REGISTERED No. M - 302
L.-7646

The Gazette of Pakistan

EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, WEDNESDAY, SEPTEMBER 18, 2013

PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

GILGIT BALTISTAN LEGISLATIVE ASSEMBLY

Gilgit, the 27th August, 2013

THE GILGIT BALTISTAN CHILD PROTECTION AND WELFARE ACT, 2013

(ACT No. II OF 2013)

AN

ACT

to provide for the protection of children from violence, harm, injury, abuse, neglect or negligent treatment, maltreatment and exploitation in Gilgit-Baltistan.

WHEREAS it is expedient to provide for the protection of children from all forms of physical or mental violence, harm, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;

[1267(2013)Ex. Gaz.] *Price : Rs. 20 .50*

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AND WHEREAS it is expedient to provide for care, maintenance, welfare, training, education, reintegration and rehabilitation to such children to the maximum extent possible to ensure their survival and development;

It is hereby enacted as follows:

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.—** (1)This Act may be called the Gilgit-Baltistan Child Protection and Welfare Act No. II of 2013.

(2) It shall extend to the whole of the Gilgit-Baltistan.

(3) It shall come into force at once.

2. **Definitions.—** (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) "begging" means-

(i) soliciting or receiving alms in a public or private place;

(ii) exposing or exhibiting any sore, wound, injury, deformity or disease with the object of obtaining or extorting alms; and

(iii) having no visible or known means of subsistence and found wandering about with the ostensible object of soliciting or receiving alms;

(b) "The best interest of a child" Where there is a reference in this Act to "the best interest of the child", the factors to be taken into account in determining the child's best interests shall include;

(i) the child's right to be protected from abuse, neglect and harm or threat of harm;

(ii) the welfare, well being and safety of the child;

(iii) the child's physical and emotional needs and level of development;

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(iv) the child's family to be considered as the preferred environment for the care and upbringing and the responsibility for the protection of the child to rest primarily with the parents;

(v) the quality of the relationship the child has with a parent or other any other person and the effect of maintaining that relationship;

(vi) the child's religious, cultural and spiritual views;

(vii) the child's level of education and educational requirements;

(viii) the child is given the opportunity to freely express his own views and opinion and these views are to be given due weight; and

(ix) the effect on the child of a delay in making a decision.

(c) "Brothel" means any house, part of a house, room or place in which a prostitute carries on prostitution, as defined in West Pakistan Suppression of Prostitution Ordinance 1961, or any place where facilities are available for prostitution;

(d) "Child" for the purpose of this Act means a natural person who has not attained the age of eighteen years;

(e) "Child at risk" means a child in need of protection who;

(i) is at risk, including an orphan, child with disabilities, child of migrant workers, child working and or living on the street, child in conflict with the law and child living in extreme poverty;

(ii) is found begging; or

(iii) is found without having any home or settled place of abode or without any ostensible means of subsistence; or

(iv) has a parent or guardian who is unfit or incapacitated to exercise control over the child; or

(v) lives in a brothel or with a prostitute or frequently visits any place being used for the purpose of prostitution or is found to associate with any prostitute or any other person who leads an immoral or depraved life; or

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(vi) is being or is likely to be abused or exploited for immoral or illegal purposes or gain; or

(vii) is beyond the parental control; or

(viii) is imprisoned with the mother or born in jail;

(ix) has lost his parents or one of the parents and has no adequate source of income; or

(x) is victim of an offence punishable under this Act or any other law for the time being in force and his parent or guardian is convicted or accused for the commission of such offence; or

(xi) is left abandoned by his parent or parents as the case may be, which will include a child born out of wedlock and left abandoned by his parent;

(f) "child pornography" means taking, permits to be taken, with or without the consent of the child, any photograph, film, video, picture or representation, portrait, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of obscene or sexually explicit conduct, where-

(i) the production of such visual depiction involves the use of a minor engaging in obscene or sexually explicit conduct; or

(ii) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in obscene or sexually explicit conduct; or

(iii) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually explicit conduct, preparation, possession or distribution of any data stored on a computer disk or any other modern gadget;

(g) "Child Protection Institution" means an institution or organization for the admission, care, protection and rehabilitation of children at risk, established or recognized under this Act or the rules made thereunder;

(h) "Child Protection Officer" means a person appointed as Child Protection Officer under section 9;

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(i) "Child Protection Commission" means the Child Protection Commission established for a local area under section 7;

(j) "Child Trafficking" means:

(i) the recruitment, sale, supply, transportation, transfer, harboring or receipt of children, within or across the borders or from one place to another within Pakistan by any means, including the use of threat, force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control of a child; or due to a position of vulnerability, for the purpose of exploitation; and

(ii) includes the adoption of a child facilitated or secured through illegal means.

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

(l) "corporal punishment" means any punishment in which physical force is used and intended to cause some degree of pain or discomfort, how light it may be, which may involve hitting ("smacking", "slapping", "spanking") a child, with the hand or with an implement (a whip, stick, belt, shoe, wooden spoon, etc) including kicking, shaking or throwing a child, scratching, pinching, biting, pulling hair or boxing ears, forcing a child to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing a child's mouth out with soap or forcing him to swallow hot spices), including but not limited to:

(i) "assault" as defined in section 351 of the Pakistan Penal Code (Act XIV of 1860) hereinafter referred to in this section "as the said Code";

(ii) "hurt" as defined in section 332 of the said Code;

(iii) "criminal force" as defined in section 350 of the said Code; and

(iv) other non-physical forms of punishment which are cruel and degrading, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child.

(m) "Fosterage" means breast feeding and nurturing of an infant by a women (who is not the natural mother of that infant) according to Islamic tenants;

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(n) "Fund" means the Children Protection and Welfare Fund established under section 15;

(o) "Governing Board" means the Governing Board established under section 6;

(p) "Government" means the Government of the Gilgit-Baltistan;

(q) "Member" means a member of the Governing Board;

(r) "Narcotic drug" means any article defined as narcotic drug in the Control of Narcotic Substance Act, 1997 (Act No. XXV of 1997);

(s) "Prescribed" means prescribed by rules or regulations made under this Act;

(t) "Protection" means care shelter maintenance, education and provision of parental/family environment, this will also include an infant given in fosterage;

(u) "Region" means the self-governed region of the Gilgit Baltistan;

(v) "Regulations and rules" means regulations and rules made under section 64 of this Act;

(w) "Section" means a section of this Act;

(x) "Sexual abuse" means employing, using, forcing, persuading, inducing, enticing, or coercing any child to engage in, or assisting any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or stimulation of such conduct either independently or in conjunction with other acts, with or without his consent;

(y) "Suitable person" means a person declared by the Court suitable, in the best interest of the child, for entrustment with the custody of a child at risk; and

(z) "Child marriage" means a marriage to which either of the contracting parties is a child.

(2) Words and expressions used and defined under this Act, if defined under any other law for the time being in force shall be considered in addition to this

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section and not in derogation thereof and any words and expressions used in this Act but not defined shall have the same meaning respectively assigned to them in Code or the Juvenile Justice System Ordinance, 2000 (Ordinance No. XXII of 2000) or in any other relevant Federal or Gilgit-Baltistan Law.

3. **Jurisdiction.**—This Act shall apply to;

i. All children within the territorial limits of the Gilgit-Baltistan, whether or not citizens of Pakistan; and

ii. Any child at risk who is physically present within the area where this Act applies.

CHAPTER II

INSTITUTIONAL ARRANGEMENTS

4. **Child Protection Commission.**—(1) The Government shall establish a Child Protection Commission, which will be headed by Chief Child Protection Officer.

(2) The Commission shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire land in accordance with law and hold properties both movable and immovable and may sue and be sued by the said name.

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

5. **Functions of Child Protection Commission.**—(1) Subject to the provisions of this Act, the Child Protection Commission shall perform the following functions:

(a) to act as a focal point for effective supervision and coordination of child rights matters at regional and local levels, and approve activities programmes and plans for the development, protection, survival, participation and rehabilitation of children at risk;

(b) to supervise and oversee implementation of policies for the prevention, protection, rehabilitation and reintegration of children at risk;

(c) to ensure implementation of child protection, welfare and rights including prevention of child labor, child sexual abuse, child sexual exploitation, prostitution, child pornography, child trafficking and any form of violence against children and to take necessary measures;

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(d) to supervise the district Child Protection Cells;

(e) to establish, manage and recognize Child Protection Institutions to provide protective measures, *inter alia,* food and shelter, education and training to the children at risk;

(f) to arrange and mobilize financial resources, through annual development programme and through national and international agencies, for programs relating to child protection, welfare and rights;

(g) to improve rules and procedures concerning compulsory birth registration and registration of children without birth documents including registration of an abandoned child with the Government filling for his parentage;

(h) to set minimum standards for Child Protection Institutions for the purpose of their recognition and for residential care and juvenile detention facilities for the purpose of regular monitoring of each such institution;

(i) to develop a uniform structure for data collection and computerized data recording, to facilitate evidence-based policy formulation;

(j) to constitute such committees as it deems necessary and delegate any of its powers and functions or assign duties in connection to its powers and functions for giving effect to the provisions of this Act; and

(k) to coordinate with the recognized body relevant to Child Rights at national level;

(l) to review all applicable laws, rules and regulations affecting the status and rights of children and propose new laws in this behalf, wherever necessary, to safeguard and promote the interest of children in accordance with the Constitution of the Islamic Republic of Pakistan and obligations under international covenants and commitments.

(m) to provide technical and other support in the interests of children to the Government Departments, local governments or civil society organizations and create awareness and educate the public about the status of Children at risk through print and electronic media as well as holding lectures and seminars, etc.;

(n) to do all such acts and things as are ancillary or incidental to any of the functions stated above and any other functions, which may be assigned to it by Government.

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6. **Governing Board.**—(1) The Government shall appoint a Governing Board of the Child Protection Commission.

(2) The composition of the Governing Board shall be as follows:

(a)	Minister for Planning and Development Department;	*Chairman*
(b)	Secretary to Government, Planning and Development Department;	*Vice-Chairman*
(c)	Secretary to Government, Education, Social Welfare and Women Development;	*Ex-officio Member*
(d)	Secretary to Government, Finance Department;	*Ex-officio Member*
(e)	Secretary to Government, Home and Prisons Department;	*Ex-officio Member*
(f)	Secretary to Government, Local Government, Rural Development and Census Department;	*Ex-officio Member*
(g)	Secretary to Government, Health and Population Welfare Department;	*Ex-officio Member*
(h)	Secretary to Government, Law and Prosecution Department; Ex-officio Member	*Ex-officio Member*
(i)	Seven persons from civil society organizations, Members of Gilgit-Baltistan Legislative Assembly, Lawyers and Ulema;	*Members*
(j)	Chief Child Protection Officer;	*Secretary*

(3) The persons appointed under clause (i) of sub-section (2) shall be appointed by Government, who shall be the persons of renowned reputation, including at least three women and at least two from civil society organizations;

(4) Members of the Governing Board, other than *ex-officio* members, shall hold office for a period of three years and may serve on the Governing Board for not more than two consecutive terms.

(5) The Governing Board shall meet at minimum on quarterly basis at such time and place and observe such rules of business as may be prescribed by rules.

(6) The Chairman shall preside over the meeting and in his absence any other member of the Governing Board, to be elected by the present members, shall preside over the meeting.

(7) Seven members including at least three *ex-officio* members shall constitute quorum for a meeting of the Governing Board.

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(8) All decisions in a meeting shall be taken by majority of votes and the Chairman shall have the casting vote in case of equality of votes.

(9) Government may remove any member, appointed under clause (i) of sub-section (2), during the tenure of his office in the manner as may be prescribed by rules.

(10) Any vacancy caused due to death, resignation or removal of a member, other than an ex-officio member, shall be filled in by Government within one month time through appointment of another person as member and such appointee shall, hold such office for the unexpired term of his predecessor.

(11) Any member other than *ex-officio* members may resign from his office by tendering his resignation to Government.

7. **Powers of the Governing Board.—** (1) The Governing Board will exercise all powers of the Commission, provided by this Act.

(2) The Governing Board may authorize the employees of Child Protection Commission, district Child Protection Cells, or Child Protection Institutions for the performance of its functions under this Act.

8. **Assistance to the Child Protection Commission.—** All the executive authorities and citizens shall act in aid and assistance of the Child Protection Commission in the performance of its functions.

9. **Chief Child Protection Officer.—** (1) There shall be a Chief Child Protection Officer to be appointed by the Governing Board, on such terms and conditions as may be prescribed by rules.

(2) The Chief Child Protection Officer shall be the Chief Executive of the Child Protection Commission and shall be provided with such staff and facilities as the Governing Board may consider necessary or as approved by the Government.

(3) The minimum qualifications necessary for the appointment to the post of the Chief Child Protection Officer shall be such as may be prescribed by rules.

(4) The Chief Child Protection Officer shall exercise such powers and perform such functions as may be prescribed by rules.

(5) The term of office of the Chief Child Protection Officer shall be renewable for a period of three years:

Provided that Chief Child Protection Officer may resign, during the term of his office, by tendering his resignation in writing to Government:

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Provided further that on the advice of the Governing Board, Government may on grounds of inefficiency or misconduct and in accordance with the prescribed procedure, terminate the services of the Chief Child Protection Officer.

10. **Annual progress report.**—(1) The Chief Child Protection Officer shall prepare an annual progress report at the end of each financial year, within one month and not later than three months from the closing date of the financial year, and shall circulate it to all the members of the Governing Board.

(2) The report as circulated shall be considered in the coming meeting of the Governing Board and after approval shall be submitted to the Legislative Assembly for appraisal.

(3) The annual progress report should also be made public through appropriate means.

11. **District Child Protection Cells.**—(1) The Commission shall also establish a District Child Protection Cell in each district, which will work under the Child Protection Commission.

(2) The Social Welfare Officer of the respective District shall be the incharge of the Child Protection Cell, who shall be assisted by Child Protection Officers, to be appointed by the Governing Board as provided under section 13 of this Act.

(3) The Social Welfare Officer shall be assisted by such other members as may be determined by the Governing Board.

(4) The tenure and terms and conditions of the members shall be such, as may be prescribed by rules.

12. **Functions of district Child Protection Cells.**— Save as otherwise provided under this Act, the District Child Protection Cells shall perform the following functions:

(a) Safeguard and promote the interests of children at risk within the area of their operation;

(b) Promote the upbringing of children by their families;

(c) Receive reports of children who are at risk as defined under Section 2 (e) of this Act;

(d) Receive and assess complaints against persons allegedly abusing children either directly or through any person or official;

(e) Providing appropriate support services to child victims throughout the legal process including legal aid;

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(f) Assess the situation of children who are at risk;

(g) Take such action under this Act as is necessary to protect children who are at risk;

(h) Develop and deliver a range of appropriate services for children at risk, including community based services, preventive services, rehabilitative and reintegration services, counseling and family support services, services for children temporarily and permanently deprived of their families, and services for children in conflict with the law and children living with their imprisoned mothers;

(i) Deliver a fostering service for children who are in the care of the Cell and living away from the family home;

(j) Provide an after care service to children who are under special guardianship or who have been under the care of the Cell;

(k) Reduce criminal offending by children by:

(i) making available services and programs for children at risk of offending;

(ii) making available services to advise and assist parents in managing their children's behavior;

(iii) making available services and accommodation for children who would otherwise be placed in pre-trial detention;

(iv) make available services to assist children to reintegrate after committing an offence and to reduce the likelihood of offending.

(l) Administer children's homes established by the Government within the area of their operation and coordinate with such facilities established by civil society organizations;

(m) Comply with all regulations and such minimum quality standards issued by the Government or such other body as the Government may appoint, as may, from time to time, be applicable;

(n) Seek assistance of any other department or organisation necessary for the assessment of a child;

(o) Maintain and update records of all its activities and transmit the same regularly to the Child Protection Commission;

(p) In consultation and under direction from the Child Protection Commission, be responsible for the implementation and monitoring of

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family-based care for separated and unaccompanied children in emergency situations, with a focus on infants, orphans and disabled children; and

(q) Follow such other instructions and directions of the Child Protection Commission as may be issued to it from time to time for carrying out the purposes of this Act.

(r) Assist the Child Protection Commission in developing the annual intervention plan and report on its implementation on quarterly basis;

(s) Maintain and update record of all its activities and transmit the same regularly to the Child Protection Commission;

(t) Follow-up of children at risk after their release from the Child Protection Institution or jail, as the case may be, for about six months; and

(u) Provide preventive and protective services and programs of as per evolving needs.

13. **Child Protection Officer.**—(1) The Governing Board may, for carrying out the purposes of this Act, appoint as many Child Protection Officers for each District, on such term and conditions, as may be prescribed by rules.

(2) Subject to the provisions of this Act and of any rules made there under, a Child Protection Officer may, within the local limits for which he is appointed, and in any other area with the permission of the Governing Board,-

(a) inspect any Child Protection Institution or any other such establishment or building where shelter, training facilitation offered or purported to be offered to children at risk, run under governmental or non-governmental organization, the means employed for livelihood of such children, their living conditions and all relevant record etc;

(b) enter and search, with police assistance, if any, as he deems necessary, any building, premises or place, in which he has reason to believe that an offence under this Act or any rules made thereunder has been or is being committed or may continue to be committed;

(c) seize such materials and articles which he has reason to believe may furnish evidence of the commission of an offence punishable under this Act or any rules made thereunder;

(d) call any person to be present as witness in the course of search in connection with any other matter under this Act where the presence of witnesses is necessary; and

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(e) exercise such other powers as the Governing Board may delegate to it, for carrying out the purposes of this Act or any rules made there under:

Provided that the powers under clause (a) of this sub-section shall be exercisable only by a Child Protection Officer specifically authorized in this behalf, by an order in writing, by Government, subject to such conditions as may be specified in such order.

(3) The provisions of the Code shall apply to searches and seizures made under this Act.

(4) The Child Protection Officer may request Police to register First Information Report or Complaint against any person or persons who have committed any offence under this Act.

14. **Establishment and recognition of Child Protection Institutions.**—(1) The Commission may establish, recognize, manage, maintain and control one or more Child Protection Institutions at such place or places in the region, as it deems fit.

(2) The Commission may authorize any person or a body of persons to inspect, check and supervise any Child Protection Institution as to whether it is functioning in accordance with the provisions of this Act and the rules made thereunder.

(3) Every Child Protection Institution shall have specialized and well-equipped separate arrangements for the reception of children at risk.

(4) The Child Protection Institution shall not only provide the children at risk with accommodation, treatment, maintenance and facility for education, but also provide him the facility for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitations.

(5) The Child Protection Institution shall perform such other functions as may be prescribed by rules.

(6) In case a Child Protection Institution is found acting in contravention of the provisions of this Act, the rules or the regulations, the Chief Protection Office may pass such orders as it deems fit for the proper management or maintenance of such institution or its complete disbandment.

(7) No order shall be passed by the Governing Board under sub-section (6) of this section, unless the management thereof is provided with an opportunity of hearing.

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(8) In case an order has been passed against any Child Protection Institution under sub-section (6), the institution will have the right to file an appeal to the Governing Board against the order of the Chief Child Protection Officer.

15. **Child Protection and Welfare Fund.—** (1) The Governing Board shall establish a Fund to be known as "Child Protection and Welfare Fund".

(2) The Fund shall consist of grant, donation, endowment and bequest received from any source by the Governing Board for the care, protection, maintenance, welfare, training, education, rehabilitation and reintegration of children at risk.

16. **Audit of the Fund.—** (1) The Fund shall be kept, operated, spent and audited in such manner as may be prescribed by rules.

(2) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law for the time being in force, the annual audited statement of accounts of such fund shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) by a qualified firm of Chartered Accountants and signed by the Chairman of the Governing Board. The annual audited statement of accounts so prepared shall be submitted to the Gilgit-Baltistan Accounts Committee and may also be available to general public as soon as such report is prepared.

17. **Children Protection Court.—** (1) Government may in consultation with Gilgit-Baltistan Chief Court by notification in the official Gazette notify different Courts of Sessions as Child Protection Courts under this Act.

(2) The Gilgit-Baltistan Chief Court may confer powers of the Court for a local area upon a Sessions Judge or an Additional Sessions Judge, as appears to it to be a appropriate for the purposes of this Act.

18. **Powers and Functions of the Court.—**(1) The Court may issue orders in respect of handing over the custody of a child at risk that is brought before him, either to his parents, guardian, a suitable person or a Child Protection Institution, as the case may be.

(2) The Court shall inform the child at risk of the situation and obtain his views before making an order in respect of his custody and care.

(3) The Court shall, before making an order in respect of protection and care of a child at risk, consider continuity in his upbringing and take into consideration the ethnic, religious, cultural, linguistic background and all other relevant factors in the best interest of the child at risk.

(4) While making the orders under this Chapter, the Court shall prefer keeping the child at risk in parental care, or extended family care, or non-kinship care than placement of a child at risk in a Child Protection Institution.

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(5) During the trial period, the Court shall monitor the status of the child at risk through reports submitted by the Child Protection Officers, any officer authorized by the Governing Board or through requiring the appearance of a child at risk and the person responsible for his custody and care before itself.

(6) The Court shall finally decide a case within four months from the date of production of a child at risk before it. In case of any delay, the Court shall communicate, in writing, to the concerned Sessions Judge, the reasons, if any, of the delay.

(7) Appeal against the orders of the Court shall lie to the Chief Court within thirty days of the judgment.

(8) The Chief Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any Court of Sessions has passed an order for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit, provided that the Chief Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

19. **False, frivolous or vexatious information.**—(1) If information in respect of a child at risk has been laid before a Court by any person and the Court after such inquiry as it deems necessary, is of the opinion that such information is false, frivolous or vexatious, the Court may, for reasons to be recorded in writing, direct that compensation, not exceeding one hundred thousand rupees, be paid by such informer to the aggrieved person against whom the information was laid.

(2) Before making any order for payment of compensation, the Court shall call upon the informer to show-cause why he should not pay compensation.

(3) The Court may, by its order directing payment of compensation, further order that in case of default, the person held liable for compensation shall suffer simple imprisonment for a term not exceeding one year.

(4) When an order for payment of compensation is made under sub-section (1), the compensation shall not be paid before the expiry of one month in order to allow sufficient time to appeal against such order.

20. **Transfer of cases in the interest of justice.**— Whenever it appears to the Court while dealing with a matter under this Act that:

(a) a fair and impartial trial cannot be held by it or holding trial will cause inconvenience to the parties or witnesses; or

(b) trial by some other Court or at some other place is expedient for the ends of justice and is in the best interest of child, the Court shall report

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the matter to the concerned High Court or the District Judge, as the case may be, for transfer of the case to another Court after hearing the parties.

CHAPTER III

CHILD PROTECTION PROCESSES & PROCEDURES

21. **Initiation of proceedings.**—(1) Proceedings under this part of the Act can only be initiated in respect of a child at risk who has not attained the age of eighteen years notwithstanding that during the course of such proceedings he may have attained the age of eighteen years.

(2) In case of any dispute as to the age of a child at risk, the Court shall decide the same in the first instance based on the medical report of the Medical Superintendent of the district concerned whose advice about the age of the child at risk shall be final for the purposes of this Act.

22. **Rescue of child at risk.**—Subject to section 21, a Child Protection Officer upon information or complaint, may take into protection a child at risk and shall produce him before the Court within twenty-four hours of taking the child at risk into such protection:

Provided that where a child at risk is in the protection of his parent or guardian, the officer shall not take him into protection but shall in the first instance, make a report to the Court:

Provided further that the first proviso shall not be applicable in case of a child at risk, who is found begging or he is a victim of an offence alleged to have been committed by his parents or guardian.

23. **Court may direct production of child at risk by parents or guardian.**—(1) The Court to which a report is made under the first proviso to section 22, may call upon such parent or guardian to produce the child at risk before it and show cause as to why the child at risk should not, during the pendency of the proceedings, be removed from his protection and may order that the child at risk to be admitted in a Child Protection Institution, or on suitable surety being offered for the safety of child at risk and for his being brought before it, permit the child at risk to remain in the protection of his parents or guardian.

(2) Where it appears to the Court that the child at risk is likely to be removed from the jurisdiction of the Court or is concealed, it may issue a search warrant for the production of the child at risk, and order his immediate admission to a Child Protection Institution.

24. **Examination of person producing or reporting.**—(1) The Court before which a child at risk is brought under section 22 or is produced under

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section 23, shall examine on oath the person who has brought the child at risk or made the report and record the substance of such examination and may order the admission of the child at risk to a Child Protection Institution pending any further inquiry, if any.

(2) On the date fixed for the production of the child at risk for the inquiry or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record substance of evidence which may be adduced and consider any cause which may be shown rendering admission of a child at risk necessary to Child Protection Institute.

25. **Reports to be treated as confidential.**—Any reports pertaining to the child at risk shall be treated as confidential from the initiation of proceeding up to disposal of case but the substance of that report shall be open to the child at risk, his parents, guardian or extended family member or other parties concerned.

26. **Prohibition of publication of names, etc., of child at risk involved in any proceeding under this Act.**—(1) No report in any newspaper, magazine or news sheet of any assessment regarding a child at risk under this Act shall disclose the name, address or school or any other particulars, which lead to the identification of the child at risk nor shall any picture of the child at risk be published:

Provided that for reasons to be recorded in writing, the authority holding the assessment may permit such disclosure, if in its opinion such disclosure is in the interest of the child at risk.

(2) Any person contravening the provisions of sub-section (1) shall be punished with fine which may extend to ten thousand rupees.

27. **Entrustment of protection of a child at risk.**—(1) If the Court is satisfied that the child at risk brought before it, is in need of protection and that it is expedient to deal with him, the Court may order that he be admitted to a Child Protection Institution or his protection be entrusted to a suitable person, who is able and willing to look after the child at risk, until such time as the Court deems fit.

(2) The Court which makes an order for entrusting a child at risk in the custody of a suitable person may, when making such an order, require such person to execute a bond with or without sureties and an undertaking that makes him liable for the protection, of the child at risk and for the observance of such other conditions as the Court may impose for ensuring the welfare of the child at risk.

(3) The Court that makes an order for entrusting a child at risk to a suitable person may order him for submission of periodical reports of welfare of the child at risk to the Court through Child Protection Officer.

(4) The Court may from time to time during the protective care of a child at risk, compel the production of child at risk in the Court to satisfy itself that the conditions of such protection are being carried out.

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(5) If at any time it appears to the Court from information received from any source that there has been a breach of any condition contained in the bond, it may, after making such inquiry as it deems fit, order the child at risk to be admitted into a Child Protection Institution or be entrusted to the protective care of any other suitable person.

28. **Sending of child at risk having place of residence outside jurisdiction.—** (1) In the case of a child at risk whose ordinary place of residence is not within the jurisdiction of Court, the Court may direct that the child at risk be kept in such protective care and be produced before a Court having territorial jurisdiction over the place of residence of the child at risk or to deal with his protective care in any other manner provided in this Act.

(2) Where a child at risk is produced before a Court on the direction of any other Court given under the foregoing provision of this section, such Court may regulate the protection of the child at risk as if the child at risk has been produced before it in terms of section 21 of this Act.

29. **Warrant to search for a child at risk.—** (1) If it appear to a Court from information received on oath or solemn affirmation laid by any person who, in the opinion of the Court, is acting in the interest of the child at risk that there are reasons to believe that a child at risk needs immediate protection, the Court may issue warrant for the production of the child at risk before it.

(2) The officer executing the warrant shall be accompanied by the person laying the information, if such person so desires and may also, if the Court, by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner or the police or both.

(3) If any child at risk is brought before the Court and the Court is satisfied that the child at risk is in need of protection, it may deal with his protective care in accordance with the provisions of this Act.

30. **Period of protective care.—** Subject to any order of the Court or any direction of the Governing Board, a child at risk ordered to be admitted to a Child Protection Institution shall be kept in the Child Protection Institution till he attains the age of eighteen years.

31. **Contribution of parents.—** (1) Where an order has been made for the admission of a child at risk into a Child Protection Institution or giving the protection of the child at risk to a suitable person, the Court may direct a parent, in a suitable case, to pay maintenance of the child at risk at such rates as may be determined by the Court:

Provided that while passing any such order, the Court shall take into consideration the capacity of the parents to pay maintenance.

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(2) In case of non-compliance of direction for the payment of maintenance issued under sub-section (1), the Court may recover the amount from the parent as arrears of land revenue.

CHAPTER IV

JUVENILE JUSTICE

32. **Sentencing in respect of a child below the age of fifteen.—** (1) A child below the age of fifteen, when convicted may be:

(i) ordered to perform a community service, through probation officer, if the offender is above the age of fourteen, up to the half of the imprisonment prescribed for the offence; or

(ii) fined:

Provided that there shall be no imprisonment in default of the payment of the fine:

Provided further, the Juvenile Court may combine the sentences.

(2) The Court may order that the fine may be paid from the Fund if it is satisfied that the child is destitute, without parental care and his parents or lawful guardians are incapable of making payment on his behalf.

33. **Sentencing in respect of a child above the age of fifteen and below the age of eighteen.—**A child above the age of fifteen and below the age of eighteen when convicted shall be treated in accordance with the provisions of Juvenile Justice System Ordinance, 2000 (Order. No. XXII of 2000); provided that the Court may order the community service up to the imprisonment period prescribed for the offence.

CHAPTER V

OFFENCES & PUNISHMENT

34. **Protection of child against child marriage.—**Whoever being an adult enter into, facilitate, performs, conducts or directs a child marriage shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to one hundred thousand rupees.

35. **Abolishment of corporal punishment.—**Corporal punishment stands abolished in all its kinds and manifestations and its practice in any form is prohibited.

36. **Punishment for corporal punishment.—**Whosoever causes or permits to cause corporal punishment, through omission or commission, in any form, under any circumstances or for any purpose, to a child, shall be punished with

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imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees, or with both.

37. **Fraud or deceit on a child.**—Whosoever, by words, spoken or written, or by signs or otherwise, incites, attempts to incite, deceits or allows a child to engage in any activity which is harmful for the physical, mental, emotional, economic and social well being of a child shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to one hundred thousand rupees or both.

38. **Violence against a child.**—Whosoever, commits an act which cause or intend to cause, harm, pain, suffering or humiliation to a child, destroys, defiles or diminishes the value of any property belonging to him, is said to have committed an offence of violence.

39. **Punishment for violence.**—Whosoever, commits violence against a child shall be punished with imprisonment for a term which may extend to three years and with fine which may extend to one hundred thousand rupees; provided that if the offence is committed by a group of more than two persons, the term of imprisonment which may extend to ten years each with a fine which may extend to one hundred thousand rupees each.

40. **Harmful practices.**—Whosoever, coerces or induces any child to indulge in or to undertake any activity or vocation for the purposes of complying with a tradition or a custom, which is or might be dangerous, harmful, hazardous or otherwise improper for any child, shall be guilty of the offence of harmful practice.

41. **Punishment for harmful and abusive practices.**—Whosoever commits the offence of harmful practice shall be punished with imprisonment for a term which may extend to three years or fine which may extend to one hundred thousand rupees or both.

42. **Dealing in organs of a child.**—(1) Whosoever illegally sells, purchases, delivers, transports, imports, exports, keeps or deals in any manner whatsoever in organs of a child, directly or indirectly, with or without consideration, or aids or abets in the commission or omission of the above, shall be guilty of an offence.

(2) Notwithstanding anything contained in sub-section (1) of this section an act of implantation or transplantation of organs or tissues from the body of a living child, if authorized by qualified medical experts and conducted under their supervision in accordance with the standards of medical profession in the best interest of the child, shall not constitute an offence.

43. **Punishment for dealing in organs of a child.**—Whosoever, commits the offence of dealing in organs of a child may be punished with sentence of death

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or imprisonment for life and shall also be liable to fine which may extend to one million rupees.

44. **Unauthorized custody.**—Whosoever takes a child at risk, into his custody in contravention of the provisions of this Act, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to fifty thousand rupees or with both.

45. **Punishment for attempting to commit an offence.**—Whosoever attempts to commit an offence punishable under this Act or to cause such an offence to be committed, shall be punished with the punishment provided for that offence.

46. **Cruelty to a child.**—Whoever, not being a parent, having the actual charge of or control over a child, willfully assaults, ill-treats, neglects, abandons or exposes him to be assaulted physically, or negligently fails to provide adequate food, clothes or medical aid, or behaving with the child in a manner likely to cause such child unnecessary mental and physical suffering, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees:

Provided that where some reasonable punishment, not corporal punishment, in good faith is administered to a child by the person having lawful control or protective care of the child as parents normally would do for the betterment of the child, it shall not be deemed to be an offence under this section.

47. **Employing child for begging.**—Whoever employs any child for the purpose of begging or causes any child to beg or whoever having the protective care of a child connives at or encourages his employment for the purpose of begging, shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.

48. **Giving intoxicating liquor or narcotics drug to child.**—Whoever gives or causes to be given to any child any intoxicant or narcotic drug, except upon the prescription of a duly qualified medical practitioner, shall be punished with rigorous imprisonment of either description for a term which may extend to four years and shall also be liable to a fine which may extend to fifty thousand rupees.

49. **Permitting child to enter places where liquor or narcotic drugs are sold.**—Whoever, with *mala fide* intentions-

(i) takes a child to any place where an intoxicant is served or consumed; or

(ii) being the proprietor, owner or a person in charge of such place, permits a child to enter such place; or

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(iii) causes or procures a child to go to such place; shall be punished with rigorous imprisonment of either description for a term which may extend to three years and shall also be liable to a fine which may extend to fifty thousand rupees.

50. **Punishment for child pornography.**—Whoever commits an offence of child pornography shall be punished with rigorous imprisonment of either description for a term which may not be less than three years and may extend to seven years and also liable to fine which may not be less than two hundred thousand rupees and may extend to five hundred thousand rupees.

51. **Inciting child to bet or borrow.**—Whoever, by words, spoken or written, or by sign, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering, shall be punished with rigorous imprisonment for a term which may extend to six months and shall also be liable to a fine which may extend to fifty thousand rupees.

52. **Exposure to seduction.**—Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual activity or exposes him to obscene and sexually explicit material, document, a film, video or a computer generated imagine or attempts to do the aforementioned action, shall be punished with rigorous imprisonment of either description for a term which may extend to seven years or liable to fine which may extend to ten hundred thousand rupees, or with both

53. **Abetting escape of child.**—Whoever-

(a) knowingly assists or induces, directly or indirectly, a child admitted to a Child Protection Institution, to escape from the institution; or

(b) knowingly harbors, conceals, connives with, assists or prevents a child from returning to a Child Protection Institution or to any person to whom the protection of the child was entrusted by the Court; shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to fine which may extend to fifty thousand rupees.

54. **Child trafficking.**—Whoever involves himself in child trafficking within Pakistan shall be punished with imprisonment for life or which shall not be less than fourteen years and shall also be liable to fine which shall not be less than five hundred thousand rupees and may extend to ten hundred thousand rupees.

55. **Sexual abuse.**—Whoever commits an offence of sexual abuse shall be punished with imprisonment for a term which may extend to fourteen years and shall not be less than seven years and shall also be liable to fine which shall not be less than ten hundred thousand rupees.

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56. **Offences under this part to be cognizable, non-bailable and non-compoundable.**—(1) All offences under this chapter shall be cognizable, shall be non-bailable and non-compoundable.

(2) Nothing contained in this chapter shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence punishable under this Chapter and carries harsher punishment under that law.

(3) Whoever having been convicted of an offence under this chapter is convicted for a subsequent offence under the same section or sections shall be punished with rigorous imprisonment which shall not be less than the maximum punishment prescribed for that offence or twice the numbers of years of imprisonment and also fine which shall be twice the amount of fine provided for that offence in this chapter, whichever applicable.

57. **Punishment for actions in contravention of this Act.**— Whoever contravenes the provisions of this Act including any person acting under this Act or any person and institution dealing with the custody and other matters related to a child at risk shall be punished with imprisonment of either description for a term which may extend to three years or liable to fine which may extend to fifty thousand rupees or with both.

CHAPTER VI

MISCELLANEOUS

58. **Discharge of a child at risk, from a Child Protection Institution or from the care of any person to whose care he was entrusted.**—(1) The Court may, at any stage, on application or otherwise, discharge a child at risk from a Child Protection Institution or suitable person, as the case may be, either absolutely or on such conditions as the Court deems appropriate.

(2) The Court will review the status of children put under the custody of Child Protection Institution every six months and will make a decision whether to extend such stay.

59. **Transfer between Child Protection Institutions of like nature in different parts of Pakistan.**—(1) Subject to orders of Court, the Governing Board may, in consultation with the manager of a Child Protection Institution, transfer the custody of the child at risk from one Child Protection Institution to any other Child Protection Institution in any part of the region.

(2) A child at risk shall normally be kept in a Child Protection Institution that is at or nearest to his place of domicile.

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(3) The Court having jurisdiction over the local area of the region where a child at risk is being kept may exercise all the powers of the Court under this Act or the rules made there under.

(4) Government may in consultation with the concerned Court direct any child at risk to be transferred from any Child Protection Institution in Gilgit Baltistan to any Child Protection Institution of like nature in any other province or region of Pakistan in respect of which Government of that province or region has made provisions similar to this Act under any law for the time being in force:

Provided that no child at risk shall be so transferred without the consent of Government of that other province or region.

60. **International obligations.**—Notwithstanding anything contained in this Act, the international obligations of Federal Government arising out of bilateral or multilateral agreements including treaties, with reference to child rights, liberty, care, maintenance, education, guardianship etc. by the Federal Government shall continue to be valid, binding and operative provided that anything repugnant to the Constitution of the Islamic Republic of Pakistan, 1973 shall not be binding and enforceable under this Act.

61. **Officers to be public servants.**—The officers appointed or authorized under this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

62. **Protection of action taken under this Act.**—No suit, prosecution or other legal proceeding shall be instituted against any person, acting or purporting to act in good faith for the welfare of a child at risk under this Act, rules or regulations made there under.

63. **Act to over-ride other laws.**—Provisions of this Act shall have an over-riding effect, notwithstanding anything contained in any other law for the time being in force, with the exception of any section or sections of any other law for the time being in force, which may be more protective in case of a child at risk.

64. **Power to make rules and regulations.**—(1) Government may, by notification in the official Gazette, make rules, as may deem necessary, for carrying out the purposes of this Act.

(2) Governing Board may, by notification in the official Gazette, make regulations for carrying out the purposes of this Act.

65. **Limitations.**—Notwithstanding anything contained in any other law for the time being in force no government agency, department or institution shall undertake any social or welfare service or services provided under this Act without prior approval of the Governing Board.

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66. **Complaint against Governing Board.**—Governing Board shall be answerable to the Chief Minister of Gilgit-Baltistan in case of any complaint submitted by any person, organization, both government or non-governmental, against the Governing Board, in writing with full identity and address of the complainant, and after conducting inquiring through independent inquiry committee, appointed for the purpose by the Chief Executive Authority :

Provided that no action shall be taken by the Chief Minister of Gilgit-Baltistan against Governing Board or any member of the Governing Board after conducting inquiry until a fair chance of hearing may not be given to the concerned.

67. **Removal of difficulties.**—(1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Governor whose decision thereon shall be final.

(2) If any difficulty arises in giving effect to any of the provisions of this Act, the Governor of the Gilgit-Baltistan may make such order after obtaining the views of the Governing Board not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty.

(3) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which it shall be done, then it shall be done by such authority, at such time, or in such manner as the Governor may direct after obtaining the views of the Governing Board.

WAZIR BAIG,
Speaker
Gilgit-Baltistan Legislative Assembly

PIR SYED KARAM ALI SHAH,
Governor Gilgit Baltistan

PRINTED BY THE MANAGER, PRINTING CORPORATION OF PAKISTAN PRESS, ISLAMABAD.
PUBLISHED BY THE DEPUTY CONTROLLER, STATIONERY AND FORMS, UNIVERSITY ROAD, KARACHI.

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