

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH OCTOBER, 2013.**

NO.PAS/Legis-B-25/2013-The following Bill is hereby published for general information as required by Rule 83 of the Rules of Procedure of the Provincial Assembly of Sindh.

THE SINDH CHILD MARRIAGES RESTRAINT BILL, 2013.

SINDH BILL NO. 25 OF 2013.

**A
BILL**

to restrain the solemnization of child marriages.

WHEREAS it is expedient to restrain the solemnization of child marriages. **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Child Marriages Restraint Act, 2013. **Short title and commencement.**

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context - **Definitions.**

- (a) "child" means a person male or female who is under eighteen years of age.
- (b) "child marriage" means a marriage to which either of the contracting parties is a child;
- (c) "contracting party" to marriage means either of the parties whose marriage is, or is about to be thereby solemnized;
- (d) "Council" means the Council as defined in the Sindh Local Government Act, 2013;
- (e) "Court" means the Court of a Magistrate of First Class;
- (f) "Government" means the Government of Sindh;
- (g) "minor" means a person of either sex who is under eighteen years of age;

3. Whoever, being a male above eighteen years of age, contracts a child marriage shall be punished with rigorous imprisonment which may extend to two years or with fine which may extend to one hundred thousand rupees or with both. **Punishment.**

4. Whoever performs, conducts, directs, brings about or in any way facilitates any child marriage shall be punished with rigorous imprisonment which may extend to two years, or with fine which may extend to two one hundred thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

Punishment for solemnizing a child marriage.

5. (1) Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it, from being solemnized, shall be punishable with rigorous imprisonment which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both.

Punishment for parent or guardian concerned in a child marriage.

(2) For the purposes of this section, it shall be presumed, until and unless the contrary is proved, that where a minor has contracted child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnized.

6. Notwithstanding anything contained in section 25 of the General Clauses Act, 1897, or section 64 of the Pakistan Penal Code, a Court sentencing an offender under section 3 shall not be competent to direct that, in default or payment of the fine imposed, he shall undergo any term of imprisonment.

Imprisonment not be awarded for offence under section 3.

7. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1898 (No. V of 1898), no court other than the Court of a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Jurisdiction under this Act.

8. No Court shall take cognizance of any offence under this Act except on a complaint made by the Council, or if there is no Council in the area, by Station House Officer, and 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.

Mode of taking cognizance of offence.

9. The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898, make an inquiry under section 202 of that Code.

Preliminary inquiries into offence under this Act.

10. (1) When the Court takes cognizance of any offence under this Act upon a complaint made to it, it may for reasons to be recorded in writing, at any time after examining the complaint and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one thousand rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898, and if such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed.

Complainant to execute a bond.

11.(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.

Power to issue injunction prohibiting marriage in contravention of this Act.

(2) No injunction under sub-section (1), shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction. The Court may dispense with notice if deemed necessary.

(3) The Court may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1).

(4) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader; and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(5) 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.

Provided that no woman shall be punishable with imprisonment.

12. Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act.

Rules.

13. The provisions of the Child Marriage Restraint Act, 1929, relating to the Province of Sindh are hereby repealed. **Repeal.**

STATEMENT OF OBJECTS AND REASONS

Child marriages is a wide spread phenomenon in Pakistan particularly in the Province of Sindh. These marriages are in violation of rights of children and international obligations. In order to restrain child marriages and protect the basic rights of children, it is expedient to enact a law at provincial level.

The Bill seeks to achieve the above object.

MEMBER-IN-CHARGE

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