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BALOCHISTAN PROVINCIAL | ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Quetta, the 09" September, 2017.

No. PAB/Legis:V(06)/2017/417. The Balochistan Commission of the Status of Women Bill (Bill No.06 of 2017) having been passed by the Provincial

Assembly of Balochistan on 30°" August, 2017 and assented to by the Governor, Balochistan on 08" September, 2017 is hereby published as an Act of the Balochistan Provincial Assembly.

"THE BALOCHISTAN COMMISSION ON THE STATUS OF WOMEN
ACT NO. V OF 2017."

AN
ACT

to provide for the establishment of Balochistan Commission on the Status of Women.

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Preamble.

Short title, extent and commencement.

Definition.

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WHEREAS, it is expedient to establish the Balochistan Commission on the status of Women for the promotion of social, economic, political and legal rights of women as provided in the constitution of the Islamic Republic of Pakistan and elimination of all forms of discrimination against women and for matters connected therewith or incidental thereto:-

It is hereby enacted as follows:-

CHAPTER-1
PRELIMINARY

1 (1) This Act may be called the Balochistan Commission on the Status of Women Act, 2017.

(2) It extends to the whole of the Province of Balochistan except the Tribal Areas.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant to the subject or context-

(a). "Act" means the Balochistan Commission on the status of women Act, 2017.

(b) "Chairperson" means the Chairperson of the Commission as appointed under section 4, and includes the acting chairperson appointed under section 8;

(c). "Commission" means the Balochistan Commission on the status of Women established under section 3;

(d) "Department" means the Women Development Department, Government of Balochistan;

(e) "Executive Committee" means the Committee constituted under section 13;

(f) "Ex-officio" means a member appointed under section 5(1);

Appointment of
Chairperson.

more than twelve years, and is
committed to the cause of women's
empowerment;

(c) The Chairperson and members shall
be persons of integrity good
standing and repute having the
knowledge of laws related to
women; and fully apprehend social,
economic, and legal problems
faced by women;

(d) Six ex-officio members shall be the
Secretaries to the Government of
Balochistan, Law Department,
Finance Department, Social
Welfare Department, | Women
Development Department, Home &
Tribal Affairs Department, and the
Department concerned with the
subject of women's rights not below
BPS-19, and who shall not have the
right to vote;

(e) One women member who shall be
a non-Muslim;

(f) The Chief Inspector of treasuries
and Accounts (B-20); and

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

(4) A Chairperson appointed under clause (b)
of sub-section (2), shall not be less than thirty five
years of age, with experience on issues related to
women's rights and is committed to the cause of
women's empowerment, and be a person of
integrity, good standing, and repute having the
knowledge of laws related to women; and _ fully
apprehend social economic and legal problems
faced by women.

(5) The head office of the Commission shall be
at Quetta.

(1) The Government shall appoint the Chairperson
on the recommendations of a search committee

Establishment of the
Commission.

3.

(g) "Girl" means a female human being who has not attained the age of eighteen years;

(h) "Government" means the Government of Balochistan;

(i) "Member" means the member of the Commission;

(i). "Prescribed" means prescribed by rules made under this Act;

(k). "Secretary" means the Secretary of the Commission appointed under section 10(3); and

(l). "Women" means a female human being of eighteen years or above.

CHAPTER-II

THE COMMISSION

?

(1) The Government shall establish a Commission to be known as the Balochistan Commission on the Status of Women (PCSW), to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

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

(3) The Commission shall consist of:-

(a) not less than nine and more than fifteen, members of which two third members shall be females, including a Chairperson;

(b) Chairperson, who shall be a women with experience of working on issues related to women's rights for

Appointment of member.

Term of Office of
Chairperson and of
Members.

5

headed by Chief Secretary of the Government and
consisting of the following:-

(a) two female members of the Provincial
Assembly nominated by the Speaker
Balochistan Provincial Assembly.

(b) secretaries to the Government, Law
and Parliamentary Affairs, Finance,
Human Rights and Women
Development Departments.

(2) The Chairperson shall be appointed on
such terms and conditions as may be prescribed
and, until prescribed, as the Government may
determine.

(3) The Chairperson shall be a full-time officer of
the Commission entitled to remuneration in
management position scale-|

5. (1) The members, excluding ex-officio members,
shall be appointed by the Chief Minister from
amongst the names recommended under
sub-section (2) of Section 5.

(2) The Government shall, after consultation with
relevant stakeholders, recommend to the Chief
Minister three names for each Member who fulfill
the qualifications laid down in section 3.

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

6. (1) Apperson appointed as the Chairperson and

Member shall hold office for a term of three years
which may be extended only once.

(2) The Chairperson or a Member other than ex-
officio member, may resign his or her office in
writing under his or her hand addressed to Chief
Minister and on acceptance of such resignation,
such vacancy shall be filled within thirty cays for

the remaining term of the member.

Removal of Chairperson 7.

Acting Chairperson. 8.

6

The Chairperson and Members other than ex-officio and Members. member may be removed from office by the Chief Minister if he or she, as the case may be; —

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.

By reason of a vacancy in the office of

Chairperson due to death, illness, resignation removal or otherwise, the Chief Minister Shall appoint a women from amongst the members of the Commission to act as

Terms and Conditions as 9.
applicable to members.

Commission.

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Secretariat of the 10.

Chairperson for a period of not exceeding ninety days or until the appointment of a new Chairperson, whichever is earlier.

(1) The traveling and daily allowance and other allowances payable to and terms and conditions as applicable to members, other than ex-officio members, shall be such as may be prescribed.

(2) The salary and allowances payable to and terms and conditions applicable to the Chairperson, shall be such as prescribed by the Government.

(3) The Chairperson shall be a full time employee

of the commission and shall have the status equivalent to BPS-20 officer of the Government.

(4) A member of the Commission shall have status equivalent to BPS-19 of the Government.

(1) There shall be a Secretariat of the Commission headed by the Secretary with complement of officers and supporting staff as may be prescribed.

Functions and Powers of
the Commission.

11.

7

(2) The Secretary on the instruction of the Commission will prepare a draft three years 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

The Commission:-

a) shall examine the policy, programs and other measures taken by the Government for gender equality, women's empowerment, political participation representation, assess implementation and make suitable recommendations to the concerned authorities:

b) shall review all Balochistan laws, rules and regulations affecting the status and rights of women and suggest repeal amendment or new legislation essential 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;

Cc) shall 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 national policy and strategic action for women empowerment:

d) shall develop and maintain interaction and dialogue with nongovernmental organizations, experts and individuals in society and an active association with

e)

h)

8

Similar commissions and _ institutions in . other provinces and _ countries — for collaboration and action to achieve gender equality at national, regional and international level;

shall mobilize grants from domestic and international, including multi and bilateral agencies approved by the Government, for meeting any of its obligations or performing its functions;

shall facilitate and monitor implementing of international instruments and obligation affecting women and girls to which Pakistan is a signatory, and advise the Government before accession to any such proposed international instruments and obligations affecting women and girls to which Pakistan is a signatory, and advise the Government before accession to any such proposed international instrument, protocol! or treaty;

shall recommend to the Provincial Government the signing ratifying of international instruments (conventions, treaties and covenants) affecting rights of women and girls;

may seek and receive information, data and documents from any Federal and Provincial source or entity in the course of performance of its functions;

while inquiring into complaints of violations of women's rights may call for information or report from the Federal Government, Provincial Government, Civil Society organization and autonomous _ or concerned bodies and in this regard the Commission shall have the powers vested in a civil court under the Code of Civil Procedure, (Act V of 1908), for enforcing the attendance of any person and

compelling the production of documents;

Meetings of the
Commission.

12.

)) may in accordance with relevant laws and rules and = prior permission of the Government inspect any jail, sub-jail or other places of custody where women and girls are detained and to make appropriate recommendations to the authorities concerned;

k) may 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, economical, social and political empowerment;

1) liaise with the Federal and Provincial Commissions set up under their provincial laws and other concerned provincial organizations;

m) shall monitor the mechanism and institutional procedure for redressal violation of women's rights; and

n) may perform any other functions which may be assigned to it by the Government.

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

(2) All meetings shall be chaired by the Chairperson or any other member nominated by the chairperson in her absence.

(3) The Secretary on the direction of the Chairperson shall call a meeting of the Commission and shall maintain the minutes of each meeting.

(4) The Commission will consider, approve and monitor implementation of the Strategic plan.

Appointment of
Committees of the
Commission.

13.

10
the Annual Budget.

(5) The Commission shall, with the approval of Executive Committee, fix an honorarium or remuneration of advisors, consultants and experts as may be prescribed.

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

(7) All decisions of the Commission shall be authenticated by the signatures of the Chairperson and the members present.

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

(9) The decision 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.

; (10) 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.

(1) There shall be an Executive Committee of the Commission consisting of the Chairperson and three other members from amongst the Commission to be appointed by the Commission which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission. The Chairperson of the committee along with the members shall be nominated by the Chairperson 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 a 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.

Funds.

11

(3) All Committees except the Executive Committee will be time bound.

CHAPTER-IV

FUNDS AND FINANCIAL CONTROL

14. (1) There shall be established by the Government a Fund to be known as the Balochistan Commission on the Status of Women Fund, which shall vest in the Commission and shall be used by the Commission to meet the charges in connection with its functions under this Act.

(2) Sources of the Fund amongst other means may . be the following.—

(a)

(b)

(c)

(d)

such fund as the Government shall allocate each year as a non-lapsable grant in the Annual Budget;

donations, if any, made by private individuals, national and international agencies;

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income from investment by the Commission, as may be prescribed;

all funds held by the Government under the title of Balochistan Commission on the status of women's Fund; and

all other sums or properties or assets which in any manner become payable to or vest in the Commission in respect of any matter.

(3) The Commission whilst performing _ its functions and exercising its powers under this Act, shall ensure the highest sense of prudence in respect of expenditures incurred.

(4) The Fund shall be expended for the purpose of. —

Accounts and Audit.

12

(a) performing functions of the Commission;

(b) the establishment charges, including its members, employees, consultants, legal and other fees and costs; and

(c) such other activities which fall -within the purview of — the Commission.

(5) The Commission may invest its Fund in accordance with the instructions of the Government.

(6) The Chairperson shall be the Principal Accounting Officer of the Commission.

15. (1) The Commission shall maintain' proper accounts and other relevant records and prepare an annual statement of accounts in such form.as may be prescribed by the Government.

(2) The accounts of the Commission shall be audited by the Auditor General Balochistan.

(3) The Auditor-General Balochistan and any other person appointed by him or her in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Auditor-General generally has in connection with the audit of the Government accounts and in particular shall have rights to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the office of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him or her in this behalf, together with the Audit Report. Thereon shall be forwarded annually to the Government by the

Annual Report of the 16.

Commission.

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Assistance to the 17.

Commission.

Indemnity. 18.

Members and officers to 19.

be public servants.

Power to make Rule. 20.

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Commission and the Government shall cause the
auc it =nor to be laid, as soon as may be after it
SiaGe vu, Delore the Provincial Assembly.

CHAPTER-V MISCELLANEOUS

; \$€ Commission shail prepare its Annual
Re port and shall be presented to the Government
in January each year. The Annual report shail
include an account of its performance and
uldzation of funds.

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

All Provincial Executive Authorities shall assist
the Commission in the performance of its
functions.

No suit, prosecution or legal proceedings shall be
against 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 the Government, Commission or any
report, paper or proceedings.

The Chairperson, a member other than ex-officio
member of the Commission and every officer or

employee 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
1860 (Act No.XLV of 1860).

The Provincial Government in consultation with
commission and by notification in the official

"court to remove

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oon of powers.

21.

22.

14

gazette, make rules for the purpose of giving effect to the provisions of this Act.

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 except the Function of, —

(a) appointment of Executive Committee or Constitution of any other Committee;

(b) the approval of strategic plan, annual work plan, performance report and annual budget; and

(c) recommendation relating to Laws, rules, regulations or policies.

If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the official gazette make such provisions not inconsistent with the provisions of this Act as appears to it, be necessary or expedient for removing the difficulty:

Provided that this power shall be available

for a period of one year from the date of commencement

of this Act.

SHAMS-UD-DIN
Secretary,
Balochistan Provincial Assembly.