

[AS INTRODUCED IN THE SENATE]

A

BILL

to curb inherited blood disorders and birth defects

Whereas it is expedient to amend the provisions of Muslim Family Laws Ordinance, 1961(VIII of 1961), Christian Marriages Act, 1872 (XV of 1872), Parsi Marriage and Divorce Act, 1936 (III of 1936), Special Marriage Act, 1872(III of 1872) for the purposes hereinafter appearing;

It is hereby enacted as follows.

1. Short title and commencement.- (1) This Act may be called the Premarital Blood Screening (Family Laws Amendment) Act, 2016.

(2) It shall come into force at once.

(3) It shall have no effect on the marriages registered before this Act.

2. Insertion of new section, Ordinance VIII of 1961.-In the Muslim Family Laws Ordinance, 1961 (VIII of 1961), after section 5, the following new sections shall be inserted, namely:-

“5A. Premarital Blood Screening Tests.-No marriage shall be solemnized under the Muslim Law unless the prospective partners have undergone premarital blood screening tests and produce a medical certificate from an authorized medical officer or hospital as nominated from time to time in consultation with the concerned family court.

5B. Attachment of Medical Certificate to be mandatory.- (1) The Nikah Registrar shall register a marriage only upon production of a Medical Certificate of Premarital Blood Screening issued by the authorized medical officer recommending the marriage.

(2) No Marriage Certificate shall be valid unless it is certified by the concerned family court.

3. Insertion of new Part, Act XV of 1872.- In the Christian Marriage Act, 1872 (XV of 1872), after Part VI, the following new Part shall be inserted, namely:-

"PART VI-A

"65A. Premarital Blood Screening Tests.- No marriage shall be solemnized under the Christian Law unless the prospective partners have undergone premarital blood screening tests and produce a medical certificate from an authorized medical officer or hospital as nominated from time to time in consultation with the concerned family court.

65B. Attachment of Medical Certificate to be mandatory.- (1) The Marriage Registrar shall register a marriage only upon production of a Medical Certificate of Premarital Blood Screening issued by the authorized medical officer recommending the marriage.

(2) No Marriage Certificate shall be valid unless it is certified by the concerned family court."

4. Insertion of new section, Act III of 1936.- In the Parsi Marriage and Divorce Act, 1936 (III of 1936), after section 3, the following new sections shall be inserted, namely:-

"5A. Premarital Blood Screening Tests.- No marriage shall be solemnized under the Parsi Law unless the prospective partners have undergone premarital blood screening tests and produce a medical certificate from an authorized medical officer or hospital as nominated from time to time in consultation with the concerned family court.

5B. Attachment of Medical Certificate to be mandatory.- (1) The Priest shall register a marriage only upon production of a Medical Certificate of Premarital Blood Screening issued by the authorized medical officer recommending the marriage.

(2) No Marriage Certificate shall be valid unless it is certificate by the concerned family court."

5. Amendment of Section 2, Act III of 1872.-In the Special Marriage Act, 1872 (III of 1872),in section 2 after sub-section (4) the following new sub-section shall be added, namely:-

“(5)It shall be mandatory for the concerned parties to produce a blood screening medical certificate before entering in to a marriage contract.”

STATEMENT OF OBJECTS AND REASONS

Consanguineous marriages have become a greater risk to our society as children born out of these suffer from several congenital problems. Particularly, it happens in the case of children born out of union involving first cousins. Through such close relative marriages, a person who carries a defect in any of the genes associated with some form of disease and marries a person from the same kindred who also shares the defect. The child inherits two copies of this faulty gene and becomes victim of an inherited disease. Such inherited disabilities range from blindness, cerebral palsy, mental disorders, thalassemia, physical deformities and hearing and speech impairments etc. In Pakistan 77% of babies born with birth defects belong to parents who were in consanguineous marriages and such children have low rate of survival.

2. This Bill intends to curb inherited blood disorders and birth defects by making a Medical Certificate and premarital Blood Screening Tests mandatory before entering into contract of marriage for building a healthy and progressing Pakistani nation.

SENATOR CHAUDHARY TANVIR KHAN
Member in-Charge