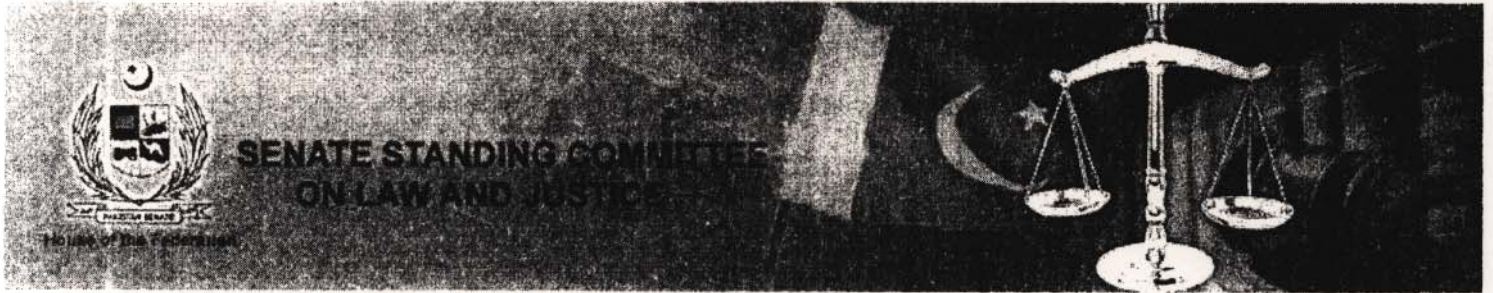


REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE



“THE UN-ATTENDED ORPHANS (REHABILITATION AND WELFARE) BILL, 2013”

**Report No. 14
(Thirteenth Parliamentary Year)**

PRESENTED BY

**SENATOR MUHAMMAD JAVED ABBASI
CHAIRMAN**

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON “THE UN-ATTENDED ORPHANS (REHABILITATION AND WELFARE) BILL, 2013”

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on “The Un-attended Orphans (Rehabilitation and Welfare) Bill, 2013” introduced by Senator Karim Ahmed Khawaja, on 26th August, 2013. The Bill was referred to the Standing Committee on Law and Justice on 12th January, 2016, with the direction that the Committee shall submit its report in the next Session of Senate (with reference to the Islamabad Capital Territory).

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	<i>Senator Muhammad Javed Abbasi</i>	<i>Chairman</i>
2.	<i>Senator Raja Muhammad Zafar ul Haq</i>	<i>Member</i>
3.	<i>Senator Aitzaz Ahsan</i>	<i>Member</i>
4.	<i>Senator Dr. Muhammad Ali Khan Saif</i>	<i>Member</i>
5.	<i>Senator Syed Muzafar Hussain Shah</i>	<i>Member</i>
6.	<i>Senator Saleem Zia</i>	<i>Member</i>
7.	<i>Senator Ms. Ayesha Raza Farooq</i>	<i>Member</i>
8.	<i>Senator Nawabzada Saifullah Magsi</i>	<i>Member</i>
9.	<i>Senator Saeed Ghani</i>	<i>Member</i>
10.	<i>Senator Zaheer^uud Din Babar Awan</i>	<i>Member</i>
11.	<i>Senator Mrs. Zahida Khan</i>	<i>Member</i>
12.	<i>Senator Farooq Hamid Naek</i>	<i>Member</i>
13.	<i>Minister for Law and Justice</i>	<i>Ex-Officio Member</i>

3. The Committee considered the Bill in its meetings held on 25th January and 16th February, 2016.

4. According to the Statement of Objects and Reasons “the un-attended orphans and unknown parentage children in Pakistan are facing many problems. Our society is also facing problems due to non-provision of facilities like education, health

and security of life to such children. They may involve in crimes and other social evils. The legislation to protect the rights and provision of facilities to such children and to launch any welfare schemes for them has not been launched so far. After proper legislation and providing said facilities to such children, society can succeed to make them respectable and useful citizens. This legislation is very important and requirement of the day”

5. The Committee sought and examined input from Ministry of Law and Justice, Ministry of Human Rights and Capital Administration and Development Division. The Committee also gave a detailed hearing to the Mover.

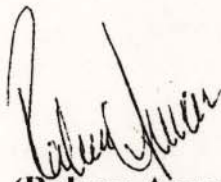
6. The Members unanimously supported the Bill and made following amendments in the said Bill:-

- i. In proposed Clause 2, Clause (e) shall be substituted with the following:-
 - (e) “un-attended orphan” means a child with unknown parentage, abandoned or not in the legal custody of anyone; and
- ii. Proposed Clauses 3 & 4 shall be omitted and subsequent clauses shall be renumbered accordingly;
- iii. Before the word “Fund” wherever appearing in the said Bill, the word “welfare” shall be inserted.
- iv. In the proposed clause (5) (**Clause 3 after renumbering**), in sub-clause (1), after the words “as soon as may be” the words “after the commencement of this Act” shall be inserted.
- v. In the proposed clause (6) (**Clause 4 after renumbering**):-
 - a. in sub-clause (1), the words “cause to be established” shall be substituted with the word “designate”;
 - b. In sub-clause (2), after the “established” the words “or designated” shall be inserted.
- vi. In the proposed clause (7) (**clause 5 after renumbering**), the word “Register”, wherever appearing, shall be substituted with the word “Record”.

vii. The proposed clause 10 (**clause 8 after renumbering**), shall be substituted with the following, namely.-

“8. **Power to make rules.**- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.”

7. The Committee recommends that the “The Un-attended Orphans (Rehabilitation and Welfare) Bill, 2013”, as reported by the Committee may be passed by the Senate. (The Bill reported by the Committee is annexed as “A” and the Bill introduced in the Senate is annexed as “B”).



(Rabeca Anwar)
J.S / Secretary Committee



(Senator Muhammad Javed Abbasi)
Chairman

[AS REPORTED BY THE COMMITTEE]

A

Bill

*to provide for the rehabilitation and welfare of the
un-attended orphan children*

WHEREAS it is expedient to protect the rights, provision of facilities, rehabilitation and welfare of the un-attended orphan children in the Islamabad Capital Territory and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act may be called the Un-attended Orphans (Rehabilitation and Welfare) Act, 2016.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) "child" means a boy or girl who is below the age of eighteen years;

(b) "Child Abode" means an institution or home either established or certified as such by the Government for the purposes of this Act;

(c) "Government" means the Federal Government;

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

(e) **"un-attended orphan" means a child with unknown parentage, abandoned or in the legal custody of anyone; and**

(f) "welfare Fund" means the Fund established under section 5.

3. Welfare Fund.- (1) The Government shall, as soon as may be **after the commencement of this Act**, by notification in the Official Gazette, establish a **welfare** Fund for the purposes of this Act with an initial grant of fifty million rupees, and thereafter shall contribute to the **welfare** Fund from time to time.

(2) There shall also be credited to the **welfare** Fund such other sums as may be received by way of donation, contribution, assistance or otherwise from individuals, body corporate, financial institutions, etc.

(3) The **welfare** Fund shall be utilized for the welfare of the un-attended orphans in such manner as may be prescribed.

4. Child Abodes.- (1) The Government shall establish or **designate** such number of Child Abodes as it may deem fit and necessary for the purposes of this Act.

(2) The Child Abodes established **or designated** under sub-section (1) shall provide free boarding and lodging and such other facilities to the un-attended orphan as may be prescribed.

5. Record to be maintained.- The Government shall,-

- (a) maintain a **record** of all the un-attended orphans;
- (b) open sufficient number of schools and colleges for imparting education free of cost to the un-attended orphans and provide books, writing materials, clothes and uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to every un-attended orphan;
- (d) take custody of every un-attended orphan identified by Government in such manner as may be prescribed;
- (e) send every un-attended orphan taken into custody under this Act to the Child Abode;
- (f) provide vocational training and gainful employment to the un-attended orphan if required; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of un-attended orphan.

6. Offences.- Notwithstanding anything contained in the Pakistan Penal Code 1860 (Act XLV of 1860) or any other law for the time being in force, whoever,-

- (a) forces any un-attended orphan to beg, commit petty crime, rag picking or any act which is injurious to the health and dignity of such orphan shall be punishable with imprisonment which shall not be less than four years but may extend to seven years and also with fine which may extend to two hundred thousand rupees;
- (b) sexually exploits any un-attended orphan in any manner whatsoever shall be punishable with imprisonment which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than five hundred thousand rupees but may extend to ten hundred thousand rupees; and
- (c) having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment shall be punishable with life imprisonment and also with fine which may extend to ten hundred thousand rupees.

7. Act to override other laws.- The provisions of this Act and rules made there under shall have effect notwithstanding anything contained in any other law for the time being in force. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

8. Power to make Rules.- The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The un-attended orphans and unknown parentage children in Pakistan are facing many problems. Our society is also facing problems due to non provision of facilities like education, health and security of life to such children. They may involve in crimes and other social evils. The legislation to protect the rights and provision of facilities to such children and to launch any welfare schemes for them has not been launched so far. After proper legislation and providing said facilities to such children, society can succeed to make them respectable and useful citizens. This legislation is very important and requirement of the day.

SENATOR KARIM AHMED KHAWAJA
Member-in-Charge

INTRODUCED ON 26-08-2013

[AS INTRODUCED IN THE SENATE]

A

Bill

to provide for the rehabilitation and welfare of the un-attended orphan children

WHEREAS it is expedient to protect the rights, provision of facilities, rehabilitation and welfare of the un-attended orphan children in the Islamabad Capital Territory and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act may be called the Un-attended Orphans (Rehabilitation and Welfare) Act, 2013.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

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

(a) "child" means a boy or girl who is below the age of eighteen years;

(b) "Child Abode" means an institution or home either established or certified as such by the Government for the purposes of this Act;

(c) "Government" means the Federal Government;

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

(e) "un-attended orphan" means a child with unknown parentage, abandoned, vagabond, not in the legal custody of anyone and who collect waste papers, plastic items, glass, metal waste etc., from garbage dumps, street and other public places including neglected and destitute children who subsist on working as a porter, vendor, shoe shiner, beggar or petty criminal and who generally languish on pavements, hutments slums or railway platforms, bus stops and such other places and remained deprived and exploited; and

(f) "Welfare Fund" means the Fund established under section 5.

3. Policy.- (1) The Federal Government shall, within ninety days of commencement of this Act formulate a National Policy for the rehabilitation and welfare of un-attended orphans so as to secure that rights and to enable them to enjoy their childhood and ensure that they become law abiding and responsible citizens.

(2) Without prejudice to the generality of the foregoing provisions, the National Policy may include,-

- (a) taking custody of every un-attended orphan who is homeless and without guardians and his boarding and lodging and other facilities wherever necessary in children home;
- (b) withdrawal of un-attended orphan from their profession of rag picking, begging, petty crimes, shoe polishing, potter, performing acrobatics or any such profession as may be prescribed;
- (c) provision of free educational and health facilities, vocational training and facilities for developing character and abilities to become self dependent in life for the un-attended orphan;
- (d) employment opportunities for un-attended orphan after they grew up and complete their education or vocational training;
- (e) providing yearly grants-in-aid to all the orphanages and Non-Governmental Organizations who are working for the welfare of un-attended orphans, as the case may be, in the prescribed systematic manner; and
- (f) such other measures as may be deemed necessary for carrying out the purposes of this Act.

4. Implementation of the Policy.- The Government shall be responsible to implement the National policy formulated under section 3.

5. Fund.- (1) The Government shall, as soon as may be, by notification in the Official Gazette, establish a Welfare Fund for the purposes of this Act with an initial grant of fifty million rupees, and thereafter shall contribute to the Fund from time to time.

(2) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution, assistance or otherwise from individuals, body corporate, financial institutions, etc.

(3) The Fund shall be utilized for the welfare of the un-attended orphans in such manner as may be prescribed.

6. Child Abode.- (1) The Government shall establish or cause to be established such number of Child Abode as it may deem fit and necessary for the purposes of this Act.

(2) The Child Abode established under sub-section (1) shall provide free boarding and lodging and such other facilities to the un-attended orphan as may be prescribed.

7. Register to be maintained.- The Government shall,-

- (a) maintain a register of all the un-attended orphans;
- (b) open sufficient number of schools and colleges for imparting education free of cost to the un-attended orphans and provide books, writing materials, clothes and uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to every un-attended orphan;
- (d) take custody of every un-attended orphan identified by Government in such manner as may be prescribed;
- (e) send every un-attended orphan taken into custody under this Act to the Child Abode;
- (f) provide vocational training and gainful employment to the un-attended orphan if required; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of un-attended orphan.

8. Offences.- Notwithstanding anything contained in the Pakistan Penal Code 1860 (Act XLV of 1860) or any other law for the time being in force, whoever,-

- (a) forces any un-attended orphan to beg, commit petty crime, rag picking or any act which is injurious to the health and dignity of such orphan shall be punishable with imprisonment which shall not be less than four years but may extend to seven years and also with fine which may extend to two hundred thousand rupees;

- (b) sexually exploits any un-attended orphan in any manner whatsoever shall be punishable with imprisonment which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than five hundred thousand rupees but may extend to ten hundred thousand rupees; and
- (c) having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment shall be punishable with life imprisonment and also with fine which may extend to ten hundred thousand rupees.

9. Act to override other laws.- The provisions of this Act and rules made there under shall have effect notwithstanding anything contained in any other law for the time being in force. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

10. Rule making by the Government.- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The un-attended orphans and unknown parentage children in Pakistan are facing many problems. Our society is also facing problems due to non provision of facilities like education, health and security of life to such children. They may involve in crimes and other social evils. The legislation to protect the rights and provision of facilities to such children and to launch any welfare schemes for them has not been launched so far. After proper legislation and providing said facilities to such children, society can succeed to make them respectable and useful citizens. This legislation is very important and requirement of the day.

SENATOR KARIM AHMED KHAWAJA
Member-in-Charge