

Amendment in the Majority Act, 1875

Report No. 90

( - )

## **Amendment in the Majority Act, 1875**

The Majority Act, 1875 was enacted with a view to attain uniformity and certainty respecting the age of majority. Prior to enactment of the Act, the age of majority of the persons domiciled in British India was not uniform. For Hindus the age of majority was the end of sixteenth year, in Bengal the age was the end of fifteenth year or the attainment of puberty and for European British subjects domiciled in India, it was twenty one years.

The Act was aimed at fixing a uniform period of majority. The statement of objects and reasons reads as under:

"The mass of persons domiciled in this country may roughly be divided into (1) Hindus (2) Muhammandans, (3) European British subjects, and (4) persons to whom the Indian Succession Act applies.

In the present state of law, the ages at which persons belonging to these classes attain their majority respectively may be stated as follows:

By the Hindus sastras, except those prevailing in Bengal, the end of the sixteenth year is the limit of minority. In Bengal the end of the fifteenth year is deemed to be the limit of minority, according to the Hindu law as understood there.

By Bengal Regulation Act [XXVI of 1793] and Madras Regulation Act [ V of 1804] the minority of Hindu proprietors of estates paying revenue to Government was extended, to the end of the eighteenth year.

By Acts [XL of 1858] and [XX of 1864] for the care of the persons and property of minors in the Presidency of Fort William in Bengal and in the Presidency of Bombay, respectively, it was enacted that, for the purposes of those Acts, every person should be deemed to be a minor who had not attained the age of eighteen years. European British subjects were excluded from the purview of the Acts. The purpose of those Acts was to alter the Hindu law as to the age of majority in the cases of persons to whom the Acts applied. A question was raised in the Calcutta High Court as to whether the Acts did similarly affect the age of majority of Hindus subject to the ordinary original jurisdiction of that Court, and was decided in the affirmative. That opinion, however, was not shared by some Judges of the same Court. On reference of the question to a Full Bench of the Court, it was decided that a Hindu resident in Calcutta, who had no property in

the mofussil, attained his age of majority on the completion of his fifteenth year. However the court refrained from deciding the effect of the Acts upon persons resident in Calcutta and possessed property in the mofussil.

In Bombay, however, it was decided that, notwithstanding Act XX of 1864, a Hindu resident in the mofussil come of age on attaining sixteen years so as to be able to prosecute a claim by suit.

In a case which came before late Sadr Diwani Adalat of Bengal, it was held that, according to the Jain law, majority begins on the completion of sixteen years.

2. By Muhammadan law, the end of the fifteen years, or the attainment of puberty is the age of majority. They are, however, equally affected by the Regulation and Acts with Hindus and other British subjects not being Europeans.

3. European British subjects not domiciled in this country come of age at twenty-one, and it has been held that they and their legitimate descendants, even though domiciled in this country, enjoy the same right as regards their capacity to contract.

The class of persons to whom the Indian Succession Act applies includes Europeans by birth or descent domiciled in British India, East Indians or Eurasians, Jews, Armenians, Parsis and Native Christians. The Indian Succession Act defines a minor to be a person who has not completed the age of eighteen years, and defines 'minority' to be the status of such a person. In the case of *Rollo v Smith*, [(1867) 1 Beng. LR (OC) 10], already referred to Mr. Justice Mark has observed that it would be carrying the implication much too far to suppose that this definition was intended by the legislature as an alteration of the age of majority for all purposes; and held that a person of one of the classes to whom the Act applied did not attain his majority, so as to have full capacity to contract, until he attained the age of twenty-one. In the later case of *Archur v Watkins* [(1872) 8 Beng LR 372]. Mr. Justice Phhear treated the question to be still an open one, and held that, by the provisions of Act XL of 1858, a person of one of the classes to whom the Indian Succession Act applied attained the age of majority, for all purposes of contract, at eighteen years. The ground of his decision as regards the effect of Act XL of 1858, was overruled in a subsequent decision of the Full Bench in *Mullick v Mullick*. The law respecting the age of majority of persons in that class, therefore is in a more unsatisfactory state than that relating to persons in the other classes.

Such being, briefly, the present state of the law, it is obvious that, in the highly important matter of the age at which persons can enter into binding contracts

with others and undertake responsibilities as majors, the law of this country is confused and uncertain. To remedy this the present Bill has been drawn. The change proposed by it in the Hindu and Muhammadan laws, is not such which affects any principle of laws touching the religion or conscience of those persons who are subject to them. The change already made by the Regulations and Acts has not resulted into any controversy. However to avoid possibility of any mistake on this point, it is expressly provided in the Bill that it is not to effect the capacity of any person to act in matters connected with personal laws, i.e. marriage, dower, divorce and adoption. By their own laws Muhammandans and Hindus are empowered to act in these matters at an age other than that fixed as the age of majority by these Regulations and other Acts. The amendments proposed hereby are not intended to interfere with their capacity in these respects.

The Bill also provides that it shall not affect the religion or religious rites and usages of any class or the capacity of any person who, before the commencement of the proposed Act, shall have attained majority under the law applicable to him.

The statement of objects and reasons does not speak of the rationale as to why a person whose guardian is appointed by the court becomes major only on attaining the age of twenty-one year as is provided under section 3 of the Act of 1875 which reads as under:

**Section 3. Age of majority of persons domiciled in Pakistan.**

Subject as aforesaid, [every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of [Order XXXII of the First Schedule to the Code of Civil Procedure, 1908], has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in the [Succession Act, 1925] or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one year and not before.

Subject as aforesaid, every other person domiciled in [Pakistan] shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

According to the above provisions of the Majority Act, 1875, the age of majority of a person domiciled in Pakistan is eighteen years, except in cases where a Guardian of a minor is appointed by the court, in which case the age of majority extends to twenty-one

year. This provision needs to be reviewed on the grounds that, it unnecessarily deprives a person of his valuable rights to manage his property and exercise proprietary rights in regards thereto. If a person who is about seventeen and half years ( $17\frac{1}{2}$ ) of age on the death of his father or mother, and a Guardian is appointed for him by the Court, then his age of majority, under Section 3 of the Act, would extend to twenty one years. In the circumstance, a person who could be the master of his property after six months is deprived of all his proprietary rights. It is in comprehensible as to why on the appointment of a Guardian, the minority is extended unreasonably by three more years. If a person on attaining majority at the age of eighteen can manage his property, then why should he be disqualified only by virtue of the fact that a guardian is appointed for him.

The only plausible reason for this provision appears to be, perhaps the assets and estate of Maharajas of the Princely States of India, who were minors and inherited vast properties on the death of their parents. The State considered it appropriate to manage these properties through Court of Wards to protect not only the interest of the minors but also that of the State. For that purpose the period of minority was extended to manage the properties of such minors. The extension in age for those covered by the provisions of Court of Wards is not relevant to guardianship cases where ordinary minors holding properties are involved. After the extinction of Princely States and the creation of two countries, India and Pakistan, the extension in age for minors whose person and property are under the charge of Court of Wards or in whose respect guardians have been appointed by the Court, is no more justified.

Recently the Government has, by constitutional amendment, decreased the age of voters from twenty-one years to eighteen years. However, the above provision continues to be on the statute book. It is, therefore, suggested that Section 3 of the Majority Act 1875 may be appropriately amended by omitting the first part of section 3 through which the age of majority extends to twenty-one years. The proposed amendment is indicated in the table below; -

<b>Existing Provision</b>	<b>Proposed Amendment/Substitution</b>
<p data-bbox="186 268 657 336"><b>Section 3. Age of majority of persons domiciled in Pakistan.</b></p> <p data-bbox="186 378 755 987">Subject as aforesaid, [every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of [Order XXXII of the First Schedule to the Code of Civil Procedure, 1908], has been or shall be appointed or declared by any Court of Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, be deemed to have attained his majority when he shall have completed his age of twenty-one year and not before.</p>	<p data-bbox="776 268 1242 336"><b>Section 3. Age of majority of persons domiciled in Pakistan.</b></p> <p data-bbox="776 378 1339 588"><b>Subject as aforesaid, every person domiciled in Pakistan shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.</b></p>

**Commission’s Deliberations.**

The Commission in its meeting held on 14<sup>th</sup> February, 2004 discussed the working paper and the proposed draft amendment bill of Majority Act, 1875 and pointed out that there is no uniform majority age fixed in Pakistan, and various laws fix different ages for different purposes. The Commission further proposed that all such provisions may be looked into and an attempt made to prescribe a uniform age, if possible. The Secretary was asked to prepare a draft to this effect for the consideration of the Commission. As desired majority age in different statutes is attached as an annexure.

**A  
Bill**

to amend the Majority Act, 1875

Whereas it is expedient to amend the Majority Act, 1875 for the purpose hereinafter appearing;

It is hereby enacted as follows.

**1. Short title and Commencement.** - (1) This Act may be called the Majority (Amendment) Act, 2007.

(2) It shall come into force at once.

**2. Substitution of Section 3, Act No IX of 1875.** - In the Majority Act, 1875 (IX of 1875), for section 3, the following shall be substituted, namely: -

**“3. Subject as aforesaid, every person domiciled in Pakistan shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before”.**

**Reference:**

1. Page 1 to 6 is the quotation taken from AIR Manual vol 25 p 104, 105.
2. 1989 CLC 497.
3. The Majority Act, 1875.

## Fixing Minimum Age for Various Purposes

In the Law Lexicon, age is defined as follows:

**Age: -** In common acceptance age signifies a man's life from his birth to any certain time, or the day of his death; it has also hath relation to that part of time wherein men live. But in the law it is particularly used for those special times which enable persons of both sexes to do certain acts, which before, through want of years and judgment, they are prohibited to do as power to enter into contracts or enter into matrimony.

(Tomlin's Law Dictionary, Vol. I.)

As for example, a man at twelve years of age ought to take the oath of allegiance to the king at fourteen, which is his age of discretion, he may consent to marriage, and choose his guardian; and at twenty one he may alienate his lands, goods, and chattels; a woman at nine years of age is dowable; at twelve she may consent to marriage; at fourteen she is at years of discretion, and may choose a guardian; and at twenty-one she may alienate her lands. There are several other ages mentioned in our ancient books relating to aid of the lord, ward ship, now of no use. The age of 21 is full age of man or woman, which enables them to contract and manage for themselves, in respect to their estates, until which time they cannot act with security to those who deal with them; for their acts are in the most cases either void or voidable. Fourteen is the age by law to be a witness; and in some cases a person of nine years of age hath been allowed to give evidence. None may be a member of Parliament under the age of twenty-one years; and no man can be ordained priest till twenty-four; nor be a bishop till thirty years of age.

There is no standard definition of majority age in Pakistan. Various laws prescribe different ages for exercising civil, political, economic rights or criminal liabilities, as follows:

S. No.	Law	Sections	Age mention in law
1.	Constitution of Pakistan 1973	Article 11(3)	No child below the age of 14 years shall be engaged in any factory or mine or any other hazardous employment.
2.	-do-	Article 41(2)	A person shall not be qualified for election as President unless he is a Muslim of not less than forty-five years of age and is qualified to be elected as member of the National Assembly.
3.	-do-	Article 62(b)	Qualifications for membership of National Assembly: He is, in the case of the National Assembly, not less than twenty-five years of age and is enrolled as a voter in any electoral role.

4.	Election Laws General Elections 2002	Section 8 D(d)	Qualifications for membership of Provincial Assembly: He is, in the case of a Provincial Assembly, not less than twenty-five years of age and is enrolled as voter in any area in Province from where he seeks membership for that Assembly.
5.	Constitution of Pakistan 1973	Article 62(c)	Qualifications for membership of Senate: He is, in the case of Senate, not less than thirty years of age and is enrolled as a voter in any area in a Province or, as the case may be, the Federal Capital or the Federally Administered Tribal Areas, from where he seeks membership.
6.	-do-	Article 179	A judge of the Supreme Court shall hold office until he attains the age of 65 years, unless he sooner resigns or is removed from his office.
7.	-do-	Article 193(2)	A person shall not be appointed a judge of a High Court unless he is a citizen of Pakistan; is not less than [forty-five years] of age.
8.	-do-	Article 195	A judge of High Court shall hold office until he attains the age of 62 years, unless he sooner resigns or is removed from office in accordance with the Constitution.
9.	-do-	Article 51(2)(b)	A person shall be entitled to vote if- (b) he is not less than eighteen year of age.
10.	The Factories Act, 1934	Section 2(a)	“Adolescent” means any person who has completed his fifteenth but has not completed his seventeenth year.
11.	-do-	2(b)	“Adult” means a person who has completed his seventeenth year.

12.	The Factories Act, 1934	2(c)	“Child” means a person who has not completed his fifteenth year.
13.	The Children (Pledging of Labour) Act, 1973	Section 2	“Child” means a person who is under the age of fifteenth year.
14.	The Mines Act, 1923	Section 3(c)	“Child” means a person who has not completed his fifteenth year.
15.	Child Marriage Restraint Act, 1929	Section 2(a)	“Child” means a person who, if a male is under eighteenth years and if a female is under 16 years of age
16.	Employment of Children Act, 1991	Section 2	(i) “Adolescent” means a person who has completed his fourteenth but has not completed his eighteenth year;
17.	-do-		(ii) “Child” means a person who has not completed his 14 years of age.
18.	-do-	Section 19	Certain other provisions of law not barred. – Subject to the provisions contained in section 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of the provisions of the Mines Act, 1923, the Factories Act, 1934, the Sindh Children Act, 1955, the Shops and Establishments Ordinance, 1989 and the Punjab Children Ordinance, 1983. The definition of “child” and “adolescent” in these provisions shall be deemed to have been amended in accordance with the definition in Section 2 of this Act.
19.	The Majority Act, 1875	Section 3	Age of majority of persons domiciled in Pakistan. – Subject as aforesaid, every minor of whose person or property or both a guardian, other than a guardian for a suit within the meaning of Order XXXII of the First Schedule to the Code of Civil Procedure, 1908, has been or shall be appointed or declared by any Court of

			<p>Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age, shall, notwithstanding anything contained in the Succession Act, 1925 or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.</p> <p>Subject as aforesaid, every other person domiciled in Pakistan shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.</p>
20.	The Offences of Zina (Enforcement of Hudood) Ordinance, 1979	Section 2(a)	18 years for male & 16 years for female or age of puberty, (for the purposes of offence and criminal liability)
21.	Offences of Qazf (Enforcement of Hudood) Ordinance, 1979	Section 2(a)	-do-
22.	Offences Against Property (Enforcement of Hudood), Ordinance, 1979	Section 2(a)	18 years or age of puberty
23.	Prohibition (Enforcement of Hudood) Ordinance, 1979	Section 2(a)	-do-

24.	Pakistan Penal Code, 1860	Section 82	Provides that a child below the age of 7 is presumed innocent.
25.	-do-	Section 83	Children between the ages of 7 and 12 who have not attained sufficient maturity are also presumed in innocent.
26.	-do-	Section 292 & 293	Make it an offence to sell, let to hire, distribute, exhibit or circulate to any child below the age of 21 years of obscene object, including book, pamphlet, paper drawing, painting representation or figure.
27.	-do-	Section 361	Make it a criminal offence to take or entice any male child below 14 or a female below 16 years of age.
28.	-do-	Section 366 A	Whoever kidnaps or abducts any woman under the age of 18 years with the intent that such girls may be, or knowing that it is likely that she will be forced or seduced to illicit intercourse with other person.
29.	Juvenile Justice System Ordinance 2000.	Section 2(b)	Child means a person who at the time of commission of an offence has not attained the age of 18 Years.
30.	The Passport Act, 1974	Section 4	Punishment for contravention of Section 3 (prohibition of departure from Pakistan without passport etc) A citizen of Pakistan, who is of the age of 12 years or more, should be punishable with imprisonment for a term which may extend to one year or fine or with both.
31.	The Citizenship Act, 1951	Section 2	“Minor” means notwithstanding anything in the Majority Act, 1875, any person who has not completed the age of twenty-one years.

32.	The Succession Act, 1925	Section 2(e)	“Minor” means any person subject to the Majority Act, 1875, who has not attained his majority with in the meaning of that Act, and any other person who has not completed the age of eighteen years, and “Majority” means the status of any such person.
33.	The Workmen’s Compensation Act, 1923	Section 2(1)(a)	“Adult” and “Minor” means a person who is not and a person who is under the age of fifteen years
34.	The Code of Criminal Procedure, 1898	Section 29 (b)	Jurisdiction of the case of juvenile. -Any offence, other than one punishable with death or transportation for life, committed by any person who at the date when he appears or is brought before the Court is under the age of fifteen years, may be tried by a District Magistrate or by any Magistrate specially empowered by the Provincial Government to exercise the powers conferred by section 8, sub-section (1), of the Reformatory Schools Act, 1897, or, in any area in which the said Act has been wholly or in part repealed by any other law providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby.
35.	-do-	Section 497-1	1. When bail may be taken in cases of non-bailable offence. ---- (1) When any person accused of non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life or imprisonment for 10 years.  Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail.

36.	The Punjab Youthful Offenders Ordinance, 1983	Section 4	A person shall be deemed to be a child, if at the time of initiation of any proceedings against him under the Ordinance, he has not attained the age of fifteen years.
37.	The Pakistan National Service Ordinance, 1970	Section 3	Compulsory national service has been prescribed for every male citizen of Pakistan who has attained the age of eighteen years and has not attained the age of twenty one years.
38.	The Representation of the People Act 1976	Section 99(b) (i)	Disqualifications. - A person shall not be qualified to be elected as a member of an Assembly, unless is not less than twenty five years of age and is enrolled as a voter in any electoral roll.
39.	The Mines Act, 1923.	Section 26 (b)	No person who has not completed his 17 years shall be permitted to work in any part of mine.
40.	The Motor Vehicles Ordinance 1965	Section 4 (1)	No person shall drive in any public place. (i) A Motor cycle or an invalid carriage unless he has attained the age of eighteen years.
41.	-do-		(ii) a motor car, otherwise than as a paid employee, unless he has attained the age of eighteen years.
42.	-do-		(iii) a motor car as a paid employee or a transport vehicle, unless he has attained the age of twenty one years.
43.	-do-		(iv) a heavy transport vehicle, unless he has attained the age of twenty two years.
44.	-do-	4 (2) (a)	No person above the age of fifty years shall drive a transport vehicle in any public place unless the licence entitling so to do bears an effective endorsement by the licensing authority that such person has furnished a certificate in Form B as set forth in the First Schedule signed by the registered medical practitioner.

45.	The West Pakistan Shops and Establishments Ordinance, 1969	Section 2(a)	“Adult” means a person who has completed his seventeenth year of age.
46.	Army Rules and Regulations/Army Rules and Instructions		Recruitment of Officers age is 17 to 22 year upper limit can be relaxed for one year and Recruitment for other ranks (o/r) 17 to 22.
47.	Election Laws General Election (2002)	Section 7-A	Age of voters. – Notwithstanding anything contained in the Constitution or any other law for the time being in force including the Electoral Rolls Act, 1974 (XXI of 1974), for the election of members of the Senate, National Assembly and Provincial Assemblies, a citizen who has attained the age of 18 years on the first day of January, 2002, shall be eligible to vote and the Chief Election Commissioner shall cause the electoral rolls to be prepared accordingly under the provisions of the Electoral Rolls Act, 1974.
48.	The Divorce Act, 1869	Section 3(5)	Minor Children:- “minor children” means, in the case of sons of Pakistani fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Pakistani fathers, girls who have not completed the age of thirteen years: in other cases it means unmarried children who have not completed the age of eighteen years:
49.	The Christen Marriage Act, 1872.	Section 3	“minor” means a persons who has not completed the age of twenty-one years and who is not widower or a widow;
50.	The Contract Act, 1872	Section 11	Every person is competent to contract who is of the age of majority according to the law to which he is subject.
51.	The Guardians and Wards Act, 1890	Section 4(1)	“minor” means a person who, under the provisions of the Majority Act, 1875, is to be deemed not to have attained his majority:

52.	The Reformatory Schools Act, 1897	Section 4(a)	“Youthful offender” means any boy who has been convicted of any offence punishable with imprisonment and who, at the time of such conviction was under the age of fifteen years.
53.	The Partnership Act, 1932	Section 30(1)	Minors admitted to the benefits of partnership. A person who is a minor according to the law to which he is subject may not be a partner in a firm, but, with the consent of all the partners for the time being, he may be admitted to the benefits of partnership.
54.	The Parsi Marriage and Divorce Act, 1936	Section 3(c)	No marriage shall be valid if in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who has not completed the age of twenty-one years, the consent of his or her father or guardian has not been previously given to such marriage.
55.	The Dissolution of Muslim Marriages Act, 1939	Section 2(VII).	A women married under Muslim Law shall be entitled to obtain decree for the dissolution of the marriage if she, having been given in marriage by her father or other guardian before she attained the age of sixteen years, repudiated the marriage before attaining the age of eighteen years:
56.	The Emigration Ordinance, 1979	Section 2(e)	“dependent”, in relation to an emigrant, means the spouse, sons not above the age of twenty-one years, and unmarried sisters and daughters of the emigrant, and includes aged or incapacitated parents, incapacitated sons above the age of twenty-one years and widowed and divorced sisters and daughters of the emigrant wholly dependent upon and residing with the emigrant and the sons not above the age of twenty-one years, and dependent unmarried daughters, of such widowed or divorced sisters or daughter;
57.	The Mental Health Ordinance, 2001	Section 2(o)	“Minor” means a child or adolescent not having attained the age of eighteen years.

58.	The Prevention and Control of Human Trafficking Ordinance 2002	Section 2(b)	“child” means any person who has not attained the age of eighteen years.
59.	Prohibition of Smoking and Protection of Non Smokers Health Ordinance 2002	Section 8	No person shall sell cigarettes or any others smoking substance to any person who is below the age of eighteen years.
60.	National Highways Safety Ordinance 2000	Section 4(a) (b)	No person shall drive on a National Highway:- (a) a motor cycle or a motor car, otherwise than as a paid employee unless he has attained the age of eighteen years.  (b) a transport vehicle, a public service vehicle, a motor car or an animal drawn vehicle as a paid employee unless he has attained the age of twenty-one years.
61.	National Data Base and Registration Authority Ordinance 2000	Section 9	Registration of citizens:- Every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age shall, not later than one month after the birth of such citizen, get such citizen registered in accordance with the provisions of this Ordinance.  Provided that the authority may, on case to case basis, extend the period for registration of a citizen who has not attained the age of eighteen years.
62.	The Minimum Wages Ordinance 1961	Section 2(1)	“Adult” has the same meaning as in clause (b) of section 2 of the Factories Act, 1934 i.e. a person who has completed his seventeenth years.

### **Commission's deliberations**

The working paper was considered by the Commission in its meeting held on 27.7.2007 and the following are the deliberations:-

The Commission considered the proposal to amend the provisions of Section 3 of the Majority Act 1875 the age of attaining majority is fixed at 18 years, however, in cases where a guardian is appointed for a minor or the property of a minor is taken under the superintendence of a Court of Wards, the age of majority of such minor ward gets extended under the law to 21 years, which is unfair and discriminatory. There is therefore a need to review the provision, so as to fix a uniform age of 18 years for attaining majority, irrespective of the fact as to whether a guardian is appointed or otherwise.

The Chairman enquired as to whether there exists any other law fixing age of majority of a person as 18 years and the Secretary informed that a study was conducted by the Commission's Secretariat on this issue and a report to this effect is appended to the working paper for consideration of the Commission. The Chairman responded that the Secretary should conduct a study to examine the desirability of prescribing a uniform age limit across the board for different functional requirements. The Chief Election Commissioner referring to serial No. 15 on the list pointed out that under the Child Marriage Restraint Act 1929 the age of the male is fixed 18 years for the purpose of marriage. In the electoral laws the age of a voter is also fixed 18 years. He further stated that for having a driving license under the Motor Vehicle law the age of a person is fixed for 18 years. The Chief Justice, Federal Shariat Court informed that in the Partnership Act, a 6 months period is given to a person on attaining of the age of 18 years for his option to remain partner of a firm. The Chief Justice, High Court of Sindh expressed the view that under the Juvenile Justice System Ordinance 2002, a person is juvenile before attaining the age of 18 years. The Chief Election Commissioner stated that the Prohibition of Smoking Act permits the sale of cigarettes to a person above the age of 18 years. The Chief Justice, Peshawar High Court said that in the Citizenship Act 1951, the age of a person is fixed 21 years for the purpose of the Act. He further observed that there should be no disparity in the age of majority. The Chief Justice, High Court of Sindh stated that the age of 18 years is a standard age which may uniformly be the age of majority for various purposes. Mrs. Nasira Iqbal stated that in the Guardians and Wards Act and other laws, fixing the age of majority, may be examined for the purpose of prescribing a uniform age limit.

The Chairman observed that different laws fix different age limits for the purpose of such laws and the Commission is not touching the merits or demerits of fixing of such age limits but there is a need to examine the issue of bringing uniformity in the age of majority for various purposes. The Chief Justice, Federal Shariat Court observed that where the superintendence of property of a minor is taken by the Court of Wards, the age of 21 years may be fixed for majority so that the ward becomes mature to deal with his property. The Secretary responded that this provision might have some justification during the colonial era where large estates were owned by princes/Jagirdars and after

their death their children would not be able to adequately look after such vast property/estates, however in the present day, the estates of the colonial period have vanished therefore, the provision requires to be reviewed. The Commission therefore, recommended that Section 3 of the Majority Act 1875 be suitably amended to fix a uniform majority at the age of 18 years.