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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 24TH MAY, 2021.

NO.PAS/LEGIS-B-02/2021-The Sindh Child Protection Authority (Amendment) Bill, 2021 having been passed by the Provincial Assembly of Sindh on 23rd April, 2021 and assented to by the Governor of Sindh on 19th May, 2021 is hereby published as an Act of the Legislature of Sindh.

THE SINDH CHILD PROTECTION AUTHORITY (AMENDMENT) ACT, 2021

SINDH ACT NO. XI OF 2021.

**AN
ACT**

to amend the Sindh Child Protection Authority Act, 2011.

WHEREAS it is expedient to amend the Sindh Child Protection Authority Act, 2011 (Sindh Act No. XIV of 2011), for the purpose hereinafter appearing;

It is hereby enacted as follows:

1. (1) This Act may be called the Sindh Child Protection Authority (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force at once.

2. In the Sindh Child Protection Authority Act, 2011, hereinafter referred to as the said Act, in section 2 -

Amendment of Section 2 of Sindh Act No. XIV of 2011.

- (i) after clause (a), the following new clause shall be inserted:-

"(a-i) "abuse" means the child abuse and includes physical, psychological or sexual violence, exploitation, comprising economic exploitation and sexual exploitation, **including child marriage, child trafficking or exploitive, domestic or commercial child labor, corporal punishment, injury and maltreatment;**

(a-ii) caregiver" includes state, agency, unit, organization responsible to provide necessary care to child, including concerned law enforcement agency, judicial institution and alternative care institution;"

- (ii) In clause-(c) after sub-clause-(v), the words "glue drugs, spirit" shall be substituted with the words "synthetic and non-synthetic narcotic substances and other illegal drugs and substances;

- (iii) In clause-(c), in sub-section-(vii), the words "and street children" shall be added.

- (iv) in clause (c), after sub-clause (viii), the following new sub-clauses shall be added:-

"(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

- (v) after clause (c), the following new clause shall be inserted:-

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

- (vi) in clause (d), for the words "Act or rules", the words "Social Welfare Department" shall be substituted;

- (vii) after clause (g), the following shall be inserted:-

"(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;"

(viii) in clause (j), for the words and figures "Ordinance, 2001", the words and figures "Act, 2013 amended or applicable or replaced from time to time;

(ix) after clause (k), the following new clause shall be inserted:-

"(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;"

3. In the said Act, for section 4, the following shall be substituted:-

**Substitution of
Section 4 of
Sindh Act No.
XIV of 2011.**

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

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

(ii) **Three Members of the Provincial
Assembly of 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
Department;**

(iv) **Four persons of eminence from
the civil society who have made
significant contribution in the
field of 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 the child
rights, to be nominated by the
Chief Minister**

(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.

4. In the said Act, in section 9, after sub-section (5), the following new sub-sections shall be added, namely:-

**Amendment of
Section 9 of
Sindh Act No.
XIV of 2011.**

“(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.

5. In the said Act, in section 10 -

**Amendment of
Section 10 of
Sindh Act No.
XIV of 2011.**

(i) the brackets and figure “(1)” shall be omitted;

(ii) after clause (q), the following new clauses shall be inserted:-

"(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;

(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 of SMSs, MMSs and with Pakistan Electronic Regulatory Authority (PEMRA) for broadcast/tickers on television channels and announcements on radio stations and alerts 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.

6. In the said Act, in section 16 -

- (i) in sub-section (1), for the words "local area", the words "district level" shall be substituted;
- (ii) sub-section (2) shall be omitted;
- (iii) in sub-section (3), for the words "devolved upon it by the Authority", the words "prescribed by rules" shall be substituted.

Amendment of
sections 16 of
Sindh Act No.
XIV of 2011.

7. In the said Act, in section 17, in sub-section (2)-the following shall be added:-

Amendment of
sections 17 of
Sindh Act No.
XIV of 2011.

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

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

8. In the said Act, in section 17, in sub-section (3)-

- (i) for the word "Institution" and the words "appropriate authorities" the word "unit" and the word "concerned court of magistrate" shall respectively be substituted;

Amendment of
Section 17 of
Sindh Act No.
XIV of 2011.

9. In the said Act, in section 19, for the words "Secretary Social Welfare Department", the words "Director General" shall be substituted.

Amendment of
Section 19 of
Sindh Act No.
XIV of 2011.

10. In the said Act, after section 20, the following new section shall be inserted:-

**Insertion of
Section 20-A and
20-B and 20-C of
Sindh Act No.
XIV of 2011.**

"20-A. Data Protection. (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 such child may be published.

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

20-C. Application of the Code of Criminal Procedure, 1898 (Act V of 1898). 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. Establishment of Special Courts. (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.

11. In the said Act, for section 23, the following shall be substituted:-

**Substitution of
Section 23 of
Sindh Act No.
XIV of 2011.**

"(1) Power to make rules and regulations.

(1) Government may, by notification in the official gazette, make rules for carrying out the purpose of this Act.

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

12. In the said Act, after section 23, the following new section shall be added:-

**Addition of new
section 24 in
Sindh Act No.XIV
of 2011.**

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

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**