

SENATE OF PAKISTAN



REPORT OF THE SENATE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS

On

**THE ZAINAB ALERT, RESPONSE AND RECOVERY
(AMENDMENT) ACT, 2020**

**PRESENTED BY
SENATOR MUSTAFA NAWAZ KHOKHAR**

SENATE SECRETARIAT

REPORT OF THE SENATE FUNCTIONAL COMMITTEE ON HUMAN RIGHTS ON "THE ZAINAB ALERT, RESPONSE AND RECOVERY (AMENDMENT) ACT, 2020".

I, Senator Mustafa Nawaz Khokhar, Chairman Functional Committee on Human Rights, have the honor to submit, on behalf of the Committee, this report on "The Zainab Alert, Response and Recovery (Amendment) Act, 2020", introduced by Senator Sirajul Haq, in the Senate sitting held on 26th October, 2020 and referred to the Committee for consideration and report.

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

1. Senator Mustafa Nawaz Khokhar	Chairman
2. Senator Prof. Dr. Mehr Taj Roghani	Member
3. Senator Muhammad Ali Khan Saif	Member
4. Senator Dr. Jehanzeb Jamaldini	Member
5. Senator Ayesha Raza Farooq	Member
6. Senator Raja Muhammad Zafar-ul-Haq	Member
7. Senator Kamran Michael	Member
8. Senator Shaheen Khalid Butt	Member
9. Senator Qurat ul Ain Marri	Member
10. Senator Muhammad Tahir Bizinjo	Member
11. Senator Muhammad Usman Khan Kakar	Member
12. Senator Keshoo Bai	Member
13. Senator Sarfaraz Ahmed Bugti	Member
14. Minister for Human Rights	Ex-Officio Member

3. The Committee considered the Bill in its meeting held on 1st February, 2021, under the Chairmanship of Senator Mustafa Nawaz Khokhar, with the following attendance:-

1. Senator Mustafa Nawaz Khokhar	Chairman
2. Senator Prof. Dr. Mehr Taj Roghani	Member
3. Senator Ayesha Raza Farooq	Member
4. Senator Muhammad Usman Khan Kakar	Member
5. Senator Sarfaraz Ahmed Bugti	Member
7. Senator Sirajul Haq	Mover

4. Senator Mustafa Nawaz Khokhar, Chairman, Senate Functional Committee on Human Rights informed that after detailed discussion and arguments upon the amendments proposed by Senator Sirajul Haq, it was decided by the Committee that the Bill may be withdrawn, to which the Member In-Charge had agreed.

5. Brief background of the discussion on the Bill is that Senator Sirajul Haq had proposed two amendments in the Zainab Alert, Response and Recovery (Amendment) Act, 2020. The Bill proposes substitutions of Section 9 and 15 in the same. The new

amendment in section 9 merely proposes minor modifications (removal of maximum limit of fine and punishment) that do not materially add to the content of the existing provision. The second amendment, related to section 15, proposes insertion of three additional sections of PPC 302, 328 and 376 i.e. punishment of qatl-e-amd, Exposure and abandonment of child under twelve years by parent or person having care of it and punishment of rape. It was noted that the language of the section under consideration states that "Notwithstanding anything contained in any other law for the time being in force, offences against children under the age of 18 **including but not limited to...**". Therefore, it is not necessary to state all the relevant sections of PPC in this section.

6. The Committee recommends that Senator Sirajul Haq may be granted leave to withdraw "The Zainab Alert, Response and Recovery (Amendment) Act, 2020". The Committee also gave approval for presentation of this report to the House. Copy of the Bill is annexed.



MUKHTAR AHMED KHAN
S.O/Acting Secretary Committee



SENATOR MUSTAFA NAWAZ KHOKHAR
Chairman

As
[TO BE INTRODUCED IN THE SENATE]

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BILL

further to amend the Zainab Alert, Response and Recovery Act, 2020

WHEREAS It is expedient further to amend the Zainab Alert, Response and Recovery Act, 2020, (XV of 2020), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Zainab Alert, Response and Recovery (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Substitution of section 9, Act XV of 2020.- In the Zainab Alert, Response and Recovery Act, 2020 (XV of 2020), hereinafter referred to as the said Act, for section 9, the following shall be substituted, namely:-

"9. Punishment under this Act.- An any police officer who does not comply with the provisions of section 8 of this Act in case of missing or abducted child or any other public officer who willfully or negligently delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished according to the nature of crime with imprisonment of either description but not less than one year and a fine but not less than fifty thousand rupees."

3. Substitution of section 15, Act XV of 2020.- In the said Act, for section 15, the following shall be substituted, namely:-

"15. Completion of trial.- Notwithstanding anything contained in any other law for the time being in force, the trial of offences against children under the age of eighteen, including but not limited to, sections 201, 292A, 292B, 302, 328A, 361, 362, 364, 364A, 365, 366A, 369, 369A, 372, 373, 375, 376, 377 and 377A of the Pakistan Penal Code and abetting thereof, shall be tried by the judges concerned and all such trials shall be concluded within a period of three months:

Provided that in case of death of the victim in result of rape or other cruelty, punishment not less than death penalty shall be given to the accused:

Provided further that nothing herein affect the trial of any offence being conducted, or to be conducted by the Anti-Terrorism Court established in 1987."

STATEMENT OF OBJECTS AND REASONS

Zainab Alert Response and Recovery Bill was passed by Parliament. This Act is different in nature that it was brought in Parliament with the high aims to curb and control the child abuse incidents and as it is named as a Zainab Alert for recovery of missing, abducted, abused or kidnapped children in Pakistan. No one was and is against the mind and intention behind the bringing this Act. It was mentioned in statement of objects and reasons that: there is an urgent and pressing need to: (I) enact special laws to provide a speedy system of alerts, responses, recoveries, investigations, trials and rehabilitation to prevent and curb criminal activities against the children and (II) to ensure harmonization and cohesion in the workings of the new agencies and institutions established for the protection of children and already existing mechanisms within this field.

SENATOR SIRAJUL HAQ
Member-in-Charge