

The draft of new Afghanistan Wedding Law

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In the Name of God the Gracious the Merciful

IN WEDDING CEREMONIES: THE LAW ON PREVENTION OF EXTRAVAGANCE

Chapter One

General Provisions

Rationale

Article 1

This law has been enacted in the light of the provisions of the article (54) of the Constitution.

Objectives

Article 2

The objectives of this law are as follows:

- 1 - Eliminating the costumes and traditions that are contrary to the principles of the sacred religion of Islam.
- 2 - Preserving the original Islamic values and preserving noble traditions.
- 3 - Prevention of extravagant expenditures during the wedding ceremonies.
- 4 - Preservation of the Islamic ethics and preventing the spread of diseases.
- 5 - Paving the way for everyone to establish a sound family.
- 6 - Preserving the coherence of the family and preventing the family violence.
- 7 - Ensuring the sustainable good relation between the husband and wife and their families.

Definitions

Article 3

The following terms shall signify the following meanings for the purpose of this law:

1- Ceremonies: (the first invitation extended to the newly married couple by the bride family). *Nikah* (the official ritual of marriage conducted at the wedding day where a religious leader recites the contract and get the consent of both brides and grooms), refers to engagement ceremony,

2 - Engagement: Refers to a ceremony during which the promise to marriage between two persons (a boy and a girl) from two families are made, where the boy and girl are given the opportunity to know each other.

3 - Refers to a ceremony for announcing the engagement to the kins and friends and emphasizing on it for the purpose of reaching agreement on the manner of celebrating the wedding with the participation of the families of both parties to the marriage.

walwar, or **Bride Price**): Refers to a sum of money demanded by the father, or other relatives of the bride from the groom or his relatives for the acceptance of the marriage contract, or for the preparation of dowry and some times called 4 -

5 - Refers to the food prepared for the kins and friends who participate in the wedding ceremony.

6 - Refers to a party held before the henna night.

7 - (Refers to the ceremony during which henna is applied to the hands of the bride and groom.

8 - Wedding (Refers to the ceremony held for concluding the marriage and taking the bride to the groom's house.

9 - is a ceremony held after the wedding that is participated by the kins and friends of both parties where the dowry is displayed.

10 - Refers to clothes, carpets, dishes, vehicles, and home appliances prepared by the father or other relatives of the bride to be taken to the groom's house.

11 - A ceremony held in the family of the bride during the first visit after the wedding by the bride to his father's home, for bringing further acquaintance between the two families.

12 - The Sixth Night: Refers to a ceremony held on sixth night of the birth of a child by his/her family.

13 - : A ceremony held by the father of the male child on the day when he is circumcised.

14 - Refers to ceremony held for commemorating one's birth day or one's wedding day.

15 - Garments Contrary to Islamic Sharia: Refers to outfits that are semi-naked, naked, transparent, or tight in a way that reveal parts of the woman's body.

Prohibition of Ceremonies

Article 4

paywazi shall be strictly prohibited in the wedding halls. *khish khor*, henna night, (1)

Celebration of ceremonies such as engagement,

kakul giri (shaving the hairs of child for the first) circumcision feast or returning from hajj (pilgrimage) or on graduation, neither at home nor in a hall. (2) No one may celebrate occasions such as sixth night,

(3) The ceremonies contained in the Paragraph (1) of this article may be held in a brief manner and participated by the close relatives.

Chapter Two

in Wedding Ceremonies Prevention of Exorbitant Expenditures

Holding Wedding Ceremonies

Article 5

The boy and girl who have attained the age of marriage, their parents may with mutual consent, hold their wedding ceremony with the participation of the friends and relatives in a brief manner.

Demanding

Article 6

No person may demand on the pretext of marriage or wedding, money or other properties under the names of

Prohibition of Asking for Gifts

Article 7

barati (a holy day in the Islamic calendar), Asking for, or preparing gifts under the names of

Providing Garments

Article 8

(1) The bride garments prepared by the groom or his relatives may not be more than three suits.

(2) The families of the bride or those of the groom may not prepare a garment on the occasion of wedding for their bride or groom the price of which may exceed (5000) Afghanis.

Prohibition of Double Dowries

Article 9

(1) Asking for, or ordering the brides family to prepare dowries or ordering the groom to prepare the bridal room's accessories shall be prohibited. The bride's family may with their consent prepare dowries for their daughter. The display of the dowry items to others shall be prohibited.

(2) Asking for preparation of clothing gifts by the families of bride and groom to each other shall be prohibited.

Holding Wedding Ceremonies at Home or in the Wedding Hall

Article 10

(1) The families of the engaged couple may prepare a

(2) The wedding ceremonies in the wedding hall shall be held separately for male and female guests. Mixing of men and women shall not be allowed.

Amount of

Article 11

(1) Groom and bride or their representatives may fix the amount of Mahr at their own consent, taking into consideration the financial capacity of bridegroom up to a maximum of 300000 Afs or its equivalent. The preacher/Mullah shall be obliged to encourage parties to reduce the amount of Mahr and adhere to the provisions of the Islamic Sharia.

(2) Mahr shall be the possession of the bride, and no one else shall have a right to possess it. Wedding expenses shall not be counted as part of Mahr.

(3) Jewelries to the bride shall be considered part of Mahr.

(4) In case Mahr is not in cash, it shall be clearly fixed as to avoid future disputes.

Clothing Contrary to Islamic Sharia

Article 12

(1) Wearing clothes contrary to Islamic Sharia in wedding ceremonies by the bride or any other participant shall be forbidden.

(2) Tailors shall not be permitted to prepare clothes contrary to Islamic Sharia for the bride.

(3) No one shall be permitted to import, sell or rent bridal clothing contrary to Islamic Sharia.

Chapter Three

Obligations

Obligations of the Ministry of Commerce and Chambers of Commerce

Article 13

Ministry of commerce and Chambers of Commerce shall be obliged to prevent the import of bridal clothing contrary to Islamic Sharia.

Obligations of the Ministry of Hajj and Endowment

Article 14

The Ministry Hajj and Endowment shall be obliged to encourage people to abandon customs and cultures that contradict Islamic Sharia provisions and design programs through Mullahs to preach to people the adherence to the provisions of this law.

Obligations of the Ministry of Women Affairs

Article 15

The ministry of Women Affairs shall be obliged to design and publish programs to enlighten the minds of people, especially women, to observe the provisions of this law.

Obligations of the Ministry of Culture and Information

Article 16

- (1) The Ministry of Information and Culture shall be obliged to explain and disseminate/broadcast the damaging causes of unfavorable customs through mass media.
- (2) The ministry of Information and Culture shall be obliged to prevent recording and spreading of videos of wedding ceremonies containing unethical scenes and recordings contrary to Islamic values.

Obligations of Municipalities

Article 17

- (1) Municipalities shall be obliged to prepare and implement in wedding ceremonies food menus that include beverages and fruits which does not exceed 250 Afs per person.
- (2) Municipalities may change the amount set in paragraph 1 of this article subject to fluctuation of market prices for food after approval of Council of Ministers.

Obligations of Hotel Owners

Article 18

Hotel owners shall be obliged to:

- 1- Avoid receptions of more than 300 guests in a wedding ceremony.
- 2- Provide food as per the municipality menu.
- 3- Avoid wedding ceremonies mentioned in article 4 of this law.
- 4- Avoiding wedding ceremonies with male and female mixed in one hall.
- 5- Prevent drinking alcohol and any other intoxicants in the hotel and prevent entrance of drunk persons to hotel.
- 6- Prevent filming by participants in wedding ceremonies.
- 7- Avoid the continuation of wedding ceremonies that last after 11 PM.
- 8- Assist government responsible officials who enter the hotel for monitoring.

Payment of Services

Article 19

- (1) Hotel owners may charge customers up to 10 percent for their services of the total amount due.
- (2) Hotel owners may not charge customers extra for hotel decoration or other things.

Chapter 4

Miscellaneous Provisions

Establishment of Committee

Article 20

For monitoring the implementation of provisions of this law a committee shall be formed in each province with following composition:

- One of the members of provincial council as the head.

- Representative of the Ministry of Haj as member.
- Representative of the Ministry of Information and Culture as member.
- Representative of the Ministry of Women Affairs as member.
- Representative of the Municipality as member.
- Representative of Hotels Union as member.

Functions of the Monitoring Committee

Article 21

The committee stated in article 20 of this law shall have the following functions and responsibilities:

- Monitoring hotels to ensure the observation of the provisions of this law.
- Implementing provisions of this law in a way that does not disturb parties or annoy participants.
- Making decisions in regard to the cases stipulated in articles 22 and 23 of this law.
- Refraining from having food in the hotel while monitoring.
- Avoiding entrance to the women saloon by the male members of the committee.

Committee's activity procedures are approved by the related PG based on separate bill, arranged by the members.

Violation by Persons or Tailors

Article 22

If a tailor or person violates provisions stated in paragraphs (2 and 3) of article 12 of this law, he/she shall be bound to pay cash fine or have its activities banned:

- In case of violation for the first time (10000) Afs.
- In case of violation for second time, closure of business for 10 days.
- In case of violation for the third cancellation of business permit.

Violations by the Owner or In-charge of the Hotel

Article 23

If the owner or in charge of the hotel violates provisions inserted in article 18 of this law, he/she shall be bound to pay a cash fine or have its activities banned:

- In case of violation for the first time (30000) Afs.
- In case of violation for second time, closure of hotel for one month.
- In case of violation for the third cancellation of hotel permit.

Fine Collection

Article 24

Amounts stated in articles 22 and 23 of this law shall be collected by Monitoring Committee

and delivered to income account of the government.

Disciplinary Actions and Prosecution of Committee Members

Article 25

In case of negligence by the Committee members of their assignments or implement provisions of this law contrary to the context or in a way that is deemed as for their personal interests, based on provisions of the law, shall be disciplined or prosecuted by relevant competent authorities.

Supervision of Activities and Responsibilities of the Committee

Article 26

Provincial Governors shall be bound to supervise tasks and responsibilities of the Committee stated in article 21 of this law and in case of observing any negligence or violation inform the relevant authorities.

Enforcement

Article 27

This law shall be enforced three months after the date of publication in the Official Gazette and upon the enforcement of this law, the decree number (7) regarding (Mahr) and marriage expenses published in Gazette number (409) of the year 1357 of Solar Calendar shall be nullified.