

. THE GILGIT-BALTISTAN PROHIBITION OF CORPORAL
_ PUNISHMENT AGAINST
yeu CHILDREN ACT 2015
a oe NO. VII OF 2015)

to make provisions for prohibition of. corporal punishment against children

WHEREAS the constitution recognizes the inviolability of dignity of a
'person as the fundamental right;

AND WHEREAS it is necessary to make provisions. 5 for the protection of
children against corporal punishment by any person, including in the family and
work place, in all types of educational institutions including formal, non formal,

and religious both public and private, in child care institutions including foster

ate. rehabilitation centers and any other alternative care settings both public and
ive and in the juvenile justice system; ~

AND WHEREAS it is obligatory on Pakistan Government to make
provisions for the prohibition of all kinds of corporal. punishment under various
international conventions, covenants and instruments;

,

It is enacted as follows:—

1. Short title, extent and commencement. — (1) This Act may be
called the Gilgit-Baltistan Prohibition of Corporal Punishment Act, 2015.

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

(3) It shall come into force at once. ae : . ae aie

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- Definitions. — (1) In this Act, unless ‘the context’ otherwise
requires,—

(a) “care institutions” means an institution, an orphanage or a place of

j safety which houses one or more children for the purposes of
: providing alternative care or foster care; it may include a children’s
home, rehabilitation center or shelter either on permanent or

temporary basis whether public or private; . registered . or’ -
unregistered; ee : :

(b) “Child” means any person under the age of eighteen years;

(c) “corporal” 1 or “physical” punishment means any punishment in
which physical force is used and intended to cause some degree of

pain or discomfort, however light it may be, which may involve z
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 XL. V of 1860) hereinafter referred to in this section “as the said Code”;

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

(iii) "criminal force" as defined in section 320 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;

(d) » "educational institution" means any institution where any kind of instruction is imparted in a formal or non-formal way whether it is on a full time or part time basis; including boarding houses, both

oe public or private; registered or unregistered; - 3

(e) "workplace"² means the place of work or the premises where an

organization or employer operates and includes building, factory,

_ shop, commercial establishment, workshop, farm, residential hotel

_ or restaurant, open area or a larger geographical area where the

activities of the organization or employer are carried out and

including any situation that is linked to official work or official activity outside the office.

(2) "Words and expression" used but not defined shall have the same ~ meanings as assigned in the respective laws.

Be "Prohibition of Corporal Punishment (1) The child has the right to be shown respect for his personality and individuality and shall not be made subject to corporal punishment or any other punishing or degrading treatment. :

(2) Notwithstanding anything contained in section 89 of the Pakistan Penal Code, 1860 and any other law and regulation for the time being in force, corporal punishment of children by any person is prohibited in all its forms in the family and work place, in schools and other educational institutions including formal, non-formal and religious, both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings, both public and private, and in the juvenile justice system.

(3) ° Disciplinary measures concerning the child can only be taken in accordance with the child's dignity, and under no circumstances corporal punishments, or punishments which relate to the child's physical and mental development or which may affect the child's emotional status are allowed.

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this Act shall be liable to the punishments ¥I i
pakistan Penal code, 1860 and other renee ine ah

(2). In addition, the following mi

lo ng minor and major penalties will
persons a violate the provisions of Section 3 of this AG in shetonbe é
and penal institutions, and other alternative care settings, namely— ae

(a) Minor Penalties:

(i) censure;

(ii) withholding, for a specific period, promotion or increment,

otherwise than for unfitness for promotion or financial\

advancement in accordance with the rules of orders
pertaining to the service. or post;

efficiency bar in the time-seale, otherwise than for unfitness
to cross such bar; and _

(iii) stoppage from promotion, for a specific period, at an

: (iv) recovery from pay of the whole or any part of any pecuniary
>. :Joss caused to Government by negligence or breach of orders.

(b) Major Penalties:

(i) demotion to a lower post or time-scale, or to a lower stage in
atime scale; :

(ii) compulsory retirement;

(iii) removal from service; and sn

(iv) Dismissal'from keke as

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vice does not, but dismissal from service does,

(3) Removal from ser

disqualify for future employment.

removal or dismissal from serv!

(4) 'in this section ce does not include

* the discharge of a person~ . : :

on probation, during the peri
with probation or training rules

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jointed . od of n,

ve Se ordance applicable to him; or
han under a contract, to hold a temporary

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n of the period of appointment, or

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appointment,

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(c) , Engaged under a contract in accordance with the terms of the .
~~ contract. mee a

. 3) Notwithstanding anything contained in sub-section (2) to (4) in cases where parents violate the provisions of section 3 and the offences committed are not covered under the Pakistan Penal code, 1860 and other respective laws in such cases the parents shall be served with a caution and be bound by an agreement not to use corporal or physical punishment in future wherever necessary the parents will also be provided with advice on parenting:

Provided that: in taking any decision with: regard to charging or prosecuting parents in cases of corporal and physical punishment the best interests of the child should be the paramount consideration. ce ee

Jes Complaint procedure in the cases of corporal punishment.—
The Government of Gilgit-Baltistan shall prescribe a complaint procedure in

. coordination with other line departments, to entertain complaints of corporal punishment by children or by any other person. :

6. Enforcement of the provisions of this Act to private institutions —

(1) The Government of Gilgit-Baltistan shall devise a comprehensive system for the enforcement and monitoring of the Act in private institutions whether registered or unregistered which will be prescribed. . :

(2) All private institutions shall formulate a complaint system to address corporal punishment.

(4) In the case of a private institution
_ also be tiled for invoking the provisions of the
may be prescribed.

the complaint of corporal may
Act before an authority which

7. __ This Act to override all other law.— The provisions of this Act

shall override all other laws for the time being in force,

8. Rules.— (1) The Government

notification, prescribe Rules under the Act,
interest of the people of GB. ve

of Gilgit-Baltistan may, by official
as and when required in the best

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The Government of Gilgit-Baltistan shall amend te ve
pducation Code and the Code of Conduct for teachers and the relevantibles ee.
io include the prohibition of corporal punishment against children at wolbalacs
and in all educational institutions including formal, non-formal, and religion
both public and private, and in child care. institutions including foster care,
rehabilitation centers, and any other alternative care settings, both public and
private and in the juvenile justice system. ae

pe ~-HAJEFIDA MUHAMMAD NASHAD,
ee es cane _ Speaker,
ae _.. Gilgit-Baltistan Legislative Assembly.

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_ - MIR GHAZANFAR ALI KHAN,
noe ~~ Governor,
Gilgit-Baltistan.