

**A  
BILL**

to provide for the solemnization and registration of marriages by kalash families and matters ancillary and incidental thereto.

**WHEREAS** it is the constitutional obligation of the state to protect the marriage, the family, the mother and the child and also safeguard the legitimate rights and interests of religious minorities;

**AND WHEREAS** it is expedient to have a consolidated law providing for solemnization and registration of marriages by kalash families and the matters concerned therewith and incidental thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

**CHAPTER-I**  
**PRELIMINARY**

**1. Short title, extent, application and commencement.**---(1) This Act may be called the Khyber Pakhtunkhwa Kalash Marriage Act, 2026.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) Subject to sub-section (2), it shall apply to those citizens of the Province of Khyber Pakhtunkhwa, who profess the kalash religion, in any of its forms.

(4) It shall come in force at once.

**2. Definitions.**---In this Act, unless the context otherwise requires,-

(a) **“alashing marriage”** means a special custom of marriage as specified in section 7 of this Act;

(b) **“Court”** means a Family Court, as defined under the West Pakistan Family Courts Act, 1964 (West Pakistan Act No. XXXV of 1964);

(c) **“custom or tradition”** means any custom or tradition, which is not unlawful and the same has been continuously and uniformly observed, for a long time, among the kalash people, in any local area, valley, tribe, sub-tribe, community, group or family;

(d) **“degrees of prohibited relationship”** means the close blood relatives, such as father, mother, brother, sister, grandmother, grandfather, paternal uncle and aunt, maternal uncle and aunt, niece and nephew, great niece, great aunts, first cousins (paternal), subject to the kalash customs and traditions, to marry with each other;

- (e) “**dowry**” means the gifts and presents, given by the parents to the women, in consideration of the kalash marriage, as specified in section 15 of this Act;
- (f) “**Government**” means the Government of Khyber Pakhtunkhwa;
- (g) “**ja hutik**” means the divorce by the husband, under the kalash traditions;
- (h) “**ja parik**” means the wife, while seeking separation, leaves her husband;
- (i) “**kalash marriage**” means the union of kalash male and kalash female, solemnized under this Act and includes the marriage solemnized before commencement of this Act, in accordance with the customs, having force of law;
- (j) “**kalash religion**” means the ancient monotheist faith, practiced by kalash people, believing in one supreme authority, Dezaus and Shamans, through whom they received their religious knowledge, emphasizing nature worship, celebration of seasonal festivals and ancestors reverence;
- (k) “**khaltabari**” means the different ceremonies and rituals of the kalash marriage;
- (l) “**marrat**” means at the event of khaltabari the family of husband slaughter goat(s) and offer special food to the parents and close relatives of wife;
- (m) “**marriage register**” means register of marriages, maintained by marriage registrar, in a prescribed manner;
- (n) “**marriage registrar**” means a person, duly authorized and appointed by the concerned local government authority, to register kalash marriages, under this Act;
- (o) “**prescribed**” means prescribed by rules;
- (p) “**rules**” means rules made under this Act; and
- (q) “**shisha-istongas**” means a process of cleansing and purification between the couples, upon completion of which the marriage is recognized as valid, within the kalash community.

3. **Overriding effect.**---The provisions of this Act shall have an overriding effect, on any other law or kalash custom, for the time being in force.

**CHAPTER-II**  
**CONDITIONS AND CEREMONIES FOR KALASH MARRIAGE**

4. **Ceremonies for kalash marriage.**---A kalash marriage shall be solemnized in accordance with the kalash customs and customary rites of either party thereto.

5. **Conditions for a kalash marriage.**---A kalash marriage shall be solemnized, if the following conditions are fulfilled:

- (a) the couple are of sound mind;
- (b) capable of giving a valid consent;
- (c) have attained the minimum age of eighteen years; and
- (d) couple are not amongst the degrees of prohibited relationship as defined under clause (d) of section 2 of this Act.

6. **The kalash custom of shisha-istongas and its validity.**---As soon as the marrat ceremony is performed, the kalash couple enters into shisha-istongas, which shall be considered as valid marriage.

7. **Alashing marriage and conditions.**---The marriage, under the alashing customs, shall be considered valid, in case where a kalash girl marries a kalash man on her own will, without prior consent of her parents, but before consummation of the marriage, the girl's parents or close relatives visit her in-laws house, to verify and confirm her consent and happiness for the marriage.

8. **Khaltabari, marrat and gifts etc.**---As soon as the consent of the girl is confirmed by her parents or her close relatives, the husband's family offers the marrat to the parents and relatives of the wife's family and see them off with gifts and presents in accordance with the financial status of the husband's family and acceptance of marrat, by the parents or close relative of the wife, is considered as the confirmation of the marriage.

**CHAPTER-III**  
**REGISTRATION OF KALASH MARRIAGE**

9. **Appointment of marriage registrar.**---(1) The concerned local government shall, by notification, appoint one or such number of marriage registrars at Village Council and Neighbourhood Council level or such other areas, as may be convenient for kalash population, living in the said areas.

(2) For the purpose of registration of kalash marriage, the marriage registrar shall be responsible to register the marriage. The parties to kalash marriage shall give their particulars to the respective registrar or his authorized person for the purpose of entry thereof in the marriage register.

(3) The marriage register and the record to be preserved and maintained by the marriage registrar.

(4) The marriage registrar shall prepare such number of copies as may be required and unless the rules are made, he shall prepare four copies thereof. One copy each shall be given to the respective parties to marriage and one copy shall be kept in the office of marriage registrar and respective Village Council or Neighbourhood Council, as the case may be, as a public record.

**10. Criteria for the appointment of marriage registrar.**--- For the purpose of registration of a kalash marriage, the marriage registrar, shall-

- (a) belong to any branch or sub-branch of kalash community or tribe;
- (b) be minimum of twenty-five (25) years of age;
- (c) be well-versed with the kalash religion, customs and traditions;
- (d) be of sound mind and health;
- (e) be a citizen of Pakistan having a valid CNIC; and
- (f) be literate to read and write the kalash marriage registration and documentation processes.

**11. Registration of kalash marriage.**---(1) Every kalash marriage shall be registered with the Village Council or Neighbourhood Council in a prescribed manner .

(2) The marriage register shall be open for inspection, by either party, upon submission of application and payment of fee to the marriage registrar or concerned local government, as the case may be.

(3) Such certified record or extract, given by the marriage registrar or concerned local government, shall be admissible as evidence in any court of law.

#### CHAPTER-IV DISSOLUTION OF KALASH MARRIAGE

**12. Void marriage.**---Any kalash marriage, solemnized after the commencement of this Act, may, on a petition to the Court, presented by either party to the marriage or their parents, be declared null and void if, solemnized in violation of clause (d) of section 5 of this Act.

**13. Voidable marriage.**---(1) Any kalash marriage solemnized, whether before or after commencement of this Act, may be subsequently declared voidable or annulled by a decree of nullity passed by the Court if-

- (a) the marriage has not been consummated owing to impotence of the husband;
- (b) the marriage has been solemnized in contravention of the conditions specified in section 5 of this Act, except clause (d) thereof; or

- (c) consent of either party to kalash marriage, obtained by force, coercion or by fraud, as to the nature of the ceremony or as to any material fact or circumstance concerning either party.

(2) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage, on the ground specified in clause (c) of sub-section (1), shall be entertained, if-

- (a) the petition is presented more than one year after the force or coercion had ceased to operate or, as the case may be, the fraud had been discovered; or
- (b) the petitioner has, with his or her full consent, continued to live with the other party to the marriage as husband or wife, after the force had ceased to operate or, as the case may be, the fraud has been discovered.

**14. Conditions for dissolution of kalash marriage.**---(1) Any kalash marriage, solemnized whether before or after commencement of this Act, may, through competent court, either by husband or wife, be dissolved by decree of dissolution of marriage or through a decision of duly constituted arbitration council, if any, on the grounds that the other party has-

- (a) after the solemnization of the marriage, treated the petitioner with cruelty or injustice;
- (b) deserted the petitioner for continuous period of not less than two years immediately preceding the presentation of the petition;
- (c) ceased to be kalash by conversion to another religion;
- (d) been incurably of unsound mind or has been suffering continuously or intermittently from mental disorder of such a kind and to such an extent that either party cannot reasonably be expected to live with each other;

**Explanation.**---In this clause, the expression "mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder or any other disorder or disability of mind, including schizophrenia and the expression "psychopathic disorder" means a persistent disorder or disability of mind (whether or not including sub-normality of intelligence), which results in abnormally aggressive or seriously irresponsible conduct on the part of the other party and whether or not it requires or is susceptible to medical treatment;

- (e) the husband has neglected or has failed to provide for her maintenance for a period of six (06) months; or

- (f) the husband has left her unannounced and has ceased all kind of contacts with her for more than two years and no whereabouts of the husband are known.

(2) In case of “ja hutik” and “ja parik”, the Village Council or Neighbourhood Council shall issue a divorce certificate to the parties on their application.

#### CHAPTER-V DOWRY AND COMPENSATION

**15. Dowry and its kinds.**---The dowry are the gifts and presents, being given by the parents of the woman, any time after the marriage, which may include some or all of the following:

- (a) gold, silver or bronze ornaments;
- (b) household articles and utensils of daily use;
- (c) furnitures and fixtures;
- (d) wrist watches, clocks etc;
- (e) animals such as ox, cow, goat, she-goat etc;
- (f) embroideries, cloths, either stitched or unstitched etc;
- (g) food grains of wheat, barley, maize, rice etc;
- (h) trees of walnuts or grapes or their yields;
- (i) cash money; and
- (j) any other item or article, having monetary value.

**16. Compensation in case of “ja hutik” and “ja parik”.**---Where a validly married kalash woman refuses to live with her husband (ja parik) or husband gives divorce (ja hutik) to his wife, in such circumstances, the following shall be the mode of compensation:

- (a) in case the husband gives the divorce (ja hutik) to his wife, on his own free will, the husband is not entitled to any compensation from the wife or her parents and also any of the dowry articles or gifts, given at the time or after marriage, as mentioned in section 15, shall also be returned to the wife and her family;
- (b) in case, the wife leaves her husband (ja parik) and decides to live in her parent’s home, the parents of the woman shall be bound to refund the cost in cash or kind equal to the cost borne by the husband on his marriage, after

deduction of the cost of items and gifts given by the wife party to the husband party, during the course of the marriage ceremonies; and

- (c) in case the wife leaves her husband's home (ja parik) and marries another man, in that case, the subsequent husband or his family shall be bound to refund double of the cost of the marriage borne by the first husband or his family.

**17. The number of marriages a kalash man can enter.**---There is no bar on a kalash man to enter into more than one marriage at a time, subject to the following conditions:

- (a) economically sound enough to meet the social, economic and daily household needs of his wives;
- (b) ensure proper shelter and maintenance cost to the first wife or wives and her children:

Provided that in case of second marriage by the husband, the first wife shall have the option to either live with her husband or leaves the house. In case she chooses to live in her husband's home, the husband is bound to provide her shelter and maintenance cost, as per financial status of the family.

**18. Kalash widows or widowers are entitled to remarry.**---A kalash widow or widower shall have the right to re-marry after the death of the husband or wife, as the case may be, subject to the following conditions:

- (a) that such remarriage shall not take place till the expiry of three months mandatory time to be counted from the date of death of either of the spouse; and
- (b) in case of pregnancy or conception from the first husband, till the birth of the child plus forty days after the birth of the child.

#### CHAPTER-VI INHERITANCE AND CUSTODY OF CHILDREN

**19. Legitimacy of child born out of kalash marriage.**---Any child born out of a validly solemnized kalash marriage under this Act or those solemnized before the commencement of this Act, shall be considered legitimate, unless declared illegitimate by a Court of competent jurisdiction, after due process of law:

Provided that-

- (a) no person except the father challenge the legitimacy of the child in the Court; or

- (b) a child who is born in 6 months, after the marriage and within two (02) years, after the dissolution of marriage, either by divorce or death, shall be considered a legitimate child.

**20. Custody of the children.**---The responsibility of the custody of the children, born out of a legitimate kalash marriage, shall be dealt under the Guardians and Wards Act, 1890 (Act No. VIII of 1890).

**21. Validation of kalash marriages.**---All kalash marriages, solemnized before the commencement of this Act, shall be deemed valid, unless declared invalid or void by any court of law.

**22. Right of wife in husband's property or assets.**---(1) under this Act, the right of inheritance in property or assets of the husband, after the death of husband, shall rest with the male heirs of the husband family, in line with prevailing kalash customs and traditions, and wife shall be entitled to enjoy the benefits of property or assets:

Provided that there is no bar on the husband to give or transfer any moveable or immovable property or a part thereof, to his wife, on his own free will.

(2) A widow, after the death of her husband, shall have the right to use or benefit from the moveable and immovable assets of the deceased husband, subject to the condition that she chooses to continue to live in her deceased husband's family, as widow.

## CHAPTER-VII VIOLATIONS, COGNIZANCE AND PUNISHMENTS

**23. Punishment for contravention of certain conditions of kalash marriage.**---(1) Any person who gets his marriage solemnized under this Act, in contravention of the conditions specified in section 5, shall be punishable with simple imprisonment, which may extend to six (06) months but shall not be less than three (03) months or with fine which may extend to rupees fifty thousand or with both.

(2) Any person who contravenes the provision of this Act or rules made thereunder regarding registration of kalash marriage, shall be punishable with simple imprisonment for a term which may extend to three (03) months or with fine which may extend to rupees one thousand or with both.

(3) Any person who makes a statement or gives particulars to be entered in the marriage register, which is false or has reason to believe to be false, shall be punished with a simple imprisonment, which may extend to six (06) months but shall not be less than one (01) month or fine which may extend to rupees one hundred thousand or with both.

**24. Jurisdiction of the Court.**---Every suit or petition under this Act shall be presented to the Court of competent jurisdiction and such Court shall have the jurisdiction to act under this Act, and the provision of-

- (a) the Family Courts Act, 1964 (West Pakistan Act No. XXXV of 1964), except provision of sub-section (2) of section 14 and sections 21 and 23 thereof; and

(b) the West Pakistan Family Court Rules, 1965, shall mutatis mutandis apply to the proceedings under this Act.

**25. Cognizance of an offence.**---All offences under this Act shall be non-cognizable and shall be triable by a Court of Magistrate, First Class, on a complaint in writing, by either party of kalash marriage.

**26. Power to make rules.**---Government may, within one hundred and twenty days after the commencement of this Act, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

**STATEMENT OF OBJECTS AND REASONS.**

The Bill is introduced to provide for solemnization and registration of marriages by Kalash families to meet the constitutional obligations of the state to protect the marriage, the family, the mother and the child and also safeguard the legitimate rights and interests of religious minorities, living in the Province of Khyber Pakhtunkhwa. Hence, this Bill.

Peshawar,  
dated the  
, 2026.

  
MINISTER-IN-CHARGE.

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