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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH JUNE, 2014.

NO.PAS/Legis-B-25/2013- The Sindh Child Marriages Restraint Bill, 2013 having been passed by the Provincial Assembly of Sindh on 28th April, 2014 and assented to by the Governor of Sindh on 10th June, 2014 is hereby published as an Act of the Legislature of Sindh.

THE SINDH CHILD MARRIAGES RESTRAINT ACT, 2013.

SINDH ACT NO. XV OF 2014.

AN
ACT

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.

Definitions.

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

- (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 party is a child;
- (c) "Code" means the Code of Criminal Procedure, 1898 (No. V of 1898);
- (d) "contracting party" to marriage means either of the party whose marriage is, or is about to be solemnized;
- (e) "Court" means the Court of a Judicial Magistrate of First Class;
- (f) "Government" means the Government of Sindh.

Punishment for male contracting party.

3. Whoever, being a male above eighteen years of age, contracts a child marriage shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall be liable to fine.

Punishment for solemnizing a child marriage.

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 three years but shall not be less than two years and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage.

Punishment for parent or guardian concerned in a child marriage.

5. (1) Where a parent or guardian or any other person in any capacity, lawful or unlawful, does any act to promote the child marriage or permits it to be solemnized, or fails to prevent it negligently, from being solemnized, shall be punished with rigorous imprisonment which may extend to three years but shall not be less than two years and shall also be liable to fine.

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

Jurisdiction under this Act.

6. Notwithstanding anything contained in section 190 of the Code, no court other than the Court of a Judicial Magistrate of First Class shall take cognizance of or try any offence under this Act.

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

7. (1) Notwithstanding anything to the contrary contained in any other law, the court may, if satisfied from information laid before it through an application 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) 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 an application of any person, rescind or alter any order made under sub-section (1).

(4) Where an application is received, the Court shall afford an 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 fine or with both.

8. Notwithstanding anything contained in the Code, an offence punishable under this Act shall be cognizable, non-bailable and non-compoundable.

Offence to be punishable and triable.

9. The Court shall on taking cognizance of a case proceed with the trial and conclude the case within ninety days.

Cognizance, trial and conclusion of the case.

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

Rules.

11. No suit, prosecution or other legal proceedings shall lie, against any person in respect of anything which is in good faith done or intended to be done under this Act.

Indemnity.

12. If any difficulty arises in giving effect to any of the provisions of this Act, Government may make such order, not inconsistent with the provisions of this Act, as may appear to Government to be necessary for the purpose of removing the difficulty.

Removal of difficulty.

13. (1) The provisions of the Child Marriage Restraint Act, 1929, relating to the Province of Sindh are hereby repealed.

Repeal and saving.

(2) Notwithstanding the repeal of the Child Marriages Restraint Act, 1929, all orders made, decisions taken, judgment passed by any Court, shall be deemed to have been validly made, taken and passed under this Act.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH

G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH