[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to restrain the solemnization of child marriages in the Islamabad Capital Territory

WHEREAS it is expedient to restrain the solemnization of child marriages in the Islamabad Capital Territory;

It is hereby enacted as follows:-

1. Short title, extend and commencement. –

(1) This Act may be called the Islamabad Capital Territory Child Marriage Restraint Bill, 2025.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions. –

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 abuse" means as defined under the Islamabad Capital Territory Child Protection Act, 2018, and shall also include the marriage of a child or solemnization of marriage of a child with any person over the age of eighteen years or with another child;

(c) "child bride" means the female child who has not attained the age of eighteen years;

(d) "child groom" means the male child who has not attained the age of eighteen years;

(e) "child marriage" means an act of solemnizing marriage or *Nikah* where both or either of the contracting party to the marriage is a child;

(f) "Code" means the Code of Criminal Procedure, 1898 (No. V of 1898);

(g) "contracting party" to marriage means either of the party whose marriage is, or is about to be solemnized;

(h) "Court" means the Court of a District & Sessions Judge;

(i) "Guardian' means a person, other than a biological parent who has parental responsibility for a child, which may include a guardian appointed under the Guardians and Wards Act, 1890 (VIII of 1890); and

(j) "Child Trafficking" means recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of child marriage.

3. Registration of child marriages._

(1) No *Nikah* registrar shall register a marriage where one or both the contracting parties are below the age of eighteen years.

(2) The *Nikah* registrar or any person solemnizing *Nikah* must ensure that the contracting parties possess valid Computerized National Identity Cards (CNICs) duly issued by the National Database and Registration Authority (NADRA), clearly stating their respective date of births.

(3) Whoever contravenes with or fails to comply with sub-section (1) and (2) shall be liable to be punished with simple imprisonment for a term which shall not be more than one year and with fine amounting to one hundred thousand rupees, or both, unless he proves that he had reason to believe that the marriage was not a child marriage.

4. Punishment for male adult above eighteen years of age marrying a Child._

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.

5. Punishment of Child Abuse._

(1) Any form of co-habitation, before attaining the age of eighteen years, with or without consent, resulting from a child marriage shall be considered child abuse under this Act.

(2) Any person who induces, forces, persuades, entices or coerces any child bride or child groom to engage in any such activity prohibited by sub-section (1) or commits an act of child abuse shall be punished with imprisonment for a term which shall not be less than five years and may extend up to seven years and with fine which shall not be less than one million rupees, or both.

6. Punishment of Child Trafficking. –

(1) Any person who induces, forces, persuades, entices or coerces any child and compels such child to leave the territorial boundary of Islamabad Capital Territory for the purpose of defeating and evading the provisions of this Act, with the intent to marry the child, shall commit the act of Child Trafficking and shall be punished with imprisonment, of either description for a term not less than five years which may extend to seven years with fine.

(2) Any person who recruits, harbours, transports, provides or obtains any child for the purpose of marriage shall be punished with imprisonment of either description for a term of three years with fine.

7. Punishment for parent or guardian concerned in a child marriage. –

(1) Where a parent or guardian or any other person in any capacity, lawful or unlawful, does any act to promote the child marriage, child abuse or permits child marriage to be solemnized, or negligently fails to prevent it 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.

8. Jurisdiction under this Act. –

Notwithstanding anything contained in section 190 of the Code, no Court other than the Court of District & Sessions Judge shall take cognizance of or try any offence under this Act.

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

(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:

Provided that where a parent of a child involved in a child marriage or third party has laid the information before the Court and requests to keep his/her identity hidden from the contracting parties or from the parents or guardians of the contracting parties or the other parent, then the Court shall adopt appropriate measures to protect the identity of the third party or parent who has made the application before the Court.

(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 under sub-section (3) above is received, the Court shall afford an opportunity to the applicant 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.

10. Offence to be punishable and triable. _

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

11. Cognizance, trial and conclusion of the case. _

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

12. Power to make Rules. _

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

13. Repeal and Savings. _

(1) The Child Marriage Restraint Act, 1929 is hereby repealed to the extent of Islamabad Capital Territory.

(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.

STATEMENT OF OBJECTS AND REASONS

This bill is being introduced with the object to curb, discourage and eventually eradicate the concept and phenomenon of Child marriages which are highly prevalent in Pakistan. In this modern day and age, we have the resources and the research which invariably proves that child marriage is harmful to both genders and especially girls who have hit puberty and are able to bear children. Furthermore, child marriages are in complete violation of the rights of children and international obligations and Goal 5 of the United Nations Sustainable Development Goals focuses on gender equality and includes a target to end child marriage by 2030. Therefore, in order to restrain child marriages and protect the basic rights of children, it is expedient to enact a law for the Islamabad Capital Territory.

This bill seeks to achieve the above object.

Sd/-
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