

THE SINDH CHILD PROTECTION AUTHORITY ACT, 2011

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THE SINDH CHILD PROTECTION AUTHORITY ACT, 2011

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

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

It is hereby enacted as follows :-

1. (1)

This Act may be called the Sindh Child Protection Authority Act, 2011.

(2)

It shall come into force at once.

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

(a)

“Authority” means the Sindh Child Protection Authority established under this Act;

[(a-i) “Abuse” means the child abuse and includes

(a-ii)

(c)

physical, psychological or sexual violence, exploitation, comprising economic exploitation and sexual exploitation, including child marriage, child trafficking or exploitative, domestic or commercial child labor, corporal punishment, injury and maltreatment;

“Caregiver” includes state, agency, — unit, organization responsible to provide necessary care to child, including concerned law enforcement agency, judicial institution and alternative care institution;];

“Chairperson” means the Chairperson of the Authority;

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

- (i) is victim of violence, abuse and exploitations;
- (ii) is subjected to physical and psychological violence, sexual abuse or commercial sexual exploitation;

¹ New clauses (a-i) and (a-ii) inserted by the Sindh Act No. XI of 2021.

[9th June, 2011]

Preamble.

Short title,
commencement
and application.

Definitions.

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- (iii) is forced into the worst forms of the child labour, exploitative labour, or beggary;
- (iv) is subject to human trafficking within and outside Pakistan;
- (v) is being misused for drug trafficking or is subjected to abuse of substances like [synthetic and non-synthetic narcotic substances and other illegal drugs and substances];
- (vi) is engaged in an armed conflict;
- (vii) is a child without primary care givers; 2[and street children];
- (viii) is affected or infected with HIV aids;
- 2[(ix) is reported as 'missing child' to the Authority or Child Protection Unit, as the case may be, or any law enforcement agency by his parent or legal guardian, as the case may be;
- (x) has been kidnapped or abducted.]; and

3[(c-i) "Director General" means the Director General of the Authority;];

- (d) "Child protection institution" means an institution, established or recognized under this 4[Social Welfare Department], for the admission, care, protection and rehabilitation of child requiring special protection measures;
- (e) "Child protection officer" means an officer appointed by the Government for carrying out the purposes of this Act;
- (f) "Child Protection unit" means a child protection unit established by the Authority for a local area under the Act;
- (g) "Child" means a person who has not attained the age of eighteen years;

¹ Substituted by the Sindh Act No. XI of 2021.

? The words in sub-clause (vii) and New sub-clauses (ix) and (x), added., ibid.
3 New clause (c-i) inserted., ibid.

4 The words "Act or Rules" Substituted., *ibid.*

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I[(g-i) "Code" means the Pakistan Penal Code, 1860 (Act XLV of 1860);

(g-ii) "executive authority" means the departments of Government of Sindh including the law enforcement agencies'];

(h) "Fund" means the Sindh Child Protection Authority Fund established under the Act;

(i) "Government" means the Government of Sindh;

(j) "Local area" means a Union, Taluka, Town, District and City District as defined in section 5 of the Sindh Local Government 2[Act, 2013 amended or applicable or replaced from time to time]:

(k) "member" means a member of the Authority;

3[(kk

"missing child" means a child who is unable to be found and whose whereabouts are not known to the parents or anyone in loco parentis for last four hours;];

(l) "prescribed" means prescribed by the rules made under this Act;

(m) "Secretary" means the Secretary of the Authority.

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

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

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

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

¹ Inserted by the Sindh Act No. XI of 2021.

² The words and figures "Ordinance, 2001" substituted., ibid.

³ New clause (kk) inserted., ibid.

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

(i) Chief minister shall appoint Chairperson any Chairperson Member of the Authority to serve as its Chairperson;

(ii) Three Members of the Provincial Assembly of Members Sindh, at-least one Member from the Opposition and

at-least one female Member to be nominated by the

Speaker.

(iii) Secretary to Government of Sindh, Social Welfare Ex-Officio Department; Member

(iv) Four persons of eminence from the civil society Non-official who have made significant contribution in the field Of Members social welfare and human rights, including one

member who should be a renowned paediatrician/

child psychologist to be nominated by the Chief

Minister.

(v) Two well-known advocates having experience in

we f - Non-official

the child rights, to be nominated by the Chief Minister.

Members

(vi) Director General Member/
Secretary

(2) | The Authority may co-opt any Government Secretary or his nominee or any other person, provided that such member shall not have the right to vote.

(3) | Any person can be invited to attend the meeting of the Authority by the Chairperson, but such person shall not have the right to vote.

(4) Any Secretary to Government of Sindh or its nominee on special invitation by the Chairperson of the Authority can be invited to attend the meeting of the Authority and the government departments shall be bound to assist the Authority in decision making process, but such Secretaries or their nominees shall not have the right to vote].

5. (1) | The members other than ex-officio members shall Term of office of

hold office for a term of three years and shall not be eligible the members.
for more than two consecutive terms.

¹ Substituted by the Sindh Act No. XI of 2021.

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

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

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

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

7. (1) Government may remove a member if such person has-

(a) become an un-discharged insolvent;

(b) been convicted and sentenced to imprisonment for an offence which involves moral turpitude;

(c) become of unsound mind and has been so declared by a competent court;

(d) abused the position as a member which is detrimental to public interest; provided that no person shall be removed under this clause until he has been given a written show cause notice and an opportunity of being heard;

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

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

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

Casual Vacancy.

Removal of a
Member.

Director General.

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

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

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

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

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

1[(6) Subject to the provisions of sub-section (1), the meetings of the Authority shall be held at least once in a quarter which is to be convened by the Chairperson under sub-section (1);

Provided that a special meeting may be called at any time by the Chairperson or on the requisition made by the four members of the Authority to the Chairperson.

(7) If any non-official member fails to attend three consecutive meetings, without any cogent reason, he shall cease to be a member of the Authority.

(8) The Secretary shall, in the first instance, on occurrence of vacancy under sub-section (7), initiate process for filling in the vacancy.

(9) In the absence of the Chairperson, the members of the Authority may appoint any member amongst themselves to preside-over the meeting of the Authority,].

¹ New sub-sections (6), (7), (8) and (9) added by the Sindh Act No. XI of 2021.

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10. ^{TM**} For the purposes of this Act, the Authority shall

have powers-

(a)

(b)

(c)

(d)

(e)

(f)

(9)

(i)

to coordinate and monitor the child protection related issues at the provincial and district level;

to ensure the rights of the children in need of special protection measures;

to support and establish — institutional mechanisms for the child protection issues;

to make necessary efforts to enhance and strengthen the existing services of different children welfare institutions;

to set minimum standards for social, rehabilitative, re-integrative and reformatory institution and services and ensure their implementation;

to supervise in the light of minimum standards, the functions of all such institutions established by government or private sector for the special protection measures of the children;

to set minimum standards for all other institutions relating to the children (like educational institutions, orphanages, shelter homes, remand homes, certified school, youthful offender work places, child parks and hospitals etc) and ensure their implementation;

to review laws, propose amendments in the relevant law, wherever necessary, so as to bring those in conformity with the relevant international instruments ratified by Pakistan and to propose new laws;

to recommend development of a Policy and Plan of Action for the children;

to monitor and report on the violation of the national and provincial laws and international instruments and take suitable

¹ The brackets and figure “(1)” omitted by the Sindh Act No. XI of 2021.

Functions of the Authority.

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remedial measures for the protection of the
child;

(k) to set up child protection management information system and prepare annual reports;

(l) to mobilize financial resources for programmes relating to special protection of children through provincial, national and international agencies;

(m) to promote and undertake systematic investigation and research on child protection issues;

(n) to initiate through relevant authorities, prosecution of the offenders when children are victim of the offence;

(o) to establish and manage the Fund;

(e) to do such acts as are ancillary and incidental to the above functions;

(q) to investigate or cause investigation, on its own or upon a complaint, into any matter having bearing on the interest of the children; and

I[(q-i) to facilitate and ensure the registration of a First Incident Report (F.I.R.) with the police or any law enforcement agency in relation to any child in need of special protection measures who is reported to the Authority as missing or abducted, within four hours of the child being reported missing or abducted:

Provided that it shall be mandatory for the police or any law enforcement agency to lodge FIR on receipt of such complaint of Authority or any person:

Provided further that the failure for non-registration of F.I.R. by the law enforcement agency which result in punishment as per provisions of the Code;

¹ New clauses (q-i), (q-ii), (q-iii), (q-iv) and (q-v) inserted by the Sindh Act No. XI of 2021.

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(q-ii) to raise awareness campaigns in masses through electronic and print media and shall

publish advertising promos with regard to child in need of protection measures and to coordinate with Pakistan Telecommunication Authority (PTA) for issuance on Gratis basis SMSs, MMSs and with Pakistan Electronic Regulatory Authority (PEMRA) for broadcast/tickers on television channels and announcement on radio stations and alters on social media as well as postings on relevant websites or online, print media or any other available medium as their social responsibility;

(q-iii) to support Social Welfare Department for establishing a well-coordinate child protection case management and referral system to protect children from all forms of abuse;

(q-iv) to summon and enforce attendance of concerned officers and production of relevant documents by exercising the powers of Civil Court under the Code of Civil Procedure, 1908 and to inquire the progress and in case of non-compliance or un-satisfactory performance, they shall be proceeded against in accordance with relevant or applicable laws;

(q-v) The Child Protection Officer for reasons to be recorded in writing shall be authorized to enter and search any premises or any institution providing childcare services and inspect or examine such related books, registers or records maintained by such institution, and interrogate any person in such premises where he has reasons to believe that children are being kept for the purpose of child abuse, illegal adoption or for any other unlawful purpose.

Provided that the Child Protection Officer shall within twenty-four hours of this act inform the Director General about this act.].

(r) any other functions, which may be assigned to it by Government.

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

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

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

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

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

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

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

16. (1) = The Authority may establish a child protection unit Child protection for a 'district level]. unit.

(3) | The unit shall exercise such powers and perform functions as may be 3[prescribed by rules].

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

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

4[A Child Protection Officer for reasons to be recorded in writing take into custody a child requiring Special Protection measure.

' The words "local area" Substituted by the Sindh Act No. XI of 2021.

? The Sub-section (2) omitted., ibid.

3 Substituted., ibid.

4 Added., ibid.

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Provided that such child shall be presented before the nearest Magistrate within twenty four hours of being taken into custody].

(3) | Whenever a child is taken into custody, he shall immediately be taken to the nearest Child Protection ifappropriate authorities, unit, concerned court of magistrate] for temporary custody till appropriate orders are passed by the appropriate authorities.

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

(a) allsums paid by Government:

(b) = all grants, made by the Federal Government, Provincial Government or locals bodies; and

(c) | donations, made by private individuals, national and international agencies.

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

(3) | The Fund shall be utilized for-

(a) performing functions of the Authority;

(6) protecting rights and welfare of the children, and

(c) such other activities, which fall within the purview of the Authority.

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

19. (1) The 2[Director General] shall be the Principal Financial Control. Accounting Officer of the Authority in respect of the expenditure incurred against budget grant or grants made to the Fund and shall, for this purpose, exercise all the financial and administrative powers delegated to him by the Authority.

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

(3) The Authority shall appoint a Chartered Accountant who is a member of the Institute of Chartered

¹ The word “institution” substituted by the Sindh Act No. XI of 2021.

² The words “Secretary Social Welfare Department” substituted., ibid.

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Accountants of Pakistan, as an auditor who shall carry out the audit of the accounts of the Authority.

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

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

1[20-A. (1) Any report of the Child Protection Officer shall be treated as confidential but the substance of such report shall be open to a child, his parent, legal guardian or any other caregiver.

(2) No report in any newspaper, magazine or news sheet of any assessment regarding a child made under the provisions of this Act shall disclose the name, address or any other particulars which will lead to the identification of the child, nor shall any picture of any child may be published.

20-B. All offences committed under this Act shall be cognizable and non-bailable.

20-C. The provisions of the Code of Criminal Procedure, 1898 shall apply mutatis mutandis for the purpose of trial of offences committed under this Act.

20-D. (1) For the purpose of speedy justice, Government shall, in consultation with the High Court of Sindh, an existing court of Civil Judge/Assistant Sessions Judge to be a Special Court for Child Protection to try the offences under this Act.

(2) On establishment of Special Courts under sub-section-(1), the cases falling within the purview of this Act pending in any court shall be transferred to the Special Court for trial.

(3) | The Special Court established under sub-section-(1), on taking cognizance of a case shall proceed with the trial from day to day and shall decide the case within one hundred and twenty days].

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

¹ New Sections (20-A), (20-B), (20-C) and (20-D) inserted by the Sindh Act No. XI of 2021.

Data Protection.

Cognizance of
offences.

Application of the
Code of Criminal
Procedure, 1898
(Act V of 1898).

Establishment of
Special Courts

Chairperson,
Members and other
staff of the Authority
to be the public
servants.

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

23. "I[(1) Government may, by notification in the official Power to make gazette, make rules for carrying out the purpose of this Act. rules and regulations.

(2) | The Authority may make regulations not inconsistent with the provisions of this Act and rules made there under].

2[24. Subject to the provisions of the Act and the rules made Certain other there under the provisions of this Act shall be in addition to, provisions of law and not in derogation of the Sindh Children Act, 1955 and not barred. Juvenile Justice System Act, 2018.].

¹ Substituted by the Sindh Act No. XI of 2021.

² New Section (24) added., ibid.