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Abstract: This paper discusses in a rights-based perspective the laws that regulate child marriage in the two Pakistani provinces, Punjab and Sindh, on the basis of a new law called the Islamabad Capital Territory (ICT) Child Marriage Restraint Act 2025, which has been recently ratified. It offers a doctrinal review of the child marriage restraint legislation in the provincial states and assesses its compatibility with the constitutional ideologies of Pakistan and the international human rights treaties, such as universal declaration of human rights (UDHR), the convention to rights of child (CRC) and the convention on elimination all forms of discrimination against women (CEDAW). In their analysis, this paper discovers that Sindh laws based its minimum marriage age as 18 years in 2013 and it has been observed that Sindh has taken a step forward in adhering to the international standards, whereas Punjab has always kept its floor age as 16 years, which raises issues of contradiction in the laws and also allowance of violation of human rights. The federal capital adopts the ICT Child Marriage Restraint Act 2025 that forces both sexes to have an age limit of marrying at 18 years and introduces hard penalties, pointing out to inconsistencies in the laws of provinces. In the comparative analysis we point out cross legislative differences, enforcement issues and cultural-religious obstacles that inhibits efficiency of children marriage restrains. At the end of the article, recommendations are also given to align provincial laws with the ICT Act 2025 and the international commitments of Pakistan to harmonize laws to ensure uniform national standards, enhancement of enforcement measures and community participation in ridding the society of child marriage as a basic human right violation.

Introduction

Child marriage Child marriage referred to as a marital union with one or both spouses under the age of 18 is an acute human rights issue in Pakistan and South Asia in general. These kind of marriages are generally understood to be in violation of the rights of children to health, education as well as free

consent to marriage all over the world. By absolute numbers, Pakistan ranks sixth and the latest nation surveys show that more than 21 percent of girls are married before 18 years of age, and approximately 3 percent before 15 years. The girls are the unfortunate victims of such underage marriages, their childhood is shortened, and their perspectives are diminished; they are exposed to health risks (including high maternal mortality among teen mothers) and gender-based violence. Therefore, not only is child marriage a social necessity but a legal one as well, being an obligation of Pakistan in terms of numerous human rights agreements and its Constitution back.

In the centre of the legal fight against child marriage in Pakistan, lies a problem of outdated or non-coherent legislation in different jurisdictions. The constitutional amendment that took place in the 18th amendment (2010) led to a significant devolution of marriage and family laws to provinces making standards in the nation to be patch worked (Khalid, H. 2025). The CMRA enacted during the colonial era in 1929 to fix minimum age of marriage at 16 years and 18 years respectively to girls and boys, was in effect throughout the decades with little amendments, and in Pakistan is frequently branded as toothless and out-dated. Without universal reform, the provinces have proceeded in different directions: Sindh went first with the Sindh Child Marriage Restraint Act 2013, the first consistent, 18-year minimum both sexes, though Punjab had until recently clung to the old discriminatory ages in the 1929 Act. This legal discrepancy has far-reaching human rights consequences whereby only the law in Sindh was in agreement with an internationally agreed definition of a child which was anybody under 18 years.

One of the important occurrences came in the year 2025 when the Islamabad Capital Territory Child Marriage Restraint Act, 2025 was passed commonly built herein referred to ICT Act 2025. This new legislation was enacted by federal Parliament of Pakistan covering the Islamabad Capital Territory (ICT) to increase the minimum age of marriage to 18 years to both girls and boys effectively abrogating the 1929 Act in the federal capital. It also added more harsher punishments where any marriages between a minor was seen as a cognisable offence and there were serious jail terms imposed and it was stated that sexual acts with a spouse below 18 years amounts to statutory rape. Activists have slammed the ICT Act 2025 as a turning point that will establish a progressive precedent across the rest of the country. Nevertheless, it has equally brought back oppositions and protests especially on the basis of religion which highlights the contradictions between the international human rights obligations of Pakistan and the social-cultural realities on the ground.

In this article, an assessment is given to the child marriage laws by Punjab and Sindh in adherence to the ICT Act 2025 as a rights-based action. It poses the question of how far provincial legislation in Pakistan meets the responsibilities of the country under the human rights law and how far it falls short of its own Constitution. By examining legislative texts, current case law and implementation realities in the context of comparability to fundamental rights principles (including as set out under the key rights principles of non-discrimination (CEDAW, Constitution Article 25), the best interests of the child (CRC), free consent to marriage (UDHR)) (Ahmad, M., 2024). This way we improvise on the text available through literature and reports which cite the evolution of child marriage as a human rights concern, the socio-legal scenario of child marriage in Pakistan, and the difficulty of having laws on child protection being enforced in our pluralistic society. The relevance of such a study is to provide the policy discussion when the views of both the nationals and the international community demand the abolition of child marriage in Pakistan. On the international level, Pakistan is committed to ending child, early and forced marriage by 2030 through the sustainable development goals and has re-affirmed this commitment in platforms such as the Kathmandu Call to Action of 2014. Internally, there is a growing movement towards reform

of courts and civil society where an order by Lahore High Court barring the gender-discriminative definition of child in marriage law of Punjab was set aside in 2024 (Munir, A. I. 2024). The current article seeks to detect the contradiction in provincial laws and rights protection provisions on the ICT benchmark and standards, barriers of law implementation, and how the regulatory space needs to be harmonized through legal means.

The rest of the paper is organized in the following way. First, we consider pertinent literature and legal trends, providing the description of the human right approach to the problem of child marriage and previous studies of child marriage issues in Pakistan. Then, we describe the methodology of this doctrinal research. We proceed to give a comparative account of the law in Sindh and Punjab, its content, constitutional base and its actual practice (or lack thereof), contrasted with the legal text of the ICT Act 2025. We will speak about the extent to which each body of law compares to the international requirements of Pakistan (CEDAW, CRC, UDHR) and the rights-based standards of equality, consent, and child protection (Englehart, N. A., 2014). We are closing by providing conclusions and specific recommendations of legal and policy changes (including the desire to have uniform marriage laws across all provinces in accordance with the ICT Act 2025, to seal off loopholes (including default provision of unwinding of the marriage), to have effective implementation mechanisms, and to have societal measures) so that Pakistan takes the step towards eradication of child marriage by mandating both the national and international obligations.

Literature Review

Framing child marriage as a human rights violation was popularized over the last several decades. The article gives us a good look at child marriage in Pakistani society, more specifically its legal and societal sides. Rana et al. critically evaluate the hopeless colonial-era laws and their inefficiency in the modern settings. The paper emphasizes on the recent judicial views of Federal Shariat Court (FST) and Islamabad High Court (IHC) that have indicated child marriage as a crime following Sharia-ground principles. During the coverage of child marriage as it is treated before the courts, the study does not have much detailed report on how provincial laws interacted with the ICT Bill 2025, and how the latter could create new rights-based option. This study fails to look into the potential of ICT-based legal systems like the ICT Bill 2025 to enhance the judicial system to respond to child marriages (RANA, A. A., 2022). Naveed and Butt provide an insight on the complex causes of child marriages in Pakistan, and their grim outcome, especially gender-based violence. They highlight the incompetency of Child Marriages Restraint Act (CMRA) to harmonize with international standards. This paper does not discuss technology, especially ICT application, as a way of fighting child marriage. There is no coherent rights-based assessment between ICT developments linked with law reform and child protection in Pakistan and this opens up the possibilities to further investigate the domain (Naveed, S., 2020). Ahmad et al. show great concern at cultural and traditional institutions (e.g., Jirgas) that facilitate child marriage. Their qualitative study highlights factors of poverty, illiteracy, and gender inequality, as major triggers of this practice. The implications of regional law differences and how ICT solutions may be useful, particularly by changing the legislations, remain unattended. With regard to whether ICT can be used to create relevant change about the culturally embedded practices and boost the effectiveness of legislations concerning child marriages, there is a major gap (Ahmad, A. A., 2019). Jabeen looks at the development of the provincial child protection laws and the issues associated with the laws indicating there is major difference between provinces. The paper will bring out the interaction between the international child rights requirements and the conventional worth of the society. Although the paper is complete in law terms, it does not look at the way ICT interventions can assist in closing the gap between international

obligations and local enforcement. The examination of ICT Bill 2025 as the additional tool to supplement the provincial laws on child protection is left unexplored (Jabeen, T. 2016). The qualitative research paper examines the process of decision-making on child marriages within Sindh setting where socio-cultural considerations and economic limitations play a key role. It recommends interventions that include education and community awareness as the major points. There are no studies on ICT as a decision-making empowerment and the educative tool. Future studies need to evaluate how ICT-based initiatives may transform the process of decision making involving child marriages at the community level (Kakal, T., 2023). This paper is a critical analysis of the Islamic jurisprudence foundational grounds and the modern law on competency to marry. It presents an argument in support of a jurisprudential model of handling modern marital problems such as child marriages. Provincial differences in legislations on marital competency and the possible power of ICT when it comes to implementing the laws of marital competency have not been consolidated in this research. There is need to conduct further research to determine how ICT mechanisms under the ICT Bill 2025 might be used to supplement the legal competency framework (Hussain, B., 2022). Focussing on the various aspects of implementing international law alongside the local legal systems, Ahmad et al. found that due to the approaches of cultural and religious practices, various issues are being presented to implement the international law. This is significantly lacking because of a detailed assessment of ICT tools to promote legal compliance and rights-based enforcement. One area where research on how the ICT Bill 2025 addresses and enhances child marriage legislation and enforcement mechanisms can be done in the future is specific to the future research (Ulla, H. M. H., 2025). The Council of Islamic Ideology also opposes the age limits to marriage arguing that puberty is enough to be considered competent to be married. The analysis does not consider modernity standards and rights-based arguments effected by ICT laws. Further analysis is needed as to how the ICT legislation may be able to reconcile the Islamic jurisprudence with modern standards on human rights (Nyazee, I. A. 2014). Nawaz speaks about the poverty, education, religious misconceptions as the factors and how they contribute to child marriages. It supports the increased legal system and education. There is no research on how ICT can be used to improve education reach and enforcement of laws. The role of ICT in changing the attitude of the society and ensuring better law enforcement against child marriage must be studied in the future (Nawaz, A. 2022). Koski et al. explain historical process of child marriage as a global human rights issue revealing ICT policy development and controversial arguments on universal marriage of age limits. The significance of incorporating modern ICT system in the historical analysis of ICT policy is under represented. Future studies should consider assessing the impacts of modern ICT systems such as ICT Bill 2025 to global human rights policy on child marriage (Koski, A., 2023). Overall, the literature suggests that there is a major research gap of incorporating ICT solutions into provincial child marriage laws, and the comprehensive rights-based assessment is necessary to validate the use of the ICT Bill 2025.

Methodology

This study follows a doctrinal approach, which is qualitative, based on the study of the legal provisions, and the case law, and international instruments. It constitutes a comparative legal analysis of the provisions and consequences of the laws of restraint of child marriages adopted in two Pakistani provinces (Punjab and Sindh) as well as the new law (ICT Child Marriage Restraint Act 2025) by the Federal Capital of Pakistan through the lens of human rights norms.

The key steps and components of the methodology are as follows:

Rights-Based Criteria: Each legal regime was evaluated based on a number of evaluative frameworks

that were based on the human rights principles:

1. **Minimum Age Standard:** Is the minimum age of marriage 18 regardless of gender in the law in accordance to the CRC definition of a child and the recommendations in CEDAW?
2. **Gender Equality:** Is the effort made in the law to treat girls and boys equally with regard to marriageable age and other rights as contained in the Constitution Article 25 and CEDAW?
3. **Legal Impact of Child Marriage:** Is child marriage void or voidable under the law and would therefore offer protection to the child who would be pushed in this union or not as suggested by CEDAW article 16(2)?
4. **Punishment and Enforcement Measures:** Do serious penalties against perpetrators (facilitators and guardians) oust the practice and do procedural law allow preventive measures to be undertaken (i.e., an injunction to prevent a forthcoming child marriage)?
5. **Alignment with Islamic Law (where portion exists):** Does the law, where existing, align with current interpretations of Sharia (considering the dual nature of the Pakistani legal system), and has the jurisprudential aspect of Islamic Law been considered (e.g. through the words of the Council of Islamic Ideology, or decisions of the Shariat Court)?
6. **Practice Implementation:** We look at whether the law has been well implemented, although harder to measure, we look at how well the law has been implemented: e.g. number of cases prosecuted, problems in implementing the law known, awareness of the law by the people, etc. based on reports and studies.

Limitations: The study is mainly doctrinal and qualitative; there is no fieldwork or empirical survey involved. Reported cases and secondary data to provide enforcement statistics is one of the constraints and thus could give an incomplete picture because child marriages are not well reported. The other limitation is a changing legal situation, laws and policies may change (as example, the analysis may be influenced by a pending legal challenge in the Shariat Court to the ICT Act 2025). To ensure this, we capture the state of affairs in the middle of 2025 and mention points of ambiguity. Regardless of these weaknesses, the research design does present an analytical process of the legislation involved. The triangulation (legislation, case law, international standards) is used so that the conclusions could be made on solid grounds.

Doctrinal Analysis of Provincial Child Marriage Laws and Constitutional Principles

Sindh: Progressive Legislation and Its Pitfalls

The most progressive child marriage law in Pakistan so far is in Sindh province. The Sindh Child Marriages Restraint Act, 2013 (SCMRA) was passed early in 2014, and made Sindh the first province to legislate at its own level following the 18th Amendment (Khan, S. A. 2014). SCMRA specifically formulates the age of marriage where both the female and male needs to be attained to 18 years of age, something that never existed during the old 1929 Act whereby there was gender inequality in terms of marriage. The Sindh Act (Section 2(a)) defines a child as someone (male or female) less than 18 years in age, in accordance with the definition of a child in the CRC. This common age of marriage is a strategic move towards ensuring the marriage laws meet the international standards and overcome the negative connotation that girls below 16 years old should not marry since it is considered discriminatory and abusive. On the one hand, as it was mentioned above, none of the other provinces had made the age 18 at the time, which was pointed out by both local and international observers. The legislative purpose of Sindh was, therefore, to deliver on the commitments of Pakistan to CEDAW and the CRC by means of ending child marriage in the province.

Offenses and Penalties: Sindh Act does not only criminalize the act of an underage marriage but also

facilitation of the same. That any human being is guilty of an offense who, by contracting a child marriage (in other words, the adult conjugal partner) or of officiating or endorsing to a child marriage (Nikah registrars, parents/guardians, etc.), shall knowingly have been the cause of the same. The Act provides that violators can be jailed to three years and be fined. Namely, the legislation mandates the penalties of up to three years of strict imprisonment and a financial penalty to an adult man who contracts a child to get married, the cleric who performs the Nikah ceremony, and transporting parents or guardians who also arrange the marriage. These fines are far much harsher compared to the old law of 1929, which had a ceiling limit of one month of imprisonment or Rs.1000 fine which was considered to be too light to curtail the vice. By giving them a possible multi-year jail sentence, Sindh wanted to indicate zero tolerance. On the measure of prevention, the Act enables the courts to issue injunctions to prevent an impending child marriage (on complaint) and makes offenders liable to be arrested without warrant (it is a cognizable offense) to facilitate the timely action.

No Exceptions or Judicial Consent Provision: The SCMRA does not have any exceptions like marriages with parental consent under 18, or the court-approved under age marriage. This is similar to the international best practices that claim that the exception (such as considering marriage at 16 given a parental consent) usually overrides the rule since parents can be coerced or can be misled. The law in Sindh is a direct ban: any marriage, where one of the partners is under the age of 18 is considered as unlawful according to the law.

Legal Status of Underage Marriages: One of the most important factors (and perhaps the weakest points) of the Sindh Act is that it does not expressly state that under-age marriages are null and void. The Act deals with the criminalization of the guilty parties involved but it remains silent as to whether the marriage is valid, voidable or void. Noting that the SCMRA, as it was, has not made any provisions that expressly make child marriage null, the Centre for Reproductive Rights observed that even when the SCMRA admitted to barring child marriages, it did not provide any legal provisions making child marriages invalid. Practically, it implies that when a child marriage is conducted, the girl (or a boy) is legally married until a court interrelates a situation through a procedure of the law of the personal status. In the case of Muslim marriages, that is normally through the Dissolution of Muslim Marriages Act 1939 (DMMA), where a Muslim girl, whom her guardian has married under the age of 16 declares that before the age of 18 (the so called, option of puberty works), her marriage should be repudiated in case it was not consummated (Arafat, Y. 2015). However, the DMMA subjects the girl to annul the same by filing a suit in family court, which is cumbersome to a minor and can be resisted by the family members. Such a protective gap is created under SCMRA by a lack of automatic voiding clause: in interior Sindh, where a 15 year old girl is married off, unless she herself acts in voiding the marriage, she is legally someone's wife, though the act violates criminal law and should be prosecuted as such by the initiators. Such anomaly has been lamented about at the fact that this may weaken the force of the law since the fear of prosecution may not be so strong when societies can still validate the marriage as legal. Numerous observers call to change the law to make all marriages before the age of 18 invalid, in an authentic attempt to protect the rights of children.

Constitutional and Human Rights Alignment: The fact that the Sindh Act made 18 the uniform age conforms to human rights norms, and, given the LHC ruling in 2024, can no longer be contested to not be a requirement of the equality clause in the Constitution (Article 25) of Pakistan countrywide as law. Although the Sindh Assembly was working on its own, the law projected the direction which the treaty bodies and superior courts would eventually pursue. Sindh law does not discriminate on the sex lines as the federal one used to do by treating boys and girls equally. It is also in line with the requirement in

Article 35 of the Constitution which calls upon the state to protect the child and the family, which rationally, also includes averting child marriages that endanger the wellbeing of a child. Religiously, the law of Sindh was challenged before the Federal shariat court on Islamic grounds that reached its culmination in the 2022 Federal Shariat Court case. In ruling out the challenge, the FSC, in indicating a blessing directed to the law per Islamic constitutionality. The argument used by the court to show that they lacked a prohibition that setting up an age limit to the *maṣlaḥa* (welfare) of the child in the Islamic faith has posed a breakthrough in contradicting religious objections to the case. This is notable since it implies that the law in Sindh has a good foundation on which to be challenged in terms of infringing the so-called Injunctions of Islam (a constitution test in the jurisdiction of FSC). Politically though, it has fermented against conservative quarters; a law was much more palpable in Sindh which has a rather liberal leaning provincial assembly (the Pakistan People's Party, PPP dominate the province). Conversely, efforts to pass similar bills in the National Assembly or other provinces in the past used to be held up using the fear of religious retaliation.

Implementation in Sindh: Sindh is an example that the best law on paper which Sindh had is just a beginning. The enforcement has been inconsistent over the decade since 2013. First, few people were convicted using the SCMRA, as it was alleged that the law was under-enforced at the local police and authorities because they did not work hard to prosecute cases and families were not willing to report abuse. The UNFPA and Population Council joint report found a worrying sign: the expectations of the law leading to a decrease in child marriage in Sindh were not fulfilled: instead, the organization observed that the number of marriages under 15 in 2014-2019 increased by 1.5% and under 18 by 2.2%. Such increase being counter-intuitive at first glance can be explained by several factors. It can be the indicator of improved reporting after law (when awareness gradually became stronger), and it can be the indicator of the lasting social factors such as poverty or traditions that were just too difficult to be instantly defeated with the law. This research suggests that the few cases ended up as convictions and reasons included inefficiency of enforcing the law and corruption as well as the strong norms that significantly influence the authorities to avoid prosecution.

The Sindh experience highlights the fact that even a good law is not enough, it should be followed by good implementation and social strategies to enable it to actually safeguard children.

Punjab: Incremental Changes and Constitutional Challenge

A different course is exhibited by the Pakistani province of Punjab, which is the most populous province, with only partial reforms and a more recent activism of the courts. The Child marriage restraint Act 1929 was the federal law governing marriage in Punjab for decades with the minimum marriage age at 16 and 18 years respectively to the girls and the boys respectively (Act, C. M. R., & Act, 2006). Punjab was one of the provinces that amended the 1929 Act in 2015; however, it did not raise the age limit of marriage to girls. Amendment lead to heightened penalties on those who breach the law but the definition of the child was still that in the colonial law: a male below the age 18 and a girl below 16. The amendment introduced by Punjab state in precluded the bailable and cognizable offence in the state, increased the jail period (such as a male over 18 years marrying a girl under 16 could face imprisonment up to 6 months or fine compared to one month of jail in the original law). It appeared to be that the reason behind this was that child marriages will be discouraged even more by an increased severity of punishment as opposed to pushing female age to equate with 18. Policymakers might have estimated that an age revision would stir up the opposition of religious circles, a fact that was also observed regarding what happened when the same ideas have been introduced in the country at the national level, e.g., when the same proposal occurred in the National Assembly in the form of a draft bill that

aimed to make 18 the standard age in 2014 and which was rejected after the Council of Islamic Ideology declared it un-Islamic (Qayyum, A. 2023). Therefore, the Punjab law of 2015 was a half-baked law: it achieved a perception of child marriage problem (that is why it introduced harsher punishments), yet it institutionalized a discriminatory criterion remaining the unprotected 16-17-year-old girls.

The Lahore High Court's Intervention (2024): In April 2024, the Lahore High Court addressed this discrepancy dramatically in a decision that was reported as (*Azka Wahid v. Province of Punjab*). In this, the petitioner argued that the constitutionality of the Section 2(a) of the CMRA (as it operated in the Punjab) was void, which defined a child variously by gender (Munir, A. I. 2024). The ruling of Justice Shahid Karim has become one of the major referrals in the Pakistani law in Punjab. He emphatically stated that, the definition of child in the current state as given in the 1929 Act, was discriminative and goes against Article 25 of the Constitution (equality before the law, no discrimination against anyone on the basis of sex). It was pointed out in the judgment that there was no justifiable reason or what it termed as an intelligible basis to justify the decision to marry off girls at the age of 16 years as compared to boys at 18 years due to the fact that the object of law was the same that is to prevent child marriages. The implication is that, indeed, the disparity acted against the spirit of the law since it still would have legitimized marriages to girls between the age of 16 and 17. By implication, the court deleted 'if female, under 16 years of age' phrase in section 2(a) which has the effect of rendering the definition to the effect that anyone under 18 years of age is a child within the meaning of the law. Such a decision effectively increases the legal marriage age of girls in Punjab to 18 (because it has been imposed by the judiciary). Justice Karim directed the Punjab government to come up within 15 days with a revised copy of the law with a corrected definition and to publish it making the people aware of the point.

This was a big conquest to rights activists since they had achieved through courts what was not done by the legislature. It also created precedent that other provinces (or even the federal law) could not have lower age of girls without being for similar constitutional issues. Not incidentally, the common religious objection was put to and disposed of in the judgment: it was pointed out that girls in their puberty are commonly earlier than the boys, but it does not follow that the state cannot by reason of the protection of the minors fix a minimum age of marriage. The court saw no issue in the Constitution against marriage floor age; quite on the contrary, it associated such step with performance of state obligations towards children (Article 35) and to enforce such principles as gender equality. Invoking the terrible indicators (such as 21 per cent of girls married before 18 in Pakistan, UNICEF figures) and the evils of early marriage, the LHC then sub-stressed the moral basis of the decision with a rights based story.

After the LHC ruling, there was a legal flux in paper on the law in Punjab. What is basically the court instructed so-called revised version also amounts to this: That because of it, Punjab is now legally bound to consider 18 the minimum age of both sexes, where the statutory ordinance adopted by the Assembly still declares 16 to be the minimum age of females. After the judgment, the Punjab government stated that it was willing to comply; a draft legislation was reported to amend the law formally to comply with the ruling and even demands to put it together as an Act like this in Sindh. By mid-2025, an amendment bill was under consideration, but they had not been passed yet by the provincial assembly (perhaps because of political shifts of those times and routinely elections). However, the judgment of the LHC is considered to be binding unless overstayed or overruled by a superior court which has not been the case. It implies that any minor marriage in Punjab can now be legally penalized, and a girl under 18 year is to be considered as a child according to the restraint act. Essentially, the courts of Punjab had succeeded in what the CEDAW and the activists had always requested: the standardization to the one in

Sindh.

Penalties and Enforcement in Punjab: The enforcement efforts in Punjab had been strengthened in some respects even before the LHC ruling in 2015. Increases of penalty (three months to two years, as per the role of the offender) and which made the offences cognizable, gave police on paper more teeth. The Home Department of the state of Punjab had given directions to district administrations to keep an eye on and stop child marriages and some training programs of the Punjab Commission on the Status of Women regarding the law was given to Nikah registrars. Nonetheless, enforcement was sporadic even though these steps were taken. One is that many of the child marriages in the state of Punjab are informal where the Nikah is not registered by the family itself until the girl turns 18, or is on the point of giving birth to the child to evade the look of law. In addition, no marriage is registered immediately because it is also contracted as an engagement or religious marriages where the registration is done later. The trick here is that part of the law (which penalizes people who solemnize or conduct child marriage) has a loophole: in case a registrar on Nikah cooperates with others not to formally write about the marriage, until a later date of course, then it is more difficult to prove in a court that the child got married on a specific date. However, there have been interventions in Punjab in that local media reported cases where the administration has stopped child marriage ceremony when complimented, especially where there is extreme age of marriage or when neighbors report the authorities. As an example, the case when 12 or 14-year-old as a bride were saved were arrested but no one can be certain about the result of the prosecution because there were out of court or the lack of evidence (the marriage was not registered, etc.).

The other factor is the attitude of the police as well as courts in Punjab. Some judicial cases had even justified child marriages in light of technicalities (such as Shariat or personal law) before law was changed. The CRR report quotes that in the past the Supreme Court and Lahore High Court had declared some marriages even of young person's under- 15 so void as long as they could be characterized as kidnapping cases but none consistently. Frequently the cases were presented as habeas corpus cases in which a minor girl would allege that she married out of her own free will; it was sometimes held that such a marriage could be allowed by the courts where a girl was over 16, in the theory that under personal law puberty = legal capacity. This habit should be altered because now it is evident what in the rule and so far less is the matter of crime. In fact, the LHC in Azka Wahid criticized all in a roundabout way because it paid attention to the state powers to stipulate the age and the utmost significance of the need to guard girls against early marriage.

Contradictions and Challenges: The situation in Punjab was paradoxical until 2024, as the law criminalized child marriage (it is wrong), whereas the law authorized the marriage of girls aged 16-17 with the consent of the parent (it is good). The LHC had termed this contradiction and stated that it was confusing the objective of the law. This inconsistency offended principles of equal protection as well as created flaws in messages to the society. Since the point of age has been ruled by the court, what still remains is due to the fact, like in Sindh, the law of Punjab does not mention that marriages below the age is voidable. The decision taken by LHC was that the marriages of people under 18 years are not directly void, but lifting of the clause under which people were discriminated against. Therefore, marriage between say, 17 year olds may not be interpreted to be void until a law is effected against it in the state of Punjab. The law of Punjab (that is the 1929 Act as amended) is similarly silent about void ability like the federal one. The CRR report specifically adds that both the CMRA as well as the 2015 amendments of Punjab did not give jurisdiction to the court to invalidate such a marriage on the grounds alone. Thus as well, Punjab should provide statutory change to disallow child marriages as well

to supplement the age change.

The other obstacle is religious resistance. There are strong religious leaders, and the rural population in general is conservative in Punjab. The outcry that was elicited when the ICT Act was passed one with clerics protesting in sermons that the inclusion of 18 as the minimum age was going against the Islamic teaching that people get married at puberty can be further be equal to or even better than when/should Punjab attempt to put into law the directive given by the LHC (it should be noted that a court decision, though binding, does not carry with it the clamour a debated bill will). Its Council of Islamic Ideology in the past has ranted against an across the board 18 age, which to some legislators may tip the scale. Nevertheless, both decision (FSC 2022) and the ruling itself of LHC can serve as Islamic and constitutional hideouts, respectively, to the pro-reform camp. As a matter of fact, in the PODA session that was reported at January 2025, activists used a ruling in the Lahore High Court decision that had declared the definition of child (with various ages) to be unconstitutional to compel the Law Minister in Punjab to change the legislature. They even added positive statistics such as: the minimum age of marriage of girls is 18 in about 40 Muslim countries hence castigating the idea that the Islamic nations cannot possibly have 18 as the standard. This intersexual linkage with other Muslim-majority regimes (e.g. Bangladesh, Turkey, Indonesia all share 18) serves to alleviate the religious rationale.

The case of both Punjab and Sindh also exemplify the issue of provincial difference compromising national integrity in child protection. A factor that greatly influenced the protection of a girl child against early marriage until the recent changes, was the location of the parent as being in Karachi (Sindh) or Lahore (Punjab) which was not only inequitable but not in keeping with the universality of fundamental rights. Harmonization is prone, and this is where a beacon on the new Act of the Islamabad Capital Territory comes into mind as shall be discussed below.

Comparative Review: Provincial Laws vs. ICT Child Marriage Restraint Act 2025

The Islamabad Capital Territory (ICT) Child Marriage Restraint Act 2025 can be described as a landmark in the Pakistani legislation concerning child marriage, and a helpful point of light to assess the provincial acts. Enacted by the Parliament and signed into law by the President (in May 2025), the ICT Act governing only the federal capital territory (Islamabad), still the provisions have created some excitement that the country might soon be able to enjoy standards of similar nature in the rest of the country as well. In a lot of ways, the ICT Act 2025 is based on the law adopted by Sindh in 2013, although it takes some steps further to increase enforcement and clearly outline the problem as that of defending the rights of children and solving gender inequality.

Key Features of the ICT Act 2025: To begin with, the Act fixes the age at which both the male and female get married at least legally at 18 years old. This instantly made the federal territory conform to the norm of Sindh and what the international law deems as a child. The Act specifically overturned the relevance of the old 1929 Act in the ICT, thus doing away with the old dual standard (16 years old in the case of girls) in that jurisdiction. According to Senator Sherry Rehman (a main advocate), it is a pronouncement that our girls have the right to childhood, to education, to health, and to live without oppression and violence as she described this law. In fact, it is a rights-based manifesto as a criminal law.

Comparison with Sindh Law: The 2013 Act of Sindh and ICT 2025 Act are characterized by the feature of 18-as-minimum-without any exceptions which signifies the intention to stop child marriage. But the ICT Act is stricter in enactment. The highest sentence of jailed term 7 years under ICT and 3 years in Sindh is droll. This possibly is the outcome of the experience of Sindh that in most cases mild punishments did not act as harsh enough deterrent. The ICT law actually puts child marriage facilitation in the same level

with serious felonies. It is also progressive in that it clearly covers sexual consummation of child marriage under the statutory rape as opposed to the law in Sindh that did not refer to rape (creating a gap in which a man could in Sindh theoretically abscond punishment on the union but the subsequent act of intercourse). The ICT law hence fills that loophole and strengthens the idea that even the marriage itself is in no position to legitimize a thing that would make it mere rape of a minor.

Comparison with Punjab (Pre- and Post-LHC changes): Prior to a decision by the LHC, in 2024, the law of Punjab lagged far behind the level of the ICT Act. It authorized the legal marriage of girls at age 16 and that is certainly banned in ICT 2025. Such disconnect was enough to put the law of Punjab out of tune with the standards of human rights. Punjab is moving towards unification on the age criterion (18s: both sexes), however, the ICT Act continues to run ahead of Punjab in the level of strictness of enforcements. The maximum imprisonment in cases in Punjab used to be approximately 6 months (in the case of the groom) 1 year (in the case of facilitators) in most cases (although I remember the 2015 amendments changed this in Punjab slightly, but definitely not to 7 years). This implies that the deterrent effect in the field of ICT will be made even more powerful. Also, ICT law is new and encompasses newer considerations such as the explicit mentioning of international obligations that Pakistan has to the international community (such as early blogs suggested the passage was justified in the light of CRC, CEDAW, etc., and its form was the responsibility of Pakistan to protect rights of children). The law of Punjab based on the colonial era does not include such a framing.

Rights Lens – Harmonization and Discrepancies: Regarding rights, the ICT Act 2025 manifests what CEDAW and CRC have been demanding: the protection against child marriage that is non-discriminatory until 18 years of age, the clear illegality of child marriage, and high penalties to communicate that child marriage is serious criminal behaviour. It harmonizes ICT domestic law with international commitments committed by Pakistan (in this case, it could be argued that, whereas the Pakistani Government had agreed to act on child marriage during the UN Universal Periodic Review of 2017-18, they now can say that they did, albeit in ICT). The arcane is now in a clear need of harmonization. Pakistan law provides no protection to the children as has always been the case, commented an international human rights organization Walk Free that the laws are fragmented and the limit on the legal age varies with the provinces and the proposed new ICT law will provide impetus regarding coverage of laws by the provinces of the country. As a matter of fact, Walk Free openly requested the government to raise the marriageable age to 18 by both sexes and without any exception across the country. Such suggestion summarizes the urgency of the harmonization.

Table: Comparative Review of ICT (2025), Punjab (2015), Sindh (2013)

Criteria	Sindh (SCMRA 2013)	Punjab (CMRA 1929, amended 2015; LHC ruling 2024)	ICT Child Marriage Restraint Act 2025
Minimum Age Standard	18 years (both sexes)	Initially: 16 years for girls, 18 for boys. After LHC ruling: 18 years (both sexes, judicial decision pending legislative formalization)	18 years (both sexes)
Gender Equality	Explicitly gender-equal	Initially gender-discriminatory; rectified by Lahore High Court ruling in 2024	Explicitly gender-equal

Criteria	Sindh (SCMRA 2013)	Punjab (CMRA 1929, amended 2015; LHC ruling 2024)	ICT Child Marriage Restraint Act 2025
Legal Status of Child Marriage	Not explicitly void; marriage remains valid until annulled	Not explicitly void; marriage remains valid until annulled	Explicitly criminalized, considered statutory rape if consummated
Punishments & Enforcement Measures	Up to 3 years imprisonment; cognizable offence	Up to 6 months-2 years imprisonment; cognizable offence post-2015 amendments	Harsher penalties (up to 7 years imprisonment); explicitly cognizable offence
Alignment with Islamic Law	Judicially validated by Federal Shariat Court, 2022	Challenged by religious bodies; judicially validated by Lahore High Court, 2024	Facing religious objections; aligned judicially via precedents
Practice & Implementation	Limited effective implementation; low prosecution rate	Inconsistent enforcement; improved post-2015 but loopholes remain	Newly enacted; strict enforcement and high penalties designed for effective deterrence
Compliance with International Standards (CRC, CEDAW, UDHR)	High (18-year standard meets international treaties)	Moderate initially; significantly improved post-LHC ruling	High (fully meets international treaties standards)
Constitutional Alignment	Aligned; complies with constitutional Articles 25 & 35	Initially non-compliant; judicially aligned post-2024 ruling	Fully aligned
Cultural and Religious Challenges	Some resistance from conservative quarters	Significant resistance; religious objections influenced legislative delays	Major religious resistance but overridden legislatively
Recommendations for Harmonization	Further strengthening enforcement; explicitly voiding marriages recommended	Legislative amendment required to align fully with ICT Act 2025	Considered model law for nationwide adoption; explicit recommendations for provinces to follow

Human Rights Implications and Challenges in Implementation

The conflicting legality of child marriage in Pakistan has significant consequences of human rights. That the opportunity of a girl to experience her rights to education, health, and autonomy should be possible not to get married earlier than her wish, should be consolidated by her province of residence, is a matter of concern, designated by a national constitutional law and an international human rights law. As it is analyzed, Sindh and ICT have initiated some actions at the legislative level that generally complies with the requirements of CRC and CEDAW since age of marriage was established at 18-years without distinction. Punjab, KP, and Baluchistan until recently were behind and even encouraged marriage of girls as young as, 16 or 17 and Pakistan has therefore seen itself in a state of partial non-compliance of its own convention treaty requirements (Malik, M. I., 2022).

Right to Equality and Non-Discrimination: One major human rights concern that existed was the gender discrimination that was contained in the older laws. CEDAW directly states that states are obliged to put an end to discrimination against women in all aspects whereas General Recommendation No. 21 (1994) on equality in marriage specifically recommends that both men and women should not have to be

married at an early age of 18 years and above (Stark, B. (2013). This was violated in the previous structure of Pakistan (18 years-old men, 16 years-old women), giving the green light regarding child marriage to be applied to girls only.

Right of the Child to Protection and Development: The CRC requires states to safeguard children against all abuse and other hurtful customs (the Articles 19 and 24.3). Child marriage is well known to be a negative tradition that cuts out the childhood and may lead to life-long consequences.

Void vs Valid Marriages – Rights of Girls in Existing Child Marriages: One of the least known elements of human rights is what becomes of those girls who are already married off as children. The current laws in Pakistan (Sindh, Punjab, etc.), make it a crime; however, they do not override the marriage. This puts such girls in a grey area of the law. When a 15-year old girl is given in marriage she might be lured into a trap since the marriage will be legal until it is repealed by her through a legal process.

Cultural and Religious Challenges – Right to Culture vs Rights of the Child: Pakistan is forced to strike a balance between the need to respect the cultural/religious norms and the human rights provisions. Others believe that, early marriage is a cultural issue in some societies. Nonetheless, under international law (or as promised by Pakistan itself) no cultural/religious practice should be allowed to override the infringement of fundamental human rights (CRC Article 24.3 goes out of its way to advise states to eradicate any traditional practice that is detrimental to the health of children) (Kilkelly, U. 2011).

Implementation and Access to Justice: The finest law does not help much unless it is enforced. One of the greatest human rights issues is the lack of justice to the victims of child marriage. Child marriages mostly occur in the far-out rural regions where the state institutions are stable. Girls who get married this way would hardly understand their rights as well as have opportunity to seek shelter. The legal assistance system of Pakistan towards a minor or family case is in development. There are shelters (Women-Protection Centers) in major cities which may be out of reach of rural child bride who is running away from her marriage.

Data and Monitoring: One last thing is that Pakistan requires improved statistics and surveillance of child marriage to enable policy (the reference paper as well as UNICEF similarly indicated this point). All the marks on violence against children, SDG tracking, and indexes declare that Pakistan is falling lagging behind in getting rid of child marriage.

Conclusion and Recommendations

Recommendations

Keeping these facts in mind, it is clear that Pakistan had reached a turning point. Future-oriented legislation and judicial decisions have established the basis of change; the next step is to continue with the foundation and reach a predictable and productive achievement of adequate protection of all children. To achieve harmony between the provincial legislation and the ICT Act 2025 and international human rights commitments, and enhance implementation, we hereby make the following recommendations:

1. **Enact Uniform Marriage Laws Nationwide (Harmonization to 18 Years):** All provincial assemblies (Punjab, Khyber Pakhtunkhwa, and Baluchistan) and even the legislature of Gilgit-Baltistan and Azad Jammu & Kashmir must move with haste to enact laws that reflect the ICT Child Marriage Restraint Act 2025.
2. **Declare Child Marriages Legally Void Ab Initio:** To bolster the protective intent of the law, it is recommended that laws be revised to make an affirmative statement that any marriage with an underage individual (under 18) or both underage individuals is void (that is without legal effect).
3. **Strengthen Penalties and Enforcement Provisions in Provinces:** The strict penal structure of the ICT

Act should be used by the province upgrading its laws. The punishments must be heavy (at least equal to up to 5-7 years in prison of ICT) to act as an actual deterrence of facilitators, parents/guardians, and perpetrators.

4. **Integrate the Concept of Statutory Rape and Sexual Offenses:** A clause should be inserted in all provinces similar to that contained in ICT enabling the penalty of several years of imprisonment for a person having sexual intercourse with an underage person in a child marriage, under the Pakistan Penal Code provision of statutory rape.
5. **Public Awareness and Community Engagement:** Societal change of attitude has to be achieved through effective awareness campaigns that should go hand in hand with legislative reform.
6. **Improve Birth Registration and NIC Acquisition:** A step that could be taken to strictly implement age restrictions is making sure that all children should have national identity cards (NIC) and birth certificates by the age of 18.
7. **Child Protection and Support Mechanisms:** As a type of child abuse and gender-based violence, the state ought to strengthen its protection of potential and actual victims or perpetrators.
8. **Monitoring and Data Collection:** A federal and provincial government system should be established that could monitor how any child marriage occurs, as well as how laws are upheld.
9. **Policy Coordination and Commitment:** Lastly, on the policy level, there must also be a commitment of the federal and provincial authorities in unison.

Conclusion

To conclude, child marriage can and should be abolished in Pakistan, but it is necessary to ensure that the legislation has been harmonized and strengthened, and that it has moved beyond paper laws to practice. The ICT Act 2025 has a solid framework that is in conformity with the world human rights standards, it becomes the duty of all provinces to go up to that standard and even further to seal the loopholes remaining. It is not a formal matter of law as it has been clarified by this research and but it is the question of servicing the right of millions of children of Pakistan by providing them with the access to education instead of early motherhood, access to security instead of abuse, and access to a choice of life partner as adults, and not an enforced subordination as children. Unification and enforcement of the laws on child marriage with a rights-based approach will bring Pakistan on part of the constitutional pledge of equality and international intentions to leave no child behind. By adopting these suggestions, Pakistan will be able to turn its solitary legislative achievement into a reality throughout the country where no girl and boy will lose her childhood in the name of marriage. Political will, cultural sensitivity and steadfast dedication to the rights of children are the road ahead, but as each and every province raises the age to 18, and as each community turns the corner away from being a part of the problem, Pakistan will take a giant leap toward relegating child marriage to the dustbins of history, as required by its responsibilities to its children and to the world.

References

- Act, C. M. R., & Act, S. M. (2006). Child Marriage (Restraint) Act 1929. Prohibition of Child Marriage Act.
- Ahmad, A. A., Jamil, S., Rizvi, S. Z. A., & Gwadabe, N. M. (2019). Child marriage, a culturally accepted privilege of orthodoxies: The case of Pakistan. *International Journal of Academic Research in Business and Social Sciences*, 8, 12.
- Ahmad, M., Farooq, M., & Zain, M. (2024). Awareness and Behavior of Youth regarding Protection of Human Rights in the Constitution of Pakistan: A Case Study of Islamabad. *Dialogues in Humanities and Social Sciences*, 2(2), 21-32.
- Arafat, Y. (2015). The Dissolution Of Muslim Marriage Act, 1939 May Provide More Rights To Women Of Subcontinent If Applied According To True Doctrine Of Maliki School Of Islamic Jurisprudence: An

- Overview. *Pakistan Journal of Applied Social Sciences*, 1(1), 59-74.
- Englehart, N. A., & Miller, M. K. (2014). The CEDAW effect: international law's impact on women's rights. *Journal of Human Rights*, 13(1), 22-47.
- <https://www.girlsnotbrides.org/articles/a-turning-point-in-pakistans-fight-to-end-child-marriage-the-child-marriage-restraint-act-2025-for-islamabad-capital-territory/>
- <https://www.walkfree.org/news/2025/pakistan-takes-step-to-end-child-marriage-as-calls-grow-for-national-reform/#:~:text=Pakistan%20has%20passed%20a%20landmark%20law%20outlawing,a%20powerful%20legal%20precedent%20for%20the%20rest>
- Hussain, B., Abbas, H. G., & Hussain, K. (2022). Legal Competency for Marriage: In an Islamic and Pakistan Law Perspective. *Al-Aijaz Research Journal of Islamic Studies & Humanities*, 6(1), 12-24.
- Jabeen, T. (2016). Child protection legislation in Pakistan: Bringing international child rights obligations and local values together. *Pakistan Journal of Criminology*, 8(3), 16-33.
- Kakal, T., Kok, M., & Jawad, M. (2023). "You are a child and this is not your business": Decision-making on child marriage in Sindh, Pakistan. *Plos one*, 18(9), e0266865.
- Khalid, H. (2025). Family Rights in Pakistan: Intersecting International Obligations and Plural National Legal Frameworks. *Indus Journal of Social Sciences*, 3(2), 320-340.
- Khan, S. A. (2014). (1) Sindh Child Marriages Restraint Act-2013, to be effective immediately. *Pakistan Journal of Women's Studies: Alam-e-Niswan*, 21(1), 129-131.
- Kilkelly, U. (2011). The CRC at 21: assessing the legal impact. *N. Ir. Legal Q.*, 62, 143.
- Koski, A., Mangat, S., & Wright, D. (2023). The evolution of child marriage as a human rights concern. *Human Rights Review*, 24(4), 585-604.
- Malik, M. I., Nadeem, M., & Adil, S. M. (2022, May). Exploring the determinants of female early age marriages in Pakistan. In *Women's Studies International Forum* (Vol. 92, p. 102594). Pergamon.
- Munir, A. I. (2024). A Critical Evaluation of the Jurisprudence of Marriageable Age for Girls in Pakistan. *Legal Transformation in Muslim Societies*, 1(2), 14-31.
- Naveed, S., & Butt, D. K. M. (2020). Causes and consequences of child marriages in South Asia: Pakistan's perspective. *South Asian Studies*, 30(2).
- Nawaz, A. (2022). Under-Age and Forced Marriages: An Anathema of the Pakistani Society. *Journal of Public Policy Practitioners*, 1(1), 67-98.
- Nyazee, I. A. (2014). The Council of Islamic Ideology (CII) and Child Marriage. Available at SSRN 2519471.
- Qayyum, A. (2023). An Analytical Study of the Recommendations of the Council of Islamic Ideology (CII) Regarding the Law of Minor Age Marriage in the context of Hadīth. *Ulūm Al-Sunnah*, 1(01), 1-7.
- RANA, A. A., HUSSAIN, B., & HUSSAIN, Z. (2022). 2. Legal and Social Review of Child Marriage in Pakistan: A Judicial Perspective: جائزہ سماج و قانون گمشدہ کی عمر کم عمر پاکستان. *Al-Aijaz Research Journal of Islamic Studies & Humanities*, 6(2), 12-18.
- Stark, B. (2013). Marriage Equality, Gender Equality, and the Women's Convention. *Mich. St. L. Rev.*, 941.
- Ullah, H. M. H., Saleem, H. A. R., Saleem, M., Saeed, S., & Ahmad, B. (2025). Reasons for Early Child Marriages in Pakistan: A Comparative Analysis of its Causes and Comparison with Other Countries. *Research Journal of Psychology*, 3(1), 744-755.