

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL, 2019

I, the Chairman of Standing Committee on Law and Justice, have the honour to present this report on the Bill further to amend the Child Marriage Restraint Act, 1929 (XIX of 1929) [The Child Marriage Restraint (Amendment) Bill, 2019] (Private Member Bill) referred to the Committee on 30th April, 2019.

2. The Committee comprises of the following:-

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|--------------------------------------------------------------------------|-------------------|
| 1. Mr. Riaz Fatyana | Chairman |
| 2. Mr. Atta Ullah | Member |
| 3. Mr. Lal Chand | Member |
| 4. Mr. Muhammad Farooq Azam Malik | Member |
| 5. Ms. Kishwer Zehra | Member |
| 6. Ms. Maleeka Ali Bokhari | Member |
| 7. Mr. Muhammad Sana Ullah Khan Masti Khel | Member |
| 8. Malik Muhammad Ehsan Ullah Tiwana | Member |
| 9. Agha Hassan Baloch | Member |
| 10. Mr. Sher Ali Arbab | Member |
| 11. Ms. Shunila Ruth | Member |
| 12. Mr. Saad Waseem | Member |
| 13. Rana Sana Ullah Khan | Member |
| 14. Ch. Mehmood Bashir Virk | Member |
| 15. Mr. Usman Ibrahim | Member |
| 16. Khawaja Saad Rafique | Member |
| 17. Syed Hussain Tariq | Member |
| 18. Syed Naveed Qamar | Member |
| 19. Dr. Nafisa Shah | Member |
| 20. Ms. Aliya Kamran | Member |
| 21. Barrister Dr. Muhammad Farogh Naseem Minister for Law and Justice | Ex-officio Member |

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex-A, in its meetings held on 03rd July and 21st August, 2019. The Committee recommends that the Bill as introduced may not be passed by the National Assembly.

Sd/-

TAHIR HUSSAIN

Secretary

Islamabad, the 28th August, 2019

Sd/-

(Riaz Fatyana)

Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

A

BILL

further to amend the Child Marriage Restraint Act, 1929 (XIX of 1929)

WHEREAS it is expedient further to amend the Child Marriage Restraint Act, 1929 (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) Act, 2019.
(2) It shall come into force at once.
2. **Amendment of section 2, Act XIX of 1929.**- In the Child Marriage Restraint Act, 1929 (XIX of 1929), hereinafter referred to as the said Act, in section 2, for clause (a), the following shall be substituted, namely:-
“(a) “child” means a person who is under eighteen years of age;”
3. **Amendment of section 4, of Act XIX of 1929.**- In the said Act, in section 4,-
 - (i) for the word “simple” the word “rigorous” shall be substituted;
 - (ii) for the words “one month” the words “three years” shall be substituted; and
 - (iii) for the words “one thousand rupees” the words “two hundred thousand rupees” shall be substituted.
4. **Amendment of section 5, Act XIX of 1929.**- In the said Act, in section 5,-
 - (i) for the word “simple” the word “rigorous” shall be substituted;
 - (ii) for the words “one month” the words “two years” shall be substituted; and
 - (iii) for the words “one thousand rupees” the words “two 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),-
 - (i) for the word “simple” the word “rigorous” shall be substituted;
 - (ii) for the words “one month” the words “three years” shall be substituted; and
 - (iii) for the words “one thousand rupees” the words “two 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 Courts Act, 1964 (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 (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 with 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. **Substitution 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 in Contravention of this Act.-

(1) Notwithstanding anything to the contrary of this Act, contained in any other law, the court may, if satisfied from information laid before its 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 against any person or authority involved therein, including an injunction against any of the persons mentioned in sections 3, 4, 5 and 6 of this Act, 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 and illiteracy, are factors cited for the prevalence of child marriage. 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 age 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 marriage is common in all parts of Pakistan particularly in the poor areas but the act of solemnizing child marriage is not cognizable and the police cannot take actions against the offenders. The amendment is intended to serve as a deterrent and to remove the existing gender disparity in age.

2.. The Bill seeks to achieve the above-said objectives.

Sd/-

DR. RAMESH KUMAR VANKWANI
Member, National Assembly