

THE KHYBER PAKHTUNKHWA
ELIMINATION OF CUSTOM OF GHAG ACT, 2013.

(KHYBER PAKHTUNKHWA ACT NO. II OF 2013)

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AN
ACT
to eradicate a social evil called "Ghag".

WHEREAS the Constitution of the Islamic Republic of Pakistan provides that the dignity of man, and subject to law, the privacy of home, shall be inviolable and the State shall protect the marriage and the family;

AND WHEREAS the Constitution of the Islamic Republic of Pakistan ordains that steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam, and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah;

AND WHEREAS the Shariah gives right to women to enter into valid marriage with their free consent;

AND WHEREAS the Constitution of Islamic Republic of Pakistan enjoins upon the State to promote social justice and eradicate social evils;

AND WHEREAS it is expedient to take steps to eliminate such evil practices;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Elimination of Custom of Ghag Act, 2013.

(2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.---(1) In this Act, unless the context otherwise requires:

(a) "Code" means Code of Criminal Procedure, 1898 (Act V of 1898);

(b) "Ghag" means a custom, usage, tradition or practice whereby a person forcibly demands or claims the hand of a woman, without her own or her parents' or wali's will and free consent, by making an open declaration either by words spoken or written or by visible representation or by an imputation, innuendo, or insinuation, directly or indirectly, in a locality or before public in general that the woman shall stand engaged to him or any other particular man and that no other man shall make a marriage proposal to her or marry her, threatening her parents and other relatives to refrain from giving her hand in marriage to any other person, and shall also include obstructing the marriage of such woman in any other manner pursuant to such declaration; and

Explanation.-For the purpose of this definition, ghag

shall also include "awaz", "noom" or any word or phrase, denoting such declaration.

(c) "woman" denotes a female human being of any age.

(2) The words and expressions used herein but not defined shall have the

same meaning as are assigned to them in the relevant laws for the time being in force.

3. Prohibition of Ghag.--No one shall demand the hand of a woman in marriage by way of Ghag.

4. Punishment.--Whoever contravenes the provisions of section 3 shall be

punishable with imprisonment of either description for a term which may extend to seven years, but shall not be less than three years, and shall also be liable to fine upto five hundred thousand rupees or both.

5. Abetment.--Any person who knowingly and willfully abets the commission of or who aids to commit or does any act preparatory to or in furtherance of the commission of an offence under section 3 of this Act, shall be guilty of that offence and shall be liable on conviction to the punishment provided for the offence under section 4.

6. Jurisdiction.--Offences under this Act shall be triable by the Court of Sessions established under the Code.

7. Offence to be cognizable, non-bailable and non-compoundable.---(1) The offence under this Act shall be cognizable, non-bailable and non-compoundable.

(2) The provisions of Code shall mutatis mutandis apply to all the proceedings under this Act.

8. Act to override other laws, etc.---This Act shall have effect notwithstanding anything contained in any other law for the time being in force.

9. Repeal.---The Khyber Pakhtunkhwa Elimination of Custom of Ghag Ordinance, 2012 (Khyber Pakhtunkhwa Ord. No. VI of 2012) is hereby repealed.