

Research Project for Degree of LL.B.

Analysis of Existing Legal Procedure Regulating Personal Laws of Hindus in Pakistan



Supervisor

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This research project is submitted in partial fulfillment of the requirements for the
Degree of LL.B

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DECLARATION

We, as a student of Bahria University, hereby declare that;

Firstly, we have abided by the research ethics while writing this research project.

Secondly, we have not committed any acts that may dis-credit or damage the credibility of our research. These include, but are not limited to: falsification distortion of research findings or plagiarism.

Thirdly, we need to go through a plagiarism check before submitting this research project.

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Acknowledgement and Dedication

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This research work is dedicated to the 'Respectable Members of Hindu Community' of Pakistan.

Abstract

The purpose of the research project is to highlight the problems confronted by the members of Hindu Community in Pakistan with respect to regulation of their Personal laws. The research will explain the need and importance of codified laws and sufferings due to the absence of law. The main emphases of research is on point that, there is a need to legislate or reconstruct the existing legal framework of Hindus Personal Laws.

The absence of codified laws and insufficient role of court to adjudicate upon matters of Hindu community is violations of International and Constitutional provisions.

The research represents the opinion of the Hindu Community which is collected by Conducting the Survey hence, the paper is based on primary data mostly, and however the secondary data is also used in analysing the sources of Hindu law and the existing legal structure.

The research also discussed the prevailing laws and customary practices related to marriage, divorce, inheritance and adoption among Hindu Community and have also pointed about the gaps and lacunas. The researchers have also assessed the Proposed Hindu Marriage Bill and Sindh Marriage Bill, 2016. The research represents brief discussion on the reasons of delay to pass the bill.

List of Cases

- Mohammad Ahmed Khan v Shah Bano Begum 1985 SCR (3) 844
- Suo Motu Case PLD 2014 SC 699
- Suo Motu Case 2012 SCMR 1147
- Rohan v. Luchuman, 1976 Pat. 286
- Ramji Kolhi v Shrimati Badi Kohli and Others 2004 YLR 1666
- Rabindra Nath and others vs. Naraya and others PLD 1967 Dacca 745
- Mst. Sharam v Taj Muhammad 2002 CLC 2001
- Khadim v Additional District Judge and others 2006 MLD 1568
- Jagsi v. Shr. Marwan and another PLD 2005 Karachi 334
- Perumal vs. Central Government of Pakistan PLD 1963 SC 127

List of Abbreviation

- National Commission in the status of Women (NCSW)
- National Database and Registration Authority (NADRA)
- International Covenant on Civil and Political Rights (ICCPR)
- Universal Declaration of Human Rights (UDHR)
- Pakistan Hindu Council (PHC)
- Council of Islamic Ideology (CII)
- International Covenant on Economic Social and Cultural Rights(ICESCR)
- United Nations Convention of the Elimination of all Forms of Discrimination against Women (UNCEDAW)
- Computerized National Identity Card (CNIC)

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