Section 8. Restriction on bridal gifts-</b></p>	<p>No comments;</p>
<p><b>Section 9. Restriction on parents-</b></p>	<p>No comments;</p>
<p>(2) The President, the Prime Minister, Federal Minister, Chief Minister, Minister of State, Advisor, Governor, Speaker, Deputy Speaker, the Chairman or the Deputy Chairman of the Senate, Parliamentary Secretary, Member of the Senate, National Assembly or Provincial Assembly, Nazim or Naib Nazim, Government Servant or an official serving in any corporation, industry or establishment, owned, controlled or managed by Government shall not receive any present in connection with his marriage or the marriage of his son or daughter except from his relations (khandan);</p>	<p>“In sub section (2) of the said section restrictions intended to be imposed on the President, the Governor etc not to receive any present in connection with his marriage or marriage of his son or daughter except from his relations (khandan). The question arises that in case of violation on the part of the President or the Governor, whether it will be possible to initiate criminal proceedings under the said Act against them, keeping in view the provisions of Article 248 of the Constitution of Islamic Republic of Pakistan, 1973 which</p>

<p>Section 10. <b>Prohibition for demand of dowry-</b></p> <p>Section 11. <b>Time limit for dowry and bridal gifts-</b></p> <p>Section 12. <b>Vesting of the dowry, bridal gifts and presents-</b></p> <p>Section 13. <b>Bar on exhibition of dowry, bridal gifts and presents-</b></p> <p>Section 14. <b>List of dowry etc. to be furnished to Registrar-</b></p> <p>Section 15. <b>Penalty</b> - Whoever contravenes, or fails to comply with the provisions of this Act or the Rules made thereunder shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty thousand rupees or with both;</p> <p>Section 16. <b>Procedure for trial –</b>  Section 17. <b>Rules –</b>  Section 18. <b>Repeal -</b></p>	<p>provides that:-</p> <ol style="list-style-type: none"> <li>1) No criminal proceedings whatsoever shall be initiated or continued against the President or the Governor in Court during his term of office;</li> <li>2) No process for arrest or imprisonment of the President or a Governor shall issue from any Court during his term of office;</li> </ol> <p>Besides, this section is silent about the judicial officers from lower Court to the apex Court and Army personnel which needs consideration;</p> <p>No comments;</p> <p>This section needs to be happily drafted;</p> <p>No comments;</p> <p>No comments;</p> <p>No comments;</p> <p>No comments;</p> <p>Inclusion of penalty clause in the said section in so far as dowry, bridal gifts and present are concerned, this Department is of the view that its practical application may not be possible for the reason that no member of bride or bridegroom's family would come forward to make a complaint against either party, because obviously such a complaint would create tension and enmity amongst them leading to serious consequences;</p>
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	No comments; No comments; No comments;
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## Annex VIII

### Group 1

S #	Name	Designation	Expertise/Capacity
1.	Dr. Faqir Hussain	Secretary, CJCP	Law Research
2.	Syed Afzal Haider	Senior Advocate	Law
3.	Mohammad Iqbal	Joint Secretary, LJCP	Law
4.	Dr. Habib-ur-Rehman	D.S Law & Justice Commission	Law
5.	Syed Mohammad Anwar	Advocate	Law Human rights
6.	Zahid H. Mughal	Advocate	Law
7.	Prof. Dr Abdur Rashid	Dean Islamic University of Karachi	Law
8.	Dr. Habib-ur-Rehman	DG Religious Affairs	Law Drafting
9.	Amir Gulab Khan	Secretary Law N.W.F.P	Law
10.	Syed Anwar Aftab	District & Senior Judge, Quetta	Law
11.	Sanaullah Bhutta		
12.	Sarfraz Ali Khan	Advocate PIHR	Gender and Law
13.	FN Lodhi	Advocate	Gender Law
14.	Mr. Imtiaz Husain	Law Secretary, Baluchistan	Law
15.	Noor Salam	Assistant Director	Drafting of Law
16.	Syed Ghulam Nabi Shah	Secretary Law, Sindh	Law
17.	Muhammad Ilyas Khan	Chief Research Officer	Research, Law
18.	Mehboob Pervaiz Awan	Joint Secretary LJCP	Law
19.	Fakhar Hayat	Director, FJA	Law

20.	Ch. Hassan Nawaz	DG, FJA	Law
21.	Humala Khalid Phd	UNESCO	Gender
22.	Naheed Mehboob Ellahi	Senior Advocate	Gender activist Law
23.	Sadia Mumtaz	Aurat Foundation	Law & Gender

## Annex IX

### Group 2

<b>S #</b>	<b>Name</b>	<b>Designation</b>	<b>Expertise/Capacity</b>
1.	Dr. Rakhshinda Perveen	Executive Vice President, SACHET 2256799	Gender

2.	Asiya Azeem	MNA 2294004	Legislator
3.	Humaira Awais Shahid	MPA, Punjab Assembly Editor, Women Affairs, Daily Khabrain. 03334255509	Print Journalism Legislator
4.	S. Mubashir Raza	Additional Secretary Home Dept Punjab 9210777	Representative of Ministry of Interior
5.	Mumtaz Ahmad	DY Secretary LJCP 9214793	Law
6.	S. Liaqat Banori	Chairman SHARP 051-2251318 2250640	Law Human Rights
7.	Muhammad Tahir	Research Officer, LJCP 9208752	Law
8.	Iram Noor	Editor 'YOU' Magazine 03205065775	Gender & Print Media
9.	Fouzia Jalal Shah	Research Officer, LJCP 9209412	Research, Law
10.	Huma Chughtai	Director Research, National Assembly 9203253	Research Analyst
11.	Matiullah Jan	Reporter, PTV news 03005114314	TV Journalism
12.	Naeem Mirza	Director, Aurat Foundation 2277512	Gender activists Law
13.	Imrana Farooqui	03205105601	Development professional
14.	Saadia Sajjad	CO, LJCP 9220486	Research, Law
15.	Hina Basharat	Advocate S.L.A 28555565	Law
16.	Imran Nyar	Professor, Law 9257931	Law & research
17.	Khatija-tul-Kubra	Member, Women Commission	Shariah and Islamic perspectives

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## **Annex: X**

### **"Message By Dr. A. Q. Khan, President Sachet & Special Advisor To Prime Minister On Strategic Programs.**

It is great pleasure and honour for me to welcome this august gathering.

2. We have assembled here to discuss the legal dimensions of a very important social issue. SACHET, being an organization for Pakistanis and by Pakistanis has always undertaken the issues relevant to Pakistani society. Dowry is also one such issue. Dowry like other gender-based violence issues breeds coercive compliance and finds legitimacy through cultural norms. Due to a number of factors, the issue virtually disappeared from the agenda of NGOs who claim to work on gender violence or women rights or human rights. Taking notice of the visible exclusion of dowry as a gender issue from the agenda and aims of NGOs and gender experts, we at SACHET initiated Fight Against Dowry in November 2001 through our technical wing called AGHEI Resource Center. The Key strategies to curb the social evil Of dowry are communication and research.

The activity spectrum ranges from surveys, signatory campaigns, interpersonal Communication, TV programs, community mehfiles, seminars, e-petitions, lobbying with media working with the law makers for amending the existing laws, working with youth groups, lobbying with parliamentarians to anything possible under the sun. It is a challenging task to bring a change in the social behaviors, particularly in a deep rooted traditional society such as ours: Our greatest success so far is that we have broken the silence on this issue. People families, youth groups, media and law experts are now talking on this issue.

3. Our position on Dowry is very clear. Dowry is different from bridal gifts, thus we strongly urge that the two should be clearly separated in Restriction Act of 1976. However, when a gift becomes a demand, it becomes an offence and a form of violence. For us dowry is culturally and legally sanctioned form of violence not only against women but against men as well. Dowry as means of discrimination and exploitation should not be acceptable in an enlightened society. Further. we strongly condemn dowry violence like stove deaths or bridal burning. We have failed to understand. and this is a mystery. that social sciences' researchers may find interesting to solve that why stove burst only in susrals and why the victim is only a bahu? We strongly urge the law enforcing bodies and courts to take action themselves if such incidents come to their notice. Domestic violence including Dowry violence must not be treated as private matter. It has become a question of our national image and prestige.

4. Marriage expenses need to be reviewed and restricted. However. in this respect there must not be selective application of the Law. We suffer as a nation from a variety of problems and ills because of selective application of law. While it is necessary to revamp laws and update their coverage and impact. The desired social changes are best brought about by creating mass awareness and by rejection of undesirable social norms through voluntary actions.

5. I am confident that all my colleagues. Friends and distinguished experts would analyse each detail of a very complex social problems and come up with a realistic and impact oriented solutions." The inaugural address was given by the chief' guest Justice Sh. Riaz Ahmed. Chief Justice of Pakistan and Chairman Law and Justice Commission of Pakistan. He appreciated the efforts of Law and Justice Commission in preparation of the draft law. Draft law, Chief Justice elaborated. Addresses the problem of excessive expenditure and display of wealth on marriage ceremonies. The proposed law is an attempt to address and resolve the problems liked by the common man.

6. Sh Riaz Ahmed further added that, "a society without justice is a society misruled", therefore, the law touches all three forms of justice; "corrective justice", "distributive justice" and" justice in the social norms and practices of society". The primary objective of the draft law is to prevent the abuse of the social practices. The laws check the abuse and give relief to the lower middle and poor strata of the society. Concluding his address, Chief Justice expressed

his gratitude at the concern shown by the participants of the workshop and anticipated productive deliberations.

**Speech of Sh Riaz Ahmed  
Chief Justice of Pakistan  
at the Inaugural Session of the National Workshop  
on Draft law, 'Prohibiting Excessive Expenditure  
on Marriage Ceremony and Dowry', held at Islamabad  
On 25<sup>th</sup> July 2003.**

Hon'ble Federal and Provincial Ministers  
Hon'ble Chief Justice and Judges of the superior courts  
Hon'ble Members of the Law & Justice Commission of Pakistan  
Hon'ble Federal and Provincial Secretaries  
Distinguished Guests  
Ladies & Gentlemen!

I am glad to be in the midst of such a distinguished and learned gathering, representing the relevant federal and provincial departments, professional bodies, NGOs and civil society organizations. The National Workshop on the Draft Law, 'Prohibiting Excessive Expenditure on Marriage Ceremony and Dowry', has been organized by the Law & Justice Commission in collaboration with the Society for Advancement of Community, Health, Education and Training.

At the outset, let me acknowledge and appreciate the hard work done by the Secretariat of the Law & Justice Commission in preparing the draft law. The draft has been carefully prepared, taking into consideration the previous statutes relating to fixing expenses on marriage and dowry, and the problems associated with the implementation of such statutes. Beside examining the previous law, the relevant stakeholders, meaning, Federal division and provincial departments, responsible for making and implementing of the marriage and dowry related law, were consulted and their comments duly incorporated in the Secretariat's draft.

The draft law basically addresses the problem of excessive expenditure being incurred and ostentatious display of wealth on the occasion of marriage ceremonies and through the provision of dowry and the display and exhibition of dowry items during such ceremonies. The draft law, let it be clarified, is not against the holding of marriage ceremonies, nor does it prohibit the giving of dowry, altogether. What it prohibits, is the extravagance and ostentatious display of wealth on such occasions.

A society without justice is a society misruled. Such a society cannot stand up for itself. When we talk of justice, however, the first thing that comes to mind is justice delivered through courts with its accompanying delays and shortcomings. Yet, this is only one type of justice and is called "corrective justice". Two other major types of justice are "distributive justice" and "justice in the social norms and practices of society". Distributive justice deals with the distribution of wealth, status and other types of goods and services among the members of the

community. Justice in social practices and customs deals with situations where the social norms and practices are geared to serve the rich, thereby making a mockery of the lives of the poor and adding to the miseries of their already meagre existence. The proposed law on ostentatious expenditure in weddings and payment of dowries, which is under consideration today, touches all three forms of justice. The draft law is an attempt to address and resolve the problems faced by the common man- the man in the street – facing enormous difficulties in coping with exploitative customs and social evils, prevalent in the society.

An argument may be advanced by some that ostentatious expenditure on marriage ceremonies and dowries is an issue of distributive justice. If wealth is distributed more equitably among the members of society, the problem will go away. On the other hand, it may be argued that ostentatious expenditure by the rich is by itself one way of distributing wealth for it generates income and, perhaps, jobs for the poor. Curbing such expenditure may block this source of wealth causing harm to the poor and result in a loss of jobs in those industries and services that support these activities.

From the perspective of social practices and customs, it may be argued that this is not the domain of the law, and the law should mind its own business. People should be persuaded through education, public opinion and Islamic teachings to adopt more healthy, humane and compassionate practices. In addition to this, in an Islamic society there are only two occasions when people can celebrate, entertain and relax. These are the Eid and marriage. These two functions are very important for women and children, who put on their best dresses and get a change to meet and interact with their families, relatives and friends, especially those who come over from great distances. A number of disputes and differences are resolved on these occasions leading to solidarity within the social fabric. Making restrictive laws for such occasions may lead to the stifling of a very vital social institution.

Nevertheless, when things get out of hand, and measures designed for distributive and social justice are painfully slow, inefficient, or even non-existent, the law must step in and play its role. The problems of the poor and deprived classes, who are being crushed by unhealthy practices, are increasing by the day, and call for immediate action. It is in this light that the proposed law must be examined and refined. The primary objective of the draft law is to prevent the abuse of the social practices to an extent that the solemnization of marriage and its related festivities is increasingly being perceived as a social evil. The same is the case with the custom of giving dowry to the bride. Dowries are paid, and now also openly demanded. This is wrong. It must stop. It is unacceptable, as it is against all norms and values, known to society. Hence the law must step in to check the abuse and give relief to the lower middle and poor classes of society, currently being crushed under the twin evils of extravagance and ostentatious display of wealth, demonstrated through lavish dinners being served to thousand

of guests during marriage ceremonies and payment of dowries and its exhibition during such occasions.

As stated earlier, the draft law has come out as a result of wide ranging consultations and deep analyses and research on the issues of excessive expenditure on marriage ceremonies and payment of dowries. But it is still only a draft, open to further improvement and refinement. I am glad that in today's Workshop, we have amongst us not only the representatives of the Federal and provincial governments and the relevant departments but also very eminent and learned scholars, jurists and activists, who will further discuss the draft to improve and refine it. Besides the legal text, I understand, a group of the Workshop participants will also devote some time to suggesting an appropriate framework for effective enforcement of this law.

After its refinement in the National Workshop, the draft shall come for consideration of the Law & Justice Commission. I intend to call a meeting of the Commission in the near future, to consider this draft along with other pending legislative proposals. After the approval of the Commission, the draft shall be presented to the Government for enacting necessary legislation through the Parliament.

You will be glad to know that the Commission's Secretariat have completed two other very important legislative proposals: They are, 'Effective Enforcement of the Law of Inheritance', with special reference to ensuring that women and children are not deprived of their shares of inheritance and they do actually receive inherited property. The other draft relates to 'The Eradication of Qabza Group Activities'. This is an old draft, earlier approved by the Commission in 1993, but regrettably has not been enacted so far. Now the Secretariat has further refined this draft in the light of changes that have occurred in the past 10 years. This draft, in my view, is of immense public importance and is intended to check and eradicate Qabza Groups, who forcefully and illegally occupy land and property of others.

These two drafts too, after approval by the Commission, will be submitted to the Government for enactment of legislation by the Parliament. I am glad that the Commission is of some service to the Government and the Parliament. I shall urge the Federal Government and Provincial governments to send references to the Law & Justice Commission for preparing draft legislative proposals for good governance in the society. The Commission's Secretariat is in the process of getting additional staff. Now the Commission has the capacity to make an impact and be of greater assistance to the Federal Government, Provincial Governments, Parliament and provincial legislatures.

In conclusion, let me thank you all for coming from all over the country and attending the Workshop. I trust that you will have productive deliberations during

the Workshop. I look forward to your valuable recommendations. I hope that you will have a pleasant stay in Islamabad.

Khuda Hafiz