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**PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON HOME
REGARDING THE PUNJAB DESTITUTE AND NEGLECTED
CHILDREN (AMENDMENT) BILL 2017 (BILL NO. 17 OF 2017)**

The Punjab Destitute and Neglected Children (Amendment) Bill 2017 (Bill No. 17 of 2017) was referred to the Standing Committee on Home on 13 June 2017. The Committee considered the Bill in its meetings held on 10 and 25 July 2017.

2. The following were present:—

- | | | |
|-----|---|--------------------------|
| 1. | Makdum Syed Muhammad Masood Alam, MPA (PP-285) | Chairman |
| 2. | Rana Muhammad Afzal, MPA (PP-128) | <i>ex-officio</i> Member |
| | Parliamentary Secretary for Home | |
| | (attended on 10 July 2017) | |
| 3. | Chaudhry Lal Hussain, MPA (PP-26) | Member |
| | (attended on 25 July 2017) | |
| 4. | Ch Rafiqat Hussain Gujjar, Advocate, MPA (PP-102) | Member |
| | (attended on 10 July 2017) | |
| 5. | Major (Retd) Moeen Nawaz Warraich, MPA (PP-109) | Member |
| 6. | Haji Malik Umar Farooq, MPA (PP-7) | Member |
| 7. | Mrs Kanwal Nauman, MPA (W-321) | Member |
| 8. | Mr Awais Qasim Khan, MPA (PP-132) | Member |
| | (attended on 25 July 2017) | |
| 9. | Ch Aamar Sultan Cheema, MPA (PP-32) | Member |
| | (attended on 25 July 2017) | |
| 10. | Mrs Nighat Intisar, MPA (PP-107) | Member |
| | (attended on 10 July 2017) | |

3. Mr Javed Akhtar Mehmood, Additional Secretary (Home), Home Department, Ms Sarah Aslam, Director General, Child Protection & Welfare Board, Home Department and Mr Abid Raza, Deputy Secretary (Legislation), Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Ms Sarah Aslam, Director General (CP&WB), Home Department apprised the Committee about the aims and objects of the Bill. She stated that it was necessary to amend the Punjab Destitute and Neglected Children Act 2004 (*XVIII of 2004*) in order to strengthen it. She added that there was no mechanism for registration of organizations managing accommodations for destitute and neglected children. There were some other categories of children who were at risk

and needed state protection. New offences such as inciting child for begging and rag picking were required to be inserted. Further, punishments of existing offences needed to be revised and enhanced for better protection of children. She requested the Committee that the Bill as introduced in the House may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having the view point of the Administrative Department, Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) **LONG TITLE**

before the word "to" occurring in the beginning, the word "further" be added.

(2) **PREAMBLE**

before the word "to" occurring in line 1, the word "further" be added.

(3) **CLAUSE 2**

- (i) in the rider clause, the words "said Act" occurring in line 1, be substituted by the expression "Punjab Destitute and Neglected Children Act 2004 (XVIII of 2004)";
- (ii) in para (a), the words "to the public" be substituted by the words "or exhibiting"; and after the word and semi-colon "otherwise;" occurring at the end, the word "and" be added; and
- (iii) in para (b), the full stop occurring at the end of clause (xi) be substituted by a semi colon.

(4) **CLAUSE 4**

Clause 4 be substituted as under:-

"4. Substitution of section 24 of Act XVIII of 2004.— In the Act, for section 24, the following shall be substituted:

"24. Rescue of destitute and neglected children.— A child protection officer may take into custody a destitute and neglected child and produce him along with the complaint before a court within twenty four hours of taking the child into such custody:

Provided that a child protection officer may, before taking a child into custody examine the child to satisfy himself that he is a destitute and neglected child:

Provided further that where a destitute and neglected child is in the custody of his parent or guardian, the officer shall not take him into custody but shall in the first instance, make a report to the Court, unless the child is found begging or is a victim of an offence alleged to have been committed by his parent or guardian."

(5) **CLAUSE 5**

in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of".

(6) **CLAUSE 8**

in the rider clause, the word "amended" be substituted by the word "substituted";

(7) **CLAUSE 9**

(i) in the marginal heading, the words "Amendment in" be substituted by the words "Substitution of"; and

(ii) in the proposed section 37 of the Principal Act –

(a) the word "five" occurring in line 4, be substituted by the word "seven";

(b) the word "three" occurring in line 4, be substituted by the word "six";

(c) the word "one" occurring in line 5, be substituted by the word "three"; and

(d) the words "twenty five" occurring in line 6, be substituted by the word "fifty".

(8) **CLAUSE 10**

clause 10 be substituted as under :-

"10. Amendment in section 38 of Act XVIII of 2004.– In the Act, in section 38, for the words "shall be punished with fine which may extend to fifty thousand rupees", the following shall be substituted:

"shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than twenty five thousand rupees".

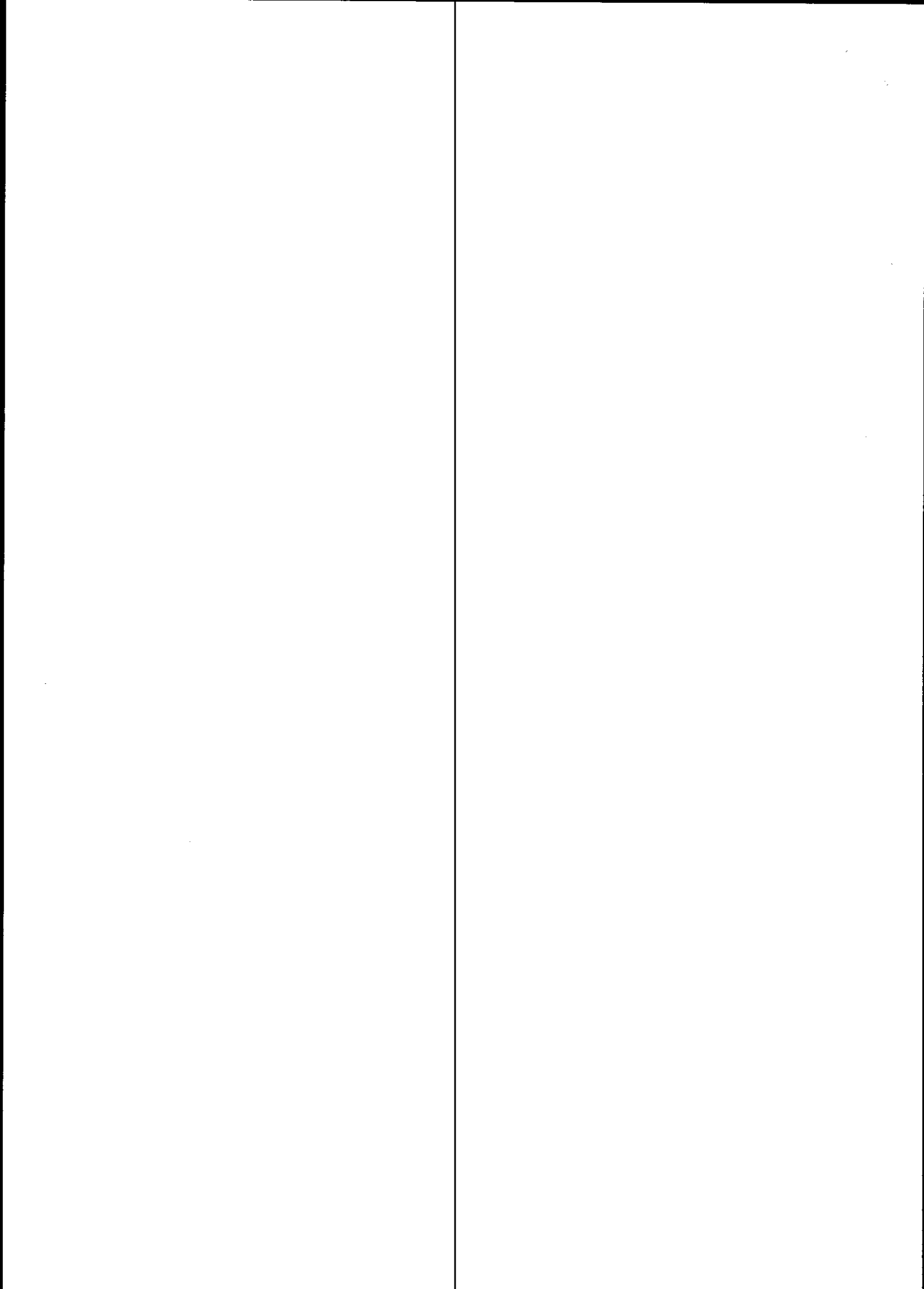
6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
25 July 2017

(MAKDUM SYED MUHAMMAD MASOOD ALAM)
Chairman
Standing Committee on Home

Lahore
25 July 2017


(RAI MUMTAZ HUSSAIN BABAR)
Secretary



(BILL AS INTRODUCED IN THE ASSEMBLY)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 17 of 2017

**THE PUNJAB DESTITUTE AND NEGLECTED CHILDREN
(AMENDMENT) BILL 2017**A
BILL*to amend the Punjab Destitute and Neglected Children Act 2004.*

It is necessary to amend the Punjab Destitute and Neglected Children Act 2004 (XVIII of 2004) for registration of organizations managing accommodation for the destitute and neglected children, including the children at risk amongst the categories of destitute and neglected children, creation of new offences and increasing penalties for the existing offences, and for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Destitute and Neglected Children (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 3 of Act XVIII of 2004.— In the said Act, for brevity cited as the Act, in section 3, in subsection (1):

(a) in clause (a), for sub-clause (ii), the following shall be substituted:

“(ii) exposing to the public any sore, wound or deformity of an influenced child or a child under coercion at any place for purposes of seeking alms or otherwise;”;

(b) in clause (k):

(i) in sub-clause (viii), after the semi colon, the word “or” shall be inserted; and

(ii) after sub-clause (viii), as amended, the following new clauses (ix), (x), (xi) and (xii) shall be inserted:

“(ix) is at risk owing to disability or child labour; or

(x) is imprisoned with the mother or is born in a jail; or

(xi) is abandoned by the parents or guardian; or

(xii) is not satisfactorily provided physical, mental and social well-being by the parent or guardian either on account of any mental ailment or for any other cause.”;

(c) for clause (n), the following shall be substituted:

“(n) “local area” means a division, district or tehsil as defined in the Punjab Land Revenue Act, 1967 (XVII of 1967);”;

(d) after clause (r), the following new clause (ra) shall be inserted:

“(ra) “protection” means shelter, maintenance, education, healthcare and well-being of a destitute and neglected child and includes assignment of custody of such a child;”

(e) in clause (s), the word “and” shall be omitted; and

(f) after clause (s), the following new clause (sa) shall be inserted:

“(sa) “rag picking” means collection, from any public place, rags, trash, waste material including any substance hazardous to the health; and”.

3. **Insertion of section 20A in Act XVIII of 2004.**— In the Act, after section 20, the following new section 20A shall be inserted:

“20A. Registration of an organization.— An organization managing accommodation for destitute and neglected children shall register itself with the Bureau within one hundred and twenty days from the commencement of this Act in the prescribed manner:

Provided that if an organization managing accommodation for destitute and neglected children does not get itself registered within the time period provided for registration under this section, the custody shall be considered unauthorized and the person in charge of the organization shall be punished under the provisions of section 34 of the Act.”.

4. **Amendment in section 24 of Act XVIII of 2004.**— In the Act, in section 24, after the words “produce him”, the words “along with the complaint” shall be inserted.

5. **Amendment in section 34 of Act XVIII of 2004.**— In the Act, for section 34, the following shall be substituted:

“34. Unauthorized custody.— If a person takes a destitute or neglected child in custody or keeps him in contravention of the provisions of this Act, he shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.”.

6. **Omission of section 35 of Act XVIII of 2004.**— In the Act, section 35 shall be omitted.

7. **Substitution of section 36 in Act XVIII of 2004.**— In the Act, for section 36, the following shall be substituted:

“36. Employing for begging.— If a person employs a child for begging or causes a child to beg or, having the custody, charge or care of a child connives at or encourages employment of the child for begging or uses a child, connives at or encourages employment of the child for begging, he shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.”.

8. **Insertion of sections 36A and 36B in Act XVIII of 2004.**— In the Act, after section 36, as amended, the following new sections 36A and 36B shall be inserted:

“36A. Sale of goods for begging.— If a person employs or incites a child to sell goods with the intention of begging, he shall be punished with imprisonment for a term which may extend to three years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.

36B. Inciting child for rag picking.— If a person employs or incites a child for rag picking, he shall be punished with imprisonment which may extend to three years but which shall not be less than

three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.”.

9. Amendment in section 37 of Act XVIII of 2004.— In the Act, for section 37, the following shall be substituted:

“37. Intoxicating a child.— If a person gives or causes to be given to any child any intoxicant or narcotic drug, except on the prescription of a doctor, he shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than twenty five thousand rupees.”.

10. Amendment in section 38 of Act XVIII of 2004.— In the Act, in section 38, for clause (iii), the following shall be substituted:

“(iii) causes or procures a child to go to such place; shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than twenty five thousand rupees.”

11. Omission of section 40 of Act XVIII of 2004.— In the Act, section 40 shall be omitted.

12. Substitution of section 42 in Act XVIII of 2004.— In the Act, for section 42, the following shall be substituted:

“42. Cognizance of offence.— An offence under this Act shall be cognizable and non-bailable.”.

STATEMENT OF OBJECTS AND REASONS

There is no mechanism for registration of organizations managing accommodations for destitute and neglected children. There are some other categories of children who are at risk and need state protection. New offences such as inciting child for begging and rag picking are required to be inserted. Further, punishments of existing offences need to be revised and enhanced for better protection of children. Hence this Bill.

MINISTER INCHARGE

Lahore:
13 June 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

**(BILL AS RECOMMENDED BY THE
STANDING COMMITTEE ON HOME AFFAIRS)**

**A
BILL**

further to amend the Punjab Destitute and Neglected Children Act 2004.

It is necessary further to amend the Punjab Destitute and Neglected Children Act 2004 (*XVIII of 2004*) for registration of organizations managing accommodation for the destitute and neglected children, including the children at risk amongst the categories of destitute and neglected children, creation of new offences and increasing penalties for the existing offences, and for incidental purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Destitute and Neglected Children (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 3 of Act XVIII of 2004.— In the Punjab Destitute and Neglected Children Act 2004 (*XVIII of 2004*), for brevity cited as the Act, in section 3, in subsection (1):

- (a) in clause (a), for sub-clause (ii), the following shall be substituted:
 - “(ii) exposing or exhibiting any sore, wound or deformity of an influenced child or a child under coercion at any place for purposes of seeking alms or otherwise; and”;
- (b) in clause (k):
 - (i) in sub-clause (viii), after the semi colon, the word “or” shall be inserted; and
 - (ii) after sub-clause (viii), as amended, the following new clauses (ix), (x), and (xi) shall be inserted:
 - “(ix) is at risk owing to disability or child labour; or
 - (x) is imprisoned with the mother or is born in a jail; or
 - (xi) is abandoned by the parents or guardian₁”;
- (c) for clause (n), the following shall be substituted:
 - “(n) “local area” means a division, district or tehsil as defined in the Punjab Land Revenue Act, 1967 (*XVII of 1967*)”;
- (d) after clause (r), the following new clause (ra) shall be inserted:
 - “(ra) “protection” means shelter, maintenance, education, healthcare and well-being of a destitute and neglected child and includes assignment of custody of such a child”;
- (e) in clause (s), the word “and” shall be omitted; and
- (f) after clause (s), the following new clause (sa) shall be inserted:
 - “(sa) “rag picking” means collection, from any public place, rags, trash, waste material including any substance hazardous to the health; and”.

3. Insertion of section 20A in Act XVIII of 2004.— In the Act, after section 20, the following new section 20A shall be inserted:

“20A. Registration of an organization.— An organization managing accommodation for destitute and neglected children shall register itself with the Bureau within one hundred and twenty days from the commencement of this Act in the prescribed manner:

Provided that if an organization managing accommodation for destitute and neglected children does not get itself registered within the time period provided for registration under this section, the custody shall be considered unauthorized and the person in charge of the organization shall be punished under the provisions of section 34 of the Act."

4. Substitution of section 24 of Act XVIII of 2004.— In the Act, for section 24, the following shall be substituted:

"24. Rescue of destitute and neglected children.— A child protection officer may take into custody a destitute and neglected child and produce him along with the complaint before a court within twenty four hours of taking the child into such custody:

Provided that a child protection officer may, before taking a child into custody examine the child to satisfy himself that he is a destitute and neglected child:

Provided further that where a destitute and neglected child is in the custody of his parent or guardian, the officer shall not take him into custody but shall in the first instance, make a report to the Court, unless the child is found begging or is a victim of an offence alleged to have been committed by his parent or guardian."

5. Substitution of section 34 of Act XVIII of 2004.— In the Act, for section 34, the following shall be substituted:

"34. Unauthorized custody.— If a person takes a destitute or neglected child in custody or keeps him in contravention of the provisions of this Act, he shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees."

6. Omission of section 35 of Act XVIII of 2004.— In the Act, section 35 shall be omitted.

7. Substitution of section 36 in Act XVIII of 2004.— In the Act, for section 36, the following shall be substituted:

"36. Employing for begging.— If a person employs a child for begging or causes a child to beg or, having the custody, charge or care of a child connives at or encourages employment of the child for begging or uses a child, connives at or encourages employment of the child for begging, he shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees."

8. Insertion of sections 36A and 36B in Act XVIII of 2004.— In the Act, after section 36, as substituted, the following new sections 36A and 36B shall be inserted:

"36A. Sale of goods for begging.— If a person employs or incites a child to sell goods with the intention of begging, he shall be punished with imprisonment for a term which may extend to three years but which shall not be less than three months and with fine

which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.

36B. Inciting child for rag picking.— If a person employs or incites a child for rag picking, he shall be punished with imprisonment which may extend to three years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than ten thousand rupees.”.

9. Substitution of section 37 of Act XVIII of 2004.— In the Act, for section 37, the following shall be substituted:

“37. Intoxicating a child.— If a person gives or causes to be given to any child any intoxicant or narcotic drug, except on the prescription of a doctor, he shall be punished with imprisonment for a term which may extend to seven years but which shall not be less than six months and with fine which may extend to three hundred thousand rupees but which shall not be less than fifty thousand rupees.”.

10. Amendment in section 38 of Act XVIII of 2004.— In the Act, in section 38, for the words “shall be punished with fine which may extend to fifty thousand rupees”, the following shall be substituted:

“shall be punished with imprisonment for a term which may extend to five years but which shall not be less than three months and with fine which may extend to one hundred thousand rupees but which shall not be less than twenty five thousand rupees”.

11. Omission of section 40 of Act XVIII of 2004.— In the Act, section 40 shall be omitted.

12. Substitution of section 42 in Act XVIII of 2004.— In the Act, for section 42, the following shall be substituted:

“42. Cognizance of offence.— An offence under this Act shall be cognizable and non-bailable.”.

