

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 9TH JUNE, 2011**

NO.PAS/Legis-B-10/2011-The Sindh Child Protection Authority Bill, 2011 having been passed by the Provincial Assembly of Sindh on 16th May, 2011 and assented to by the Governor of Sindh on 9th June, 2011 is hereby published as an Act of the Legislature of Sindh.

THE SINDH CHILD PROTECTION AUTHORITY ACT, 2011.

SINDH ACT NO: XIV OF 2011

**AN
ACT**

to provide for the establishment of an Authority known as the Sindh Child Protection Authority.

Whereas it is expedient to provide for the establishment of an Authority known as the Sindh Child Protection Authority and to ensure the rights of the children in need of special protection measures and to provide for matters ancillary thereto; **Preamble.**

It is hereby enacted as follows :-

1. (1) This Act may be called the Sindh Child Protection Authority Act, 2011. **Short title, commencement and application.**

(2) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context - **Definitions.**

(a) "Authority" means the Sindh Child Protection Authority established under this Act;

(b) "Chairperson" means the Chairperson of the Authority;

(c) "Child in need of special protection measures" includes a child who-

(i) is victim of violence, abuse and exploitations;

(ii) is subjected to physical and psychological violence, sexual abuse or commercial sexual exploitation;

(iii) is forced into the worst forms of the child labour, exploitative labour, or beggary;

(iv) is subject to human trafficking within and outside Pakistan;

(v) is being misused for drug trafficking or is subjected to abuse of substances like glue drugs, spirit;

- (vi) is engaged in an armed conflict;
- (vii) is a child without primary care givers; and
- (viii) is affected or infected with HIV aids;
- (d) “Child protection institution” means an institution, established or recognized under this Act or the rules, for the admission, care, protection and rehabilitation of child requiring special protection measures;
- (e) “Child protection officer” means an officer appointed by the Government for carrying out the purposes of this Act;
- (f) “Child Protection unit” means a child protection unit established by the Authority for a local area under the Act;
- (g) “Child” means a person who has not attained the age of eighteen years;
- (h) “Fund” means the Sindh Child Protection Authority Fund established under the Act;
- (i) “Government” means the Government of Sindh;
- (j) “Local area” means a Union, Taluka, Town, District and City District as defined in section 5 of the Sindh Local Government Ordinance, 2001;
- (k) “member” means a member of the Authority;
- (l) “prescribed” means prescribed by the rules made under this Act;
- (m) “Secretary” means the Secretary of the Authority.

3. (1) On the commencement of this Act, Government shall, within sixty days, by notification in the office Gazette, establish an Authority to be known as the Sindh Child Protection Authority. **Establishment of the Authority.**

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, to acquire and hold property, both movable and immovable and may by the said name, sue and be sued.

(3) Government may transfer state land or building, free of cost, to be utilized for the purpose to which the Authority is established.

(4) The headquarter of the Authority shall be at Karachi.

4. (1) The Authority shall consist of- **Composition of the Authority.**

(a) Chairperson;

(b) members.

(2) The Minister-in-charge of the Social Welfare Department shall be the Chairperson of the Authority. **Chairperson**

(3) The Secretary, Social Welfare Department. **Secretary/ Member**

(4) Government may nominate the following members.

(i) two members of the Provincial Assembly to be nominated by the Chief Minister; **Members**

(ii) two well-known advocates having experience in the child rights; **Members**

(iii) two representatives from the Non-governmental Organizations working for the welfare and development of the children; **Members**

(iv) Secretary to Government of Sindh Home Department; **ex-officio Member**

(v) Secretary to Government of Sindh Law Department; and **ex-officio Member**

(vi) Secretary to Government of Sindh Labour Department. **ex-officio Member**

(5) The Authority may co-opt any other person or representative of the UNICEF or any International or National organization or agency.

(6) The Director General of the Authority shall be the Secretary.

5. (1) The members other than ex-officio members shall hold office for a term of three years and shall not be eligible for more than two consecutive terms. **Term of office of the members.**

(2) The members shall act on gratis basis and shall only be entitled for traveling and daily allowances as may be prescribed.

(3) A nominated member of the Authority may resign from his office by writing under his hand to Government.

6. (1) Any vacancy caused due to the death, resignation or removal of a member other than an ex-officio member, shall be filled in by Government through appointment of another person as member who shall hold such office for the unexpired term of his predecessor. **Casual Vacancy.**

(2) No act or proceeding of the Authority shall be invalid merely on the ground of existence of any vacancy, or any defect, in the constitution of the Authority.

7. (1) Government may remove a member if such person has-
- (a) become an un-discharged insolvent;
 - (b) been convicted and sentenced to imprisonment for an offence which involves moral turpitude;
 - (c) become of unsound mind and has been so declared by a competent court;
 - (d) abused the position as a member which is detrimental to public interest; provided that no person shall be removed under this clause until he has been given a written show cause notice and an opportunity of being heard;

Removal of a Member.

(2) A vacancy caused under sub-section (1) shall be filled in by Government within thirty days through appointment of an other person as member who shall hold such office for the unexpired term of such member.

8. (1) The Director General shall be the Chief Executive of the Authority and shall be appointed by Government in the prescribed manner.

Director General.

(2) The Director General shall exercise such powers and perform such functions as may be determined by the Authority.

9. (1) The meeting of the Authority shall be held at a place and on such day and at such times as may fixed by the Chairperson and shall be presided over by him.

Meeting of the authority.

(2) No proxy representation shall be allowed in the meeting.

(3) The Quorum for a meeting of the Authority shall be half of the total members, a fraction being counted as one.

(4) All decisions of the Authority shall be taken by majority of the members and in the event of equality of votes, the Chairperson shall have a casting vote.

(5) All orders and decisions of the Authority shall be authenticated by the signature of the Chairperson or any other person authorized by the Chairperson in his behalf.

10. (1) For the purposes of this Act, the Authority shall have powers-

Functions of the Authority.

- (a) to coordinate and monitor the child protection related issues at the provincial and district level;
- (b) to ensure the rights of the children in need of special protection measures;
- (c) to support and establish institutional mechanisms for the child protection issues;
- (d) to make necessary efforts to enhance and strengthen the existing services of different children welfare institutions;
- (e) to set minimum standards for social, rehabilitative, re-integrative and reformatory institution and services and ensure their implementation;

- (f) to supervise in the light of minimum standards, the functions of all such institutions established by government or private sector for the special protection measures of the children;
- (g) to set minimum standards for all other institutions relating to the children (like educational institutions, orphanages, shelter homes, remand homes, certified school, youthful offender work places, child parks and hospitals etc) and ensure their implementation;
- (h) to review laws, propose amendments in the relevant law, wherever necessary, so as to bring those in conformity with the relevant international instruments ratified by Pakistan and to propose new laws;
- (i) to recommend development of a Policy and Plan of Action for the children;
- (j) to monitor and report on the violation of the national and provincial laws and international instruments and take suitable remedial measures for the protection of the child;
- (k) to set up child protection management information system and prepare annual reports;
- (l) to mobilize financial resources for programmes relating to special protection of children through provincial, national and international agencies;
- (m) to promote and undertake systematic investigation and research on child protection issues;
- (n) to initiate through relevant authorities, prosecution of the offenders when children are victim of the offence;
- (o) to establish and manage the Fund;
- (p) to do such acts as are ancillary and incidental to the above functions;
- (q) to investigate or cause investigation, on its own or upon a complaint, into any matter having bearing on the interest of the children; and
- (r) any other functions, which may be assigned to it by Government.

11. All the executive authorities shall assist the Authority in the performance of its functions.

Assistance to the Authority.

12. The Authority may, subject to such conditions as it may specify, delegate all or any of its powers under this Act to Chairperson, or any of its members.

Delegation of Powers.

13. The Authority may appoint committees, consisting of its members as it thinks fit and may refer to them any matter for their consideration and report.

Appointment of committees.

14. The Authority may appoint on short-term basis advisors, consultants and experts having specialization and expertise in the child protection related issues. **Appointment of Advisors etc.**

15. (1) The Authority may appoint child protection officers, in child protection units, to carry out the purposes of this Act. **Appointment of the child protection officers.**

(2) The Authority shall determine the eligibility for appointment, terms and conditions of service of the child protection officers.

(3) A station house officer shall provide appropriate police assistance to the child protection officer, whenever required.

16. (1) The Authority may establish a child protection unit for a local area. **Child protection unit.**

(2) The unit shall consist of such members as the Authority may determine.

(3) The unit shall exercise such powers and perform functions as may be devolved upon it by the Authority.

17. (1) A child protection officer may, in case of a child in need of special protection measures, ask relevant authorities for an appropriate action. **Protective Measures.**

(2) A child protection officer may, in consultation with the child protection committee, apply to the nearest magistrate to take into custody a child requiring special protection measures.

(3) Whenever a child is taken into custody, he shall immediately be taken to the nearest Child Protection Institution for temporary custody till appropriate orders are passed by the appropriate authorities.

18. (1) There shall be established by Government a Fund, which shall consist of- **Fund.**

- (a) all sums paid by Government;
- (b) all grants, made by the Federal Government, Provincial Government or local bodies; and
- (c) donations, made by private individuals, national and international agencies.

(2) The Fund shall be administered by the Authority, which shall make such allocation for specific activities, as it may deem appropriate.

- (3) The Fund shall be utilized for-
- (a) performing functions of the Authority;
 - (b) protecting rights and welfare of the children, and
 - (c) such other activities, which fall within the purview of the Authority.

(4) Government shall make annual budgetary allocation for the establishment charges of the Authority.

19. (1) The Secretary Social Welfare Department shall be the Principal Accounting Officer of the Authority in respect of the expenditure incurred against budget grant or grants made to the Fund and shall, for this purpose, exercise all the financial and administrative powers delegated to him by the Authority. **Financial Control.**

(2) The accounts shall be maintained in accordance with the standards as prescribed by Government.

(3) The Authority shall appoint a Chartered Accountant who is a member of the Institute of Chartered Accountants of Pakistan, as an auditor who shall carry out the audit of the accounts of the Authority.

(4) The auditor referred to in sub-section (3) shall be appointed on such remuneration and on such terms and conditions as the Authority may determine.

20. The Authority shall prepare annual report of its activities and such other periodical or special reports, as it may consider necessary. **Reports.**

21. The Chairperson, members, officers and other employees of the Authority shall be deemed to be the public servants within the meaning of section 21 of the Pakistan Penal Code. **Chairperson, Members and other staff of the Authority to be the public servants.**

22. No suit, prosecution or other legal proceeding shall be instituted or entertained against any person, acting or purporting to act under this Act or the rules, in good faith and for the welfare of a child. **Protection of action taken under this Act.**

23. The Authority may, with the approval of Government by notification in the official Gazette, make rules for carrying out the purposes of this Act. **Power to make rules.**

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**