

SINDH ACT NO. XX OF 2015.

**THE SINDH COMMISSION ON THE STATUS OF WOMEN
ACT, 2015.**

18TH MAY, 2015.

AN ACT to provide for the setting up Provincial Commission on the Status of Women.

WHEREAS it is expedient to set up Provincial Commission on the Status of Women for promotion of social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan 1973, and in accordance with international declarations, Conventions, treaties, Covenants and agreements relating to women, including Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and for matters connected therewith or incidental thereto;

Preamble.

**CHAPTER-I
PRELIMINARY**

It is hereby enacted as follows:

1. (1) This Act may be called the Sindh Commission on the Status of Women Act, 2015. **Short title, extent and commencement.**
 - (2) It extends to the whole of the Province of Sindh.
 - (3) It shall come into force at once.
2. In this Act, unless there is anything repugnant in the subject or context;- **Definitions.**
 - (a) "Chairperson" means the Chairperson of the Commission as appointed under section 6, and includes acting chairperson appointed under section 10;
 - (b) "Commission" means the Sindh Commission on the status of Women established under section 3;
 - (c) "Girl" means a female child under the age of eighteen years;
 - (d) "Government" means the Government of Sindh;

- (e) "Member" means the Member of the Commission;
- (f) "Prescribed" means prescribed by rules made under this Act;
- (g) "regulations" means a regulations made under this Act;
- (h) "rules" means rules made under this Act;
- (i) "Secretary" means the Secretary of the Commission appointed under section 3 of this Act;
- (j) "Women" means a female of eighteen years or above;
- (k) "District, means a district as defined in the Sindh Land Revenue Act, 1967.

**CHAPTER-II
ESTABLISHMENT OF THE COMMISSION**

3. (1) Government shall constitute a Commission to be known as the Sindh Commission on the Status of Women (SPCSW), to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act. **Establishment of the Commission.**
- (2) The Commission shall consist of twenty one members and shall include one Chairperson and twenty Members.
- Provided that the Chairperson and Members shall be appointed within ninety days of the passage of this Act.
- (3) The Chairperson shall be appointed under Section 6 of this Act:
- (a) The Chairperson shall be a woman, not less than forty five years of age with experience of working on issues relating to women's rights for more than fifteen years, and is committed to the cause of women's empowerment;
- (4) A Member of the Commission shall be appointed under Section 7 of this Act.
- (a) The Commission shall include at least one women representative of the minority community and three male members.

(b) A Member of the Commission shall not be less than thirty or thirty five years of age, of active experience of working on issues relating to women's rights for more than 10 years and is committed to the cause of women's empowerment.

(c) The Members of the Commission shall include-

(i) seven members representing each Division with at-least ten years experience in promoting women's rights and empowerment;

(ii) seven members with an expertise in gender and development, law and social sector and academia, one of whom shall be a male;

(iii) five ex-officio members who shall be representatives of the Provincial Departments of Women, Law, Finance, Home and Social Welfare, not below BPS-19, and who shall have the right to vote;

(iv) Secretary of the Commission, who shall not have the right to vote.

(5) The headquarters of the Commission shall be at Karachi.

(6) The Commission shall be a body corporate having perpetual succession and a common seal with powers, among others to acquire, hold and dispose of any property and shall sue and be sued by the said name.

4. (1) The Women Development Department (WDD) shall invite through public notice applications and recommendations for Chairperson and membership of the Commission.

Constitution of a Special Committee.

(2) The WDD shall set up a Special Committee which shall include:-

(i) Minister, WDD, who shall head the Committee;

(ii) Convener Women's Parliamentary Caucus (WPS);

(iii) Member, WPC;

- (iv) Chairperson Sindh Human Rights Commission;
- (v) Member, Sindh Human Rights Commission;
- (vi) Secretary Social Welfare Department;
- (vii) Secretary Law; and
- (viii) secretary Women Development Department, who will be Secretary of the Committee.

(3) The Special Committee shall vet, scrutinize and examine the nominations and applications for Chairperson and Members of the Commission to satisfy itself that the recommended names fulfill the qualifications and criteria as laid down by this law in Section 6 and Section 7.

(4) The names identified by the Special Committee shall submit the final nominations:-

- (a) To the Chief Minister Sindh and Leader of the Opposition for the Chairperson to follow the procedures set out in Section 6; and
- (b) To the Parliamentary Committee constituted under Section 7 for the Members of the Commission.

5. A Parliamentary Committee shall be constituted by the Speaker of the Provincial Assembly of Sindh and shall comprise fifty percent members from the treasury benches and fifty percent from the opposition parties, based on their strength in the Provincial Assembly, to be nominated by the respective Parliamentary Leaders. **Constitution of a Parliamentary Committee for the appointment of Commission.**

6. (1) Government, through the Women Development Department, shall through public notice, invite applications and recommendations for suitable persons for appointment as Chairperson and after proper scrutiny as set out in Section 4, shall submit a list of those persons to the Chief Minister and the Leader of the Opposition in the Provincial Assembly of Sindh. **Appointment of Chairperson.**

(2) The Chief Minister in consultation with the Leader of the Opposition in the Provincial Assembly of Sindh shall forward two names for Chairperson to the Parliamentary Committee for hearing and confirmation of any one person:

Provided that in case there is no consensus between the Chief Minister and the Leader of the Opposition, each shall forward a separate list to the Parliamentary Committee who shall finalize the nomination on the basis of two-thirds majority.

(3) The Parliamentary Committee shall forward the name of the nominee confirmed by it, to the Chief Minister, who shall appoint the Chairperson accordingly.

7.

Appointment of members.

(1) The ex-officio members, shall be appointed by the Chief Minister from amongst the names recommended by the relevant Minister.

(2) each Division Commissioner shall recommend four names from each Division to the WDD Special Committee, out of which one shall be a man and one shall be a minority.

(3) The Minister for WDD shall appoint seven suitable members as per sub-section (2) of section 4.

(4) A vacancy of a Member shall be filled as provided in sub-sections (1), (2) and (3) within thirty days of the occurrence of the vacancy.

8.

(1) A person appointed as the Chairperson and Member shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.

Term of Office of Chairperson and Members.

(2) The chairperson or a Member may resign his office in writing under his hand addressed to Chief Minister of the Sindh Province and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.

9.

The Chairperson or Members may be removed from office by the Government, if he-

Removal of Chairperson and Members.

(a) is, after proper inquiry, found guilty of misconduct:

(b) is, adjudged an insolvent;

(c) is, unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority; and

(d) has, on conviction of any offence involving moral turpitude been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release.

10. By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, Government shall appoint a woman from amongst members of the Commission to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier. **Acting Chairperson.**
11. (1) There shall be a Secretariat of the Commission headed by the Secretary with complement of officers and support staff as may be prescribed. **Secretariat of the Commission.**
- (2) The Secretary on the instructions of the Commission shall prepare a draft three year strategic plan, the Annual Work Plan and Budget.
- (3) The Secretary shall be appointed in the manner as may be prescribed.
- (4) The appointment and terms and conditions of the employees of the Commission shall be such as may be prescribed.

CHAPTER-III POWERS AND FUNCTIONS OF THE COMMISSION

12. The Commission shall-
- (a) examine the policy, programs and other measures taken or to be taken by Government for gender equality, women's empowerment, political participation, representation, assess, implementation and make suitable recommendations to the concerned authorities;
- (b) review all Provincial laws, rules and regulations prejudicial to the legitimate interest and rights of women and suggest accordingly in term of replacement, amendment, addition or legislation afresh essentially needed to eliminate discrimination, safeguard and promote the interest of women and achieve gender equality before law in accordance with the Constitution and obligations under international covenants and commitments;
- Powers and Functions of the Commission.**

- (c) sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to women and gender issues to provide knowledge and awareness for Government policy and strategic action for women empowerment;
- (d) develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals in society and an active association with similar commissions and institutions in other provinces for collaboration and action to achieve gender equality in the province;
- (e) mobilize grants from domestic sources and international sources in order to meet any of its obligation or for the performing of its functions;
- (f) facilitate and monitor implementation of international instruments and obligations affecting women and girls advise to Government in providing opinions and inputs to the Federal Government before accession to any such proposed international instrument, protocol or treat by Federal Government;
- (g) seek and receive information, data and documents from any Provincial or Federal sources or entity in the course of performance of its functions;
- (h) inspect any jail, sub-jail or other places of custody where women and girls are kept and to make appropriate recommendations to the authorities concerned;
- (i) act for advocacy, lobbying, coalition building, networking and as a catalyst for promotion of cause of women to facilitate their participation in all spheres of life including legal, economic, social and political empowerment;
- (j) liaise with the National Commission on the Status of Women and other Provincial Commissions or any other relevant body;

- (k) monitor mechanism and institutional procedure for redressal of violation of women's rights; and
- (l) Perform any other functions which may be assigned to it by Government.
- (m) the Commission shall, with the approval of Executive Committee as defined Section 14, fix an honorarium or remuneration of advisors, consultants and experts as may be prescribed.
- (n) the Commission shall consider, approve and monitor implementation of the Strategic Plan and the Annual Budget.

13. (1) A meeting of the Commission shall be held in each quarter of the year at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

Meeting of the Commission.

(2) All meetings shall be chaired by the Chairperson or in his absence the members present shall elect from amongst themselves a member to preside the meeting.

(3) The meeting of the Commission shall be conducted in accordance with the procedure as may be prescribed.

(4) The quorum for the meeting of the Commission shall not be less than one half of the total strength of the Commission.

(5) The decisions of the Commission shall be taken by the majority of the members present. In case of a tie, the Chairperson of the meeting shall have the casting vote.

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

14. (1) There shall be an Executive Committee of the Commission consisting of the Chairperson and two other members to be appointed by the Commission which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission.

Appointment of Committees of the Commission.

(2) The Commission may establish such other Committees from amongst its members as it deems fit and may refer to them any matter for consideration and report. The Commission may, if it considers necessary, co-opt to a Committee any person possessing special knowledge and expertise on the relevant subject.

CHAPTER-IV FUNDS, BUDGET AND ACCOUNTS

15. (1) There shall be established a Fund for the purposes of this Act which shall vest in, and be administered and controlled by the Commission. **Fund.**

(2) The Fund shall consist of-

- (a) such funds as Government may grant by way of seed money or otherwise;
- (b) donations from domestic and international donor agencies and other institutions;
- (c) grants of money and funds borrowed or raised by the Commission for the purposes of meeting any of its obligations or discharging any of its duties;
- (d) fees, penalties or other charges imposed under this Act; and
- (e) all other funds which may in any manner become payable to or vested in the Commission in respect of any matter incidental to the exercise of its powers and functions.

(3) The Fund shall be expended for the purpose of –

- (a) paying any expenditure lawfully incurred by the Commission, including remuneration of employees appointed by the Commission, their provident fund contributions, superannuating allowances or gratuities;
- (b) meeting the costs and charges of the contractors, inspection teams, advisors, consultants and agents hired by the Commission;

- (c) paying any other expenses, costs or expenditure properly incurred or accepted by the Commission in the performance of its functions or the exercise of its powers under this Act, including legal fees and costs;
- (d) purchasing or hiring equipment, machinery and any other materials, acquiring land and erecting buildings, and carrying out any other work and undertakings in the performance of its functions or the exercise of its powers under this Act;
- (e) repaying any financial accommodation received or moneys borrowed under this Act and the profit, return, mark-up or interest due thereon; and
- (f) generally paying any expenses for carrying into effect the provisions of this Act.

16. (1) The Commission shall prepare and approve annual budget for a financial year in the prescribed manner. **Annual budget.**

(2) No expenditure shall be made for which provision has not been made in any approved budget except if made from any previously approved contingency funds, unless further approval is sought and obtained from the Board.

17. (1) Within ninety days from the end of each financial year, the Commission shall prepare a report on the activities and performance of the Commission, including inspections carried out under this Act during the financial year and submit a copy of the report to Government. **Annual report, Accounts and Audit.**

(2) The Commission shall keep proper accounts and shall, as soon as practicable, after the end of each financial year, prepare a statement of accounts of the Commission for the financial year which shall include a balance sheet and accounts of income and expenditure.

(3) The Commission shall appoint a firm of chartered accountants for audit of the statement of accounts of the Commission.

(4) The Board shall, within one hundred and twenty days of the end of each financial year, together with the annual report of the Commission under sub-section (2), send a copy of the statement of accounts of the Commission certified by the Auditors and the copy of the Auditor's report to Government.

18. (1) Subject to sub-section (2), the Commission may, in so far as its moneys are not required to be expended under this Act, invest the surplus moneys in such manner as may be prescribed. **Investments.**

(2) The Commission shall not invest its money in listed securities or any derivative thereof whether listed or not.

CHAPTER-V MISCELLANEOUS

19. (1) The Commission shall prepare its Annual Report and shall be presented to the Chief Minister and Women Development Department. The annual report shall include accounts of its performance and utilization of funds. **Annual Report of the Commission.**

(2) The Annual Report of the Commission shall be laid and discussed in the Assembly.

20. All Government executive authorities shall assist the Commission in the performance of its functions. **Assistance to the Commission.**

21. No suit, prosecution or legal proceedings shall lie against the Commission, the Chairperson or any Member, officer, employees, advisors or consultants of the Commission in respect of anything done in good faith or intended to be done under this Act or the Rules made there under or order made, or publication by or under the authority of Government, Commission or any report, paper or proceedings. **Indemnity.**

22. Every member of the Commission and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860). **Members and officers to be public servants.**

23. Government shall in consultation with the Commission and by notification in the official Gazette, make Rules for the purpose of giving effect to the provisions of this Act. **Power to make Rules.**

24. The Commission may subject to such conditions, as it may specify delegate any of its powers under this Act to the Executive Committee or member and to other such committees formed by the Commission. **Delegation of Powers.**

25. If any difficulty arises in giving effect to the provisions of this Act, Government may remove such difficulties. **Powers to remove difficulties.**