

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Child Marriage Restraint Act, 1929 (No. XIX of 1929)

WHEREAS it is expedient further to amend the Child Marriage Restraint Act, 1929 (No. XIX of 1929) for the purposes hereinafter appearing;
It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Child Marriage Restraint (Amendment) Bill, 2014.

(2) It shall come into force at once.

2. Amendment of section 2, Act XIX of 1929.- In the Child Marriage Restraint Act, 1929 (No. XIX of 1929), hereinafter referred to as the said Act, in section 2 for paragraph (a), the following shall be substituted, namely:-

"(a) "child" means 'a person who, is under eighteen years of age."

3. Amendment of section 4, Act XIX of 1929.- In the said Act, in section 4,-

- (a) for the word "simple" the word "rigorous" shall be substituted;
- (b) for the words "one month", the words "two years" shall be substituted; and
- (c) for the words "one thousand rupees", the words "one hundred thousand rupees" shall be substituted.

4. Amendment of section 5, Act XIX 1929.- In the said Act, in section 5,-

- (a) for the word "simple" the word "rigorous" shall be substituted;
- (b) for the words "one month", the words "two years" shall be substituted; and
- (c) for the words "one thousand rupees", the words "one hundred thousand rupees" shall be substituted.

5. Amendment of section 6, Act XIX of 1929.- In the said Act, in section 6, in sub-section (1),-

- (a)for the word "simple" the word "rigorous" shall be substituted;
- (b)for the words "one month", the words "two years" shall be substituted; and
- (c)for the words "one thousand rupees", the words "one hundred thousand rupees" shall be substituted.

6. Substitution of section 8, Act XIX of 1929.- In the said Act, for section 8 the following shall be substituted, namely:-

“8. Jurisdiction under this Act.- The Family Court, established under section 3 of the West Pakistan Family Court Act 1964 (No. XXXV of 1964) shall exercise jurisdiction under this Act and may take cognizance of an offence in the manner provided by section 190 of the Code of Criminal Procedure 1898 (No. V of 1898).”

7. Substitution of section 9, Act XIX of 1929.- In the said Act, for section 9, the following shall be substituted, namely:-

“9. Offences under this Act shall be cognizable.- All offences under this Act shall be cognizable; such cognizance shall in no case be taken after the expiry of one year from the date on which the offence is alleged to have been committed.”

8. Substituted of section 12, Act XIX of 1929.- In the said Act, for section 12, the following shall be substituted, namely:-

“12. Power to issue injunction prohibiting marriage.- (1) Notwithstanding anything to the contrary contained in any other law, the court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act is going to be arranged or is about to be solemnized, issue an injunction prohibiting such marriage.

(2) Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section, disobeys such injunction, shall be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one hundred thousand rupees, or with both.”

STATEMENT OF OBJECTS AND REASONS

Poverty, illiteracy, anti-human rights social and cultural practices are factors cited for the prevalence of child marriages. An early marriage leads to early conception, which ultimately affects the health of the teenage girl. Typically enormous pressure to bear children is put on child brides. In developing countries; the leading cause of death for young girls between the ages of 15 and 18 is early pregnancy. A child according to the UN Convention on the Rights of the Child is any person under the age of 18. Unfortunately the practice of child marriages is common in all parts of Pakistan particularly in the poor urban and rural areas but the act of solemnizing child marriage is not cognizable and the police cannot take actions against the offenders. This amendment is intended to serve as a deterrent and to remove the existing gender disparity in age.

Sd/-

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