

SENATE OF PAKISTAN HOUSE OF FEDERATION

Report No. 9 of the Committee



REPORT OF THE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS ON “THE
NATIONAL COMMISSION ON THE RIGHTS OF THE CHILD BILL, 2017”,
REFERRED BY THE HOUSE IN ITS SITTING HELD ON 17TH FEB, 2017

PRESENTED BY
SENATOR NASREEN JALIL
CHAIRPERSON

SENATE SECRETARIAT

Subject:- REPORT ON THE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS ON "THE NATIONAL COMMISSION ON THE RIGHTS OF THE CHILD BILL, 2017"

I, Senator Nasreen Jalil, Chairperson Senate Functional Committee on Human Rights have honour to present, on behalf of the Committee the report on "The National Commission on the Rights of the Child Bill, 2017", referred by the House in its sitting held on 17th Feb, 2017. The matter was referred by the House to the Senate Functional Committee on Human Rights for consideration and report.

2. The agenda before the Committee was "to discuss the 'The National Commission on the rights of the Child Bill, 2017', referred by the House in its sitting held on 17th Feb, 2017".

3. The composition of the Committee is as under:-

i.	Senator Nasreen Jalil	Chairperson
ii.	Senator Ms. Sitara Ayaz	Member
iii.	Senator Dr. Jehanzeb Jamaldini	Member
iv.	Senator Muhammad Mohsin Khan Leghari	Member
v.	Senator Mufti Abdul Sattar	Member
vi.	Senator Mir Kabir Ahmed Muhammad Shahi	Member
vii.	Senator Nisar Muhammad	Member
viii.	Senator Mrs. Sehar Kamran	Member
ix.	Senator Aitzaz Ahsan	Member
x.	Senator Farhatullah Babar	Member
xi.	Senator Zaheer ud Din Babar Awan	Member
xii.	Senator Ms. Samina Abid	Member

4. Accordingly, the issue was discussed in the meetings of the Functional Committee on Human Rights held on 7th Mar, 2017 and 27th Mar, 2017. The following Members attended the meetings.

i.	Senator Muhammad Mohsin Khan Leghari	Acting Chairperson
ii.	Senator Farhatullah Babar	Member
iii.	Senator Ms. Samina Abid	Member
iv.	Senator Mir Kabir Ahmed Muhammad Shahi	Member
v.	Senator Ms. Sitara Ayaz	Member
vi.	Senator Mrs. Sehar Kamran	Member

5. The Committee thoroughly discussed the subject matter and recommended the following amendments:-

CLAUSE 3


- i. In clause 3, sub-section (2) (i) for the words “**One Child**” the words “**Two Children (one boy and one girl not below the age of 15 years)**” shall be substituted.


CLAUSE 22

- ii. In Clause 22, after the word “**Act**” the words “**within six months**” shall be inserted.

6. The Committee further recommended that the Bill as amended by the Committee may be passed by the Senate.

7. The Bill, as passed by the Committee is annexed at Annex-A and as passed by the National Assembly at Annex-B.


(Malik Arshad Iqbal)
Secretary Committee


(Senator Muhammad Mohsin Khan Leghari)
Acting Chairman Committee

A

BILL

to provide for constitution of a National Commission on the rights of the child and for matters connected therewith or incidental thereto

WHEREAS it is expedient to set up a National Commission on the rights of the child in accordance with international obligations and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.-(1) This Act may be called the National Commission on the Rights of the Child Act, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a) "Chairperson" means the Chairperson of the Commission;

(b) "Child" means any person below the age of eighteen years;

(c) "Child rights" means and includes but may not be limited to rights of the child in the United Nations' Convention on Rights of the Child and in any other domestic law;

(d) "Commission" means the National Commission on the Rights of the Child constituted under section 3;

(e) "Member" means a person appointed as member of the Commission and where the context so permits includes the Chairperson;

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

(g) "Rules" mean rules made under this Act; and

(h) "Secretary" means Secretary of the Commission appointed under section 14.

CHAPTER II
NATIONAL COMMISSION ON THE RIGHTS OF THE CHILD

3. **Constitution of Commission.**—(1) The Federal Government shall constitute a commission to be known as the National Commission on the Rights of the Child to exercise its powers and perform its functions under this Act.

(2) The Commission shall consist of—

- | | |
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| (a) a person being citizen of Pakistan of not less than forty-five years of age, having experience of not less than fifteen years of working in the field of child rights, to be appointed by the Federal Government in the prescribed manner; | Chairperson |
| (b) Secretary of the Division, allocated with the business of child rights, or his representative not below the rank of Joint Secretary (B-20); | Member
ex-officio |
| (c) a representative of Foreign Affairs Division not below the rank of Joint Secretary (B-20); | Member
ex-officio |
| (d) a representative of Interior Division not below the rank of Joint Secretary (B-20); | Member
ex-officio |
| (e) Chairperson of the National Commission for Human Rights or his representative not below the rank of an officer in B-20; | Member
ex-officio |
| (f) Chairperson of the National Commission on the Status of Women or his representative not below the rank of an officer in B-20; | Member
ex-officio |
| (g) Chairpersons of Provincial Commissions on the Rights of the Child, set up under Provincial laws; | Members
ex-officio |
| (h) Six members, one each from each Province, Islamabad Capital Territory and the Federally Administered Tribal Areas, to out of which two members shall be from women and one from minorities, all having experience of not less than ten years of work in the field of child rights; | Members |
| (i) <u>Two Children(one boy and one girl not below the age of 15 years);</u> and | Member |
| (j) Secretary of the Commission | Ex-officio
Member |

(3) The Secretary shall act as Secretary of the Commission as well.

(4) The Commission shall be a body corporate having perpetual succession and a common seal with powers, among others, to acquire, hold and dispose of any property, moveable and immovable, and shall sue and be sued by its name.

4. Secretariat of the Commission.—(1) The secretariat of the Commission shall be at Islamabad.

(2) The Commission may establish its offices at such other places as the Chairperson may determine, with approval of the Federal Government.

5. Appointment of Chairperson and members.—(1) The Chairperson and members, other than ex-officio members, shall be appointed by the Federal Government on such salary, allowances, privileges and other terms and conditions as may be prescribed.

(2) The salary, allowances, privileges and other terms and conditions under sub-section (1) of the Chairperson or any member, as the case may be, shall not be varied to their disadvantage after their appointment.

6. Term of office of Chairperson and members.—(1) The Chairperson and every member, other than ex-officio members, shall hold office for a term of three years, extendable for a further term of three years, provided that Chairperson or a member, other than ex-officio member, shall not hold office for more than two terms.

(2) The Chairperson or a member may, at any time by writing under his hand addressed to the Federal Government, resign from his office.

7. Disqualification.— A person shall be disqualified for becoming or being the Chairperson or a member of the Commission, if such person—

- (a) is an un-discharged insolvent or has been declared a bankrupt; or
- (b) is of unsound mind or has physical infirmity to discharge his functions under this Act; or
- (c) has been dismissed from public service of Pakistan on grounds of inefficiency, misconduct, fraud or corruption; or has been convicted of an offence of moral turpitude.

