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Introduction

The following note describes the marriage and divorce registration procedures and the issuance procedures for the three documents: nikahnama, marriage registration certificate, and divorce certificate. Finally, it assesses the trustworthiness of the said documents.

The note also includes a brief description of the administrative structure in Pakistan related to registration of personal data.

There is no uniform family law covering the entire Pakistani population regarding registration of marriage and divorce. This note focuses exclusively on the Muslim citizens who are regulated by the Muslim Family Law Ordinance 1961.

The note is primarily based on interviews conducted in Islamabad, Rawalpindi and Ahmadal in March 2018 and in Islamabad in April 2019 and it is one out of several notes focusing on Pakistan.

For tactical information related to Pakistani documents, please see »*Pakistan - Tactical information related to Pakistani documents*«.

The administrative structure in Pakistan

The National Database Organisation (NDO) was established under the Pakistani Ministry of Interior in 1998. The NDO was merged with the Directorate General of Registration, establishing The National Database & Registration Authority (NADRA), with the NADRA Ordinance of March 2000.¹ With this ordinance, registration of birth, death, marriage and divorce was made mandatory.² Furthermore, NADRA was made responsible for the establishment and development of a central registration database named the Civil Registration Management System (CRMS) and for the issuance of ID cards and uniform civil status documents.³ The authority to issue a

¹ NADRA A, 2018; EASO, 2015, p. 41.

² The National Database and Registration Authority Ordinance, 2000, V 9 & VII 21.

³ The National Database and Registration Authority Ordinance, 2000, IV 7a-b; NADRA, Islamabad, March 2018.

number of the civil status documents, including the marriage registration certificate and the divorce certificate, was delegated from NADRA to the union councils.⁴

Today, the union councils continue to be responsible for the registration of Pakistani citizens regarding birth, marriage, divorce and death and for the issuance of related civil status documents. The union councils are obligated to keep a handwritten register over these four vital events concurrent with a voluntary digital registration in NADRA's civil registration system (CRMS).⁵ The digital registration is not mandatory by law.⁶ The union council also keeps an archive with records of all the civil status documents they have issued and the breeder documents, which were submitted when applying for a civil status document.⁷

The procedure for marriage registration

According to the Muslim Family Law Ordinance 1961, registration of marriage and divorce is mandatory.⁸ The manual registration takes place at union council level, and registration is only done automatically, if the person solemnising the marriage is also the person licensed to register the marriage.⁹

Marriages, which are solemnised according to Islamic rules, are considered valid in Pakistan. With the presence of two witnesses, a written contract and a fixed *mahr* (bride price), any religious knowledgeable person can solemnise a marriage. This person is known as a Nikah Khawan and is often a local imam.¹⁰

The union council is obligated to grant license to one or more persons to be Nikah Registrars, who is the person authorised to register marriages.¹¹ The chairman appoints one Nikah Registrar for every ward in the union council, why there can be more than one Nikah Registrar at a union council. A Nikah Registrar can be licensed for more than one ward.¹²

The Nikah Registrar is not employed or paid by the state or by the union council and can never be chairman or hold any other post in the union council.¹³ The Nikah Registrar will often, but not necessarily, be the same person as the Nikah Khawan and does not necessarily have any legal competencies.¹⁴

⁴ Union council 83 Rawalpindi, March 2018; NADRA, Islamabad, March 2018.

⁵ Local Lawyer A, Islamabad, March 2018; NADRA, Islamabad, March 2018; Union Council 49, Ahmadal, March 2018; Union Council 83, Rawalpindi, March 2018.

⁶ NADRA, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018.

⁷ Union council 49 Ahmadal, March 2018; Union council 83 Rawalpindi, March 2018; Local Lawyer A, Islamabad, March 2018; Landinfo, 29 May 2012, p. 8.

⁸ Muslim Family Laws Ordinance 1961, 1.2-1.4.

⁹ Union council 49 Ahmadal, March 2018; Local Lawyer A, Islamabad, March 2018.

¹⁰ Local Lawyer A, March 2018; Local Lawyer B, Islamabad, March 2018; Union council 49 Ahmadal, March 2018; Makino, March 2014, pp. 9 and 14.

¹¹ Muslim Family Laws Ordinance 1961, 5.2.

¹² Danish Ministry of Foreign Affairs, 22 January 2019.

¹³ Danish Ministry of Foreign Affairs, 22 January 2019; NADRA, Islamabad, March 2018.

¹⁴ Union council 49 Ahmadal, March 2018.

During a wedding ceremony, a marriage contract will most often be drafted, also when the person performing the ceremony is not the authorised Nikah Registrar.¹⁵ In any case, the marriage needs to be registered at the union council.¹⁶

The Nikah Registrar completes the nikahnama - the original marriage certificate.¹⁷ The Nikah Registrar is then obligated to ensure that the nikahnama is registered at the relevant union council, which is always the union council where the bride is registered as a resident.¹⁸ If the bride resides abroad, the nikahnama is registered in the corresponding union council where her family resides.¹⁹ However, according to a lawyer interviewed by Landinfo in November 2017, the marriage has to be registered in the union council where the marriage was solemnised.²⁰

The union council secretary is responsible for the following registration in the handwritten register at the union council as well as the registration in NADRA's CRMS database. The Nikah Registrar is not authorised to do the actual registration in the union council's register.²¹

The presence of both bride and groom is, as a general rule, a requirement.²² However, the Danish National ID Centre has been informed that it is possible to enter into a legally valid marriage in Pakistan even though one party is abroad.²³ The information is, however, imprecise and inadequate.

The nikahnama

The nikahnama is an A3 sized piece of paper written in Urdu or in English and is the original marriage certificate.²⁴ The nikahnama contains handwritten information about the bride and groom, the *mahr* (bride price), place and date of issuance and the signatures of the witnesses.²⁵

For each marriage registration, the Nikah Registrar writes up four copies of the nikahnama, meaning that one registration generates four original copies of the nikahnama. The four copies are completed at the same time by the Nikah Registrar and have identical content.²⁶ According to the Marriage Family Law Ordinance, the first copy of the nikahnama is to be deposited by the Nikah Registrar to the relevant

¹⁵ Local Lawyer A, March 2018; Local Lawyer B, Islamabad, March 2018; Union council 49 Ahmadal, March 2018.

¹⁶ Muslim Family Laws Ordinance 1961, 1.4.

¹⁷ Local Lawyer A, March 2018; Local Lawyer B, Islamabad, March 2018; Union council 25 Islamabad, March 2018; Muslim Family Laws Ordinance 1961, 5.2.

¹⁸ Union council 83 Rawalpindi, March 2018; Local Lawyer A, Islamabad, March 2018.

¹⁹ Danish Ministry of Foreign Affairs, 22 January 2019.

²⁰ Landinfo, January 2021, p. 35.

²¹ Local Lawyer A, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018; NADRA, Islamabad, March 2018.

²² Danish Ministry of Foreign Affairs, 22 January 2019.

²³ Local Lawyer B, Islamabad, April 2019; Danish Ministry of Foreign Affairs, 22 January 2019.

²⁴ Local Lawyer A, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018; Danish Ministry of Foreign Affairs, 26 April 2023.

²⁵ Local Lawyer A, Islamabad, March 2018.

²⁶ Local Lawyer B, Islamabad, April 2019.

union council within a time period of a month after solemnising the marriage. The second copy of the nikahnama goes to the bride while the third one goes to the groom. The fourth copy of the nikahnama stays with the Nikah Registrar.²⁷ The union council secretary then registers the marriage in the manual register and files their version of the nikahnama in the archive.²⁸

The Nikah Registrar receives 200 nikahnama sheets, equivalent to 50 marriages, from the union council at a time. Once the Nikah Registrar has used up all the 200 sheets and 50 marriages have been registered, the registrar will be supplied with a new set of 200 blank nikahnama sheets.²⁹ When the Nikah Registrar receives the 200 nikahnama sheets, he is required to submit the 50 filled out nikahnamas that he kept from each marriage registration to the union council. Thus, the union council eventually ends up with two copies of each nikahnama.³⁰

It is possible to obtain a scanned copy or photocopy of the original nikahnama that are archived at the union council where the marriage was registered.³¹

Late registration

Marriage registrations exceeding the regular time period is accepted and sometimes it can take years before a marriage is registered at the union council. The main reason for late registration is that some couples have their marriage solemnised by a Nikah Khawan who is not an authorised Nikah Registrar. Then the couple needs to get a nikahnama issued by a Nikah Registrar. For late issuance of a nikahnama, it is a requirement to present the signed marriage contract drafted at the time of the solemnisation, two witnesses, *mahr* (bride price) and an affidavit.³²

Next, the couple can have their marriage registered at the union council. The requirements for late registration at the union council are the nikahnama, a court approval and the presence of the six witnesses who attended the solemnisation of the marriage.³³

Even though registration of marriage and divorce is mandatory by law, the representatives of the union councils who the Danish National ID Centre met with in March 2018, did not state that a late marriage registration would result in any kind of sanctions.

²⁷ Danish Ministry of Foreign Affairs, 22 January 2019; Union council 49 Ahmadal, March 2018; Local Lawyer A, Islamabad, March 2018.

²⁸ Local Lawyer A, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018; Union council 49 Ahmadal, March 2018; Union council 25 Islamabad, March 2018.

²⁹ Danish Ministry of Foreign Affairs, 22 January 2019; Union council 83 Rawalpindi, March 2018; Local Lawyer A, Islamabad, March 2018.

³⁰ Danish Ministry of Foreign Affairs, 22 January 2019; Local Lawyer A, Islamabad, March 2018; Local Lawyer B, Islamabad, April 2019.

³¹ Danish Ministry of Foreign Affairs, 22 January 2019.

³² Local Lawyer A, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018.

³³ Union council 49 Ahmadal, March 2018.

Marriage registration certificate

When a marriage has been manually registered at the union council, it can also be digitally registered in NADRA's CRMS database. If a marriage has been recorded in the database, the union council can issue a so-called marriage registration certificate in the NADRA format (security paper or plain white paper). The digital registration is, however, not mandatory by law.³⁴ The computerised marriage registration certificate is issued on the basis of the handwritten nikahnama.³⁵

It is possible for the marriage to be registered in the digital NADRA database without the couple being present at the time of registration.³⁶ The Danish National ID Centre has conflicting information about whether the marriage is always digitally registered in NADRA's CRMS database, or only when the couple ask for a marriage registration certificate.

According to union council no. 83 in Rawalpindi, the marriage is digitally registered only when the marriage registration certificate is issued by request of the couple.³⁷ According to representatives from union council 49 in Ahmadal and the chairman at a union council in Islamabad, manual and digital registrations are standard procedures done simultaneously.³⁸ However, the marriage registration certificate is only issued on request.³⁹

Divorce registration and the divorce certificate

Registration of divorce is mandatory according to the Muslim Family Law Ordinance.⁴⁰ A written declaration from the husband or the wife declaring the divorce has to be submitted to the union council in three copies, where one copy goes to the wife, another to the husband, and the last copy is kept in the union council's archive.⁴¹

The divorce is not legally valid until a waiting period of 90 days has passed from the date the declaration has been given to the union council. The 90 days is also the timeframe before any of the involved parties can remarry. In this period, the couple can withdraw the wish for divorce.⁴²

Within the first 30 days after the declaration is submitted, the union council chairman is required by law to constitute an arbitration council and invite the two parties to reconciliation meetings.⁴³

³⁴ NADRA, Islamabad, March 2018; Local Lawyer B, Islamabad, March 2018.

³⁵ Danish Ministry of Foreign Affairs, 22 January 2019.

³⁶ Local Lawyer B, Islamabad, April 2019.

³⁷ Union council 83 Rawalpindi, March 2018.

³⁸ Union council 49 Ahmadal, March 2018; Union council Islamabad, April 2019.

³⁹ Union council Islamabad, April 2019.

⁴⁰ Muslim Family Laws Ordinance 1961, 1.2-1.4.

⁴¹ Muslim Family Laws Ordinance 1961, 6.1; Union council 49 Ahmadal, March 2018; Union council 83 Rawalpindi, March 2018.

⁴² Muslim Family Laws Ordinance 1961, 7.1-7.6; Union council 49 Ahmadal, March 2018.

⁴³ Muslim Family Laws Ordinance 1961, 7.4.

The divorce certificate is issued on the NADRA format (security paper or plain white paper).⁴⁴ The certificate is not issued before the waiting period of 90 days has passed. The union council keeps a copy of the certificate together with the written declaration in their archive.⁴⁵

If any of the involved parties wants to remarry, they have to show the divorce certificate and if lost, a new one can be issued. Blood relatives can have a copy of the divorce certificate issued, by showing a power of attorney, from either the husband or the wife.⁴⁶

Archives and registration routines at the union councils

During the Danish National ID Centre's visit to the three union councils in March 2018, it became clear that there exist different local practises when it comes to registration. At union council 83 in Rawalpindi, the digital registration in NADRA's system (CRMS) concerning birth, marriage and divorce did only occur on the request of the concerned citizens, when they applied for the related NADRA document. Furthermore, the registration in NADRA's system together with the issuance of NADRA certificates was subjected to a fee of 60 rupees.⁴⁷

In comparison, at the union council 49 in Ahmadal, birth and marriage registrations are done as a standard procedure simultaneously in both the union council's handwritten register as well as in NADRA's digital system. The digital registration in NADRA's system is done regardless of whether the parents request the issuance of a Birth Registration Certificate or the couple request a Marriage Registration Certificate.⁴⁸ That the digitalisation is a standard procedure is supported by a source consulted by the Danish Ministry of Foreign Affairs in January 2019.⁴⁹

The union councils also deviated when it came to when the registration was considered as late entry.⁵⁰

Changes in the union council handwritten register

The consulted sources disagree when it comes to the legal requirements related to changing personal information in the union councils' handwritten registers. According to Local Lawyer A, it is a requirement to present an affidavit stamped by relevant legal authority to the union council if one's personal information has to be changed. The procedure is to add the changes in the handwritten register in red ink next to the old information, meaning that the old information is still readable in the register. The lawyer added that in some cases, not related to nikahnama, the chairman, vice chairman and union council secretary can choose to change the information without the affidavit.⁵¹

⁴⁴ NADRA, Islamabad, March 2018.

⁴⁵ Union council 83 Rawalpindi, March 2018; Union council 49 Ahmadal, March 2018.

⁴⁶ Union council 83 Rawalpindi, March 2018; Union council 49 Ahmadal, March 2018.

⁴⁷ Union council 83 Rawalpindi, March 2018.

⁴⁸ Union council 49 Ahmadal, March 2018.

⁴⁹ Danish Ministry of Foreign Affairs, January 2019.

⁵⁰ Union council 83 Rawalpindi, March 2018; Union council 49 Ahmadal, March 2018.

⁵¹ Local Lawyer A, Islamabad, March 2018.

According to Local Lawyer B, a new law has changed the requirements and the union council chairman is now authorised to change personal information in the handwritten register without the approval of the court.⁵²

Lastly, according to NADRA, it is a legal requirement to obtain a stamped affidavit and present it to the union council in order for the council to change personal information. The NADRA officers underlined that if a person changes his/her name, NADRA will still have a record of the person's old name.⁵³ This presupposes that the changes made in the union council handwritten register are also added to the CRMS at the union council standalone computer.

Trustworthiness of civil status documents

The civil status documents from NADRA are always issued on the basis of a corresponding breeder document issued by the union council, meaning that every NADRA document has a related union council document.⁵⁴ The documentation required when applying for a marriage registration certificate is the nikahnama. The union council secretary registers the marriage in NADRA's database based on the nikahnama, why the information on the marriage registration certificate should be consistent with the information on the nikahnama.⁵⁵

According to union council 25 in Islamabad, the marriage registration certificate is often used as documentation in visa applications.⁵⁶ This is, according to a local lawyer, problematic as the nikahnama is more trustworthy than the marriage registration certificate.⁵⁷

⁵² Local Lawyer B, Islamabad, March 2018.

⁵³ NADRA, Islamabad, March 2018.

⁵⁴ Local Lawyer B, Islamabad March 2018.

⁵⁵ NADRA, Islamabad, March 2018; Local Lawyer A, Islamabad, March 2018; Union council 83 Rawalpindi, March 2018; Union council 49 Ahmadal, March 2018.

⁵⁶ Union council 25 Islamabad, March 2018.

⁵⁷ Local Lawyer B, Islamabad, March 2018.

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