



House of the Federation

SENATE OF PAKISTAN

REPORT NO. 13

REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS

ON

*“The National Commission on Rights of Child (Amendment)
Bill, 2020”*

Presented by:

SENATOR WALID IQBAL
CHAIRMAN
STANDING COMMITTEE ON HUMAN RIGHTS

SENATE SECRETARIAT

Subject: REPORT OF THE STANDING COMMITTEE ON HUMAN RIGHTS.

I, Chairman of the Senate Standing Committee on Human Rights, have the honour to present this report of the Committee on "The National Commission on Rights of Child (Amendment) Bill, 2020" introduced by Senator Faisal Javed in the Senate sitting held on 27th July, 2020. The Bill, upon introduction, was referred to the Standing Committee for consideration and report.

2. The composition of the Standing Committee is as follows:-

1.	Senator Walid Iqbal	Chairman
2.	Senator Mushahid Hussain Sayed	Member
3.	Senator Muhammad Tahir Bizinjo	Member
4.	Senator Seemee Ezdi	Member
5.	Senator Mustafa Nawaz Khokhar	Member
6.	Senator Gurdeep Singh	Member
7.	Senator Abida Muhammad Azeem	Member
8.	Senator Falak Naz	Member
9.	Senator Qurat ul Ain Marri	Member
10.	Senator Kamran Michael	Member
11.	Senator Prof. Dr. Mehr Taj Roghani	Member
12.	Senator Syed Faisal Ali Subzwari	Member
13.	Minister for Human Rights	Ex-officio Member

3. The Committee considered the Bill in its meeting held on 14th March 2022, under the Chairmanship of Senator Walid Iqbal, with the following in attendance:-

1.	Senator Walid Iqbal	Chairman
2.	Senator Mushahid Hussain Sayed	Member
3.	Senator Muhammad Tahir Bizinjo	Member
4.	Senator Seemee Ezdi	Member
5.	Senator Prof. Dr. Mehr Taj Roghani	Member
6.	Senator Abida Muhammad Azeem	Member
7.	Senator Gurdeep Singh	Member
8.	Senator Falak Naz	Member
9.	Senator Faisal Javed	Mover

4. Senator Faisal Javed, being mover of the Bill, briefly explained the intent and purpose that necessitated the introduction of 'The National Commission on Rights of Child

(Amendment) Bill, 2020'. He submitted that the Bill should not be objectionable as it is aimed to secure welfare of unattended children who are currently living in deplorable conditions mostly due to the negligence of their parents or guardians. The Mover of the Bill, while citing instances of unsupervised children, added that the State is bound to protect children from violence, abuse and being neglected by anyone who looks after them. In response, the Director General Ministry of Human Rights stated that the Commission established under the National Commission for the Rights of Child Act, 2017, is merely a supervisory body and is not vested with powers to conduct criminal trials and award penalties as proposed through the Bill. The representative of the Ministry further added that Sections 328 and 328A of the Pakistan Penal Code (PPC) already cover the mischief proposed to be addressed through the Bill. Section 328 of the PPC creates the offence of exposure and abandonment of child with punishment up to seven years and Section 328A of the same Code creates another offence of cruelty to a child with punishment up to three years. Furthermore, the Islamabad Capital Territory Child Protection Act, 2018, is a comprehensive law that encompasses almost all cases of unattended children. Furthermore, representatives of the Ministry of Law and Justice who were in attendance, while agreeing with the position taken by the Ministry of Human Rights, opined that the Bill is likely to cause confusion and issues of implementation if passed in its present form.

5. The Committee thereupon observed that the Bill is an attempt to provide safeguards, care and assistance to a vulnerable segment of the society, and therefore it should not be rejected in a summary fashion. Consequently, the Chairman Committee redrafted the Bill with a view to making it serve the intended purpose, and also to harmonize its various clauses with the provisions of the original law as well as the Islamabad Capital Territory Child Protection Act, 2018. The Committee then subjected the Bill to a clause by clause consideration, and it was unanimously agreed that: (a) the definition of expression "unattended child" as proposed through Clause 2 of the Bill should be amended to bring it in conformity with the definition of same term in the Islamabad Capital Territory Child Protection Act, 2018, and (b) Clause 3 should be amended in such a way that it empowers the Commission established under original law to report cases of unattended children and unconcerned parents to the relevant authorities alongside other cases of child abuse. Ultimately, the Bill was unanimously passed by the Committee with the following amendments:

- i. In Clause 2 of the National Commission on the Rights of Child (Amendment) Bill, 2020, after paragraph (ii), the proposed definition of expression "unattended child" shall be substituted with the following, namely:




“(i) “unattended child” means a child with unknown parentage, an orphan, an abandoned, neglected, destitute or homeless child, a child not in anyone’s legal custody, or a child having a parent or guardian who willfully neglects such child’s supervision and control.”


ii. Clause 3 of the Bill shall be substituted with the following, namely:

“3. Amendment of section 15, Act XXXII of 2017. – In the said Act, in section 15, clause (e) shall be substituted with the following, namely:-

“(e) inquire into violation of child rights, including any case of an unattended child and an unconcerned parent, and recommend to the relevant agency or department initiation of proceedings in such cases.”

6. Accordingly, the Committee unanimously recommends that “The National Commission on the Rights of Child (Amendment) Bill, 2020”, as reported by the Committee, may be passed by the Senate of Pakistan. Copy of the Bill as reported by the Committee is annexed as “A” and Bill as introduced in the Senate is annexed as “B”.


(Muhammad Javed Iqbal)
Acting Secretary Committee


(SENATOR WALID IQBAL)
Chairman
Standing Committee on Human Rights

[AS REPORTED BY THE COMMITTEE]**A****Bill**

further to amend the National Commission on the Rights of Child Act, 2017

WHEREAS it is expedient further to amend the National Commission on the Rights of Child Act, 2017 (XXXII of 2017) and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act may be called the National Commission on Rights of Child (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXII of 2017. - In the National Commission on Rights of Child Act, 2017 (XXXII of 2017), hereinafter referred to as the said Act, in section 2,-

- (i) in clause (g) the word “and” occurring at the end shall be omitted;
- (ii) in clause (h) for the full stop occurring at the end semi colon and word “ ; and ” shall be substituted and thereafter, the following new clauses shall be inserted, namely:-

“(i) “unattended child” means a child with unknown parentage, an orphan, an abandoned, neglected, destitute or homeless child, a child not in anyone’s legal custody, or a child having a parent or guardian who willfully neglects such child’s supervision and control.

(j) “unconcerned parent” means any person who, being a parent or a guardian or a person for the time being having the care of a child leaves that child:-

- (i) without making reasonable provision for the supervision and care of the child; or**
- (ii) for a period which is unreasonable having regard to all the circumstances; or**
- (iii) under conditions which are unreasonable having regard to all the circumstances.”**

3. Amendment of section 15, Act XXXII of 2017. – In the said Act, in section 15, clause (e) shall be substituted with the following, namely:-

“(e) inquire into violation of child rights, including any case of an unattended child and an unconcerned parent, and recommend to the relevant agency or department initiation of proceedings in such cases.”

STATEMENT OF OBJECTS AND REASONS

For fully developed nation it should be recognized that a child is crucial component. A child, by reason of his physical, mental and emotional immaturity, is in need of special safeguards, care and assistance, after birth, to enable him to participate in and contribute positively towards the attainment of the ideals of a civil society. In this perspective the role and responsibility of the family in society is vital. Family is one who can provide the necessary assistance and fully assume their responsibilities as the source of care, support, rehabilitation and development of children in society;

2. Thus need is felt to comprehensively deliberate and legislate upon child development and exploitation of neglected children. The situation clamors to introduce the said bill.

3. The bill has been designed to achieve the above said purpose.

SENATOR FAISAL JAVED
Member In charge

^{As}
[TO BE INTRODUCED IN THE SENATE]

A

BILL

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WHEREAS it is expedient further to amend the National Commission on the Rights of Child Act, 2017 (XXXII of 2017) and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. -(1) This Act may be called the National Commission on Rights of Child (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Amendment of section 2, Act XXXII of 2017. - In the National Commission on the Rights of Child Act, 2017 (XXXII of 2017), hereinafter referred to as the said Act, in section 2,-

- (i) in clause (g) the word "and " occurring at the end shall be omitted;
- (ii) in clause (h) for the full stop occurring at the end semi colon and word " ; and " shall be substituted and thereafter, the following new clauses shall be inserted, namely:-

"(i) "unattended child" means a child who'-

- (i) has a parent or guardian who is unfit or incapacitated to exercise control over the child; or
- (ii) is beyond the parental control; or
- (iii) has lost his parents or one of the parents and has no adequate source of income; or
- (iv) is abandoned by the parents or guardian; and

(j) unconcerned Parent” means any person who, being a parent or a guardian or a person for the time being having the care of a child leaves that child-

- (i) without making reasonable provision for the supervision and care of the child; or
- (ii) for a period which is unreasonable having regard to all the circumstances; or
- (iii) under conditions which are unreasonable having regard to all the circumstances.”

3. Amendment of section 15, Act XXXII of 2017. - In the said Act, in section 15, after clause (f), a new clause (ff) shall be inserted, namely:-

“(ff) If a person, found unconcerned parent after enquiry by the commission of the unattended child, he shall be liable to punishment of simple imprisonment which may extend to six months and fine of ten thousand rupees. Whoever repeats the act of being unconcerned parents shall be punishable with simple imprisonment which may extend to three years and fine of fifty thousand rupees, unless he proves that he has reason to believe such act was not deliberate.”

STATEMENT OF OBJECTS AND REASONS

For fully developed nation it should be recognized that a child is crucial component. A child, by reason of his physical, mental and emotional immaturity, is in need of special safeguards, care and assistance, after birth, to enable him to participate in and contribute positively towards the attainment of the ideals of a civil society. In this perspective the role and responsibility of the family in society is vital. Family is one who can provide the necessary assistance and fully assume their responsibilities as the source of care, support, rehabilitation and development of children in society;

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SENATOR FAISAL JAVED
Member In charge