

[AS PASSED BY THE SENATE]

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

(b) "Government" means the Federal Government;

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

(d) "Un-attended orphan" means a child, below the age of fifteen years, with unknown parentage, abandoned or not in the legal custody of anyone; and

(e) "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 and other organizations.

(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 maintain a record of all the un-attended orphans.

6. Responsibility of the Government.- The Government shall, for the welfare of unattended orphans,-

- (i) provide free of cost education to every unattended orphan;
- (ii) provide books, writing materials, clothes, uniforms and other relevant articles free of cost to every unattended orphan;
- (iii) provide, free of cost, healthcare facilities to every unattended orphan;
- (iv) take custody of every un-attended orphan identified by the Government in such manner as may be prescribed;
- (v) send every identified un-attended orphan to the Child Abode;
- (vi) provide vocational training and gainful employment ,if required, to every unattended orphan; and
- (vii) take such other measures as may be necessary for the rehabilitation and welfare of an un-attended orphan.

7. Registration of unattended orphans.- (1) Every unattended orphan shall be registered in accordance with the provisions of the National Database and Registration Authority Ordinance, 2000 (ORDINANCE VIII OF 2000).

(2) For the purposes of registration, every Child Abode established under this Act or prior to this Act and every orphanage established in the private sector shall be registered with the National Database and Registration Authority (NADRA).

(3) The governing authority of a child Abode or orphanage shall, for purposes of registration as provided in sub-clause (1), designate a guardian for the children. The name, computerized National Identity Card (CNIC) Number and designation with specimen signature of the guardian shall be sent to NADRA and the same guardian will be considered as head for issuance of CNIC / Child Registration Certificate (CRC) to unattended orphans.

(4) The guardian shall submit all record, duly attested, held by Child Abuse/Orphanage to NADRA when the child was first registered with the same.

(5) In case of Unknown parentage of the child, any un-specified name of the parents shall be randomly selected through software application by NADRA.

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. 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