

As  
[INTRODUCED IN NATIONAL ASSEMBLY]

**A  
BILL**

to provide for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Islamabad Capital Territory

**Whereas** it is expedient to consolidate the law for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Islamabad Capital Territory other than those involved in criminal litigation;

It is hereby enacted as follows:-

**PART I PRELIMINARY**

**1. Short title, extent and commencement.**— (1) This Act may be called the Islamabad Capital Territory Destitute and Neglected Children Act 2021.

(2) It shall come into force at once

**3. Definitions.**— (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) “begging” means—

- i. soliciting or receiving alms in a public or private place;
- ii. exposing or exhibiting any sore, wound, injury, deformity or disease with the object of obtaining or extorting alms; and
- iii. having no visible or known means of subsistence and found wandering about with the ostensible object of soliciting or receiving alms;

(b) “Board” means Board of Governors established under section 6 of this Act;

(c) “brothel” means any house, part of a house, room or place in which a prostitute carries on prostitution or any place or institution where facilities are known to be available for prostitution;

(d) “Bureau” means Child Protection and Welfare Bureau established under section 5 of this Act;

(e) “child” means a natural person who has not attained the age of eighteen years;

(f) “child protection institution” means an institution for the admission, care, protection and rehabilitation of destitute and neglected children established or recognized under this Act or the rules;

(g) “child protection officer” means a person appointed under section 15 of this Act;

(h) “child protection unit” means a child protection unit established by the Bureau for a local area under section 16;

(i) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);

(j) "Court" means a Child Protection Court established or any Court exercising powers of a Child Protection Court under this Act;

(k) "destitute and neglected child" means a child who—

- i. is found begging; or
- ii. is found without having any home or settled place of abode and without any ostensible means of subsistence; or
- iii. has a parent or guardian who is unfit or incapacitated to exercise control over the child; or
- iv. lives in brothel or with a prostitute or frequently visits any place being used for the purpose of prostitution or is found to associate with any prostitute or any other person who leads an immoral or depraved life; or
- v. is being or is likely to be abused or exploited for immoral or illegal purpose or unconscionable gain; or
- vi. is beyond the parental control; or
- vii. has lost his parents or one of the parents and has no adequate source of income; or
- viii. is victim of an offence punishable under this Act or any other law for the time being in force and his parent or guardian is convicted or accused for the commission of such offence;

(l) "Fund" means the Destitute and Neglected Children's Welfare Fund established under section 18 of this Act;

(m) "Government" means the Federal Government's Interior Department;

(n) "local area" means an area under city's district government as defined under the ICT Local Government Act 2015;

(o) "Member" means Member of the Board;

(p) "narcotic drug" means any article defined as "narcotic drug" in the Control of Narcotic Substances Act, 1997 (XXV of 1997);

(q) "prescribed" means prescribed by the rules;

(r) "Prostitution" means illegal sexual intercourse for hire, whether for money or kind;

(s) "ICT" means the Islamabad Capital Territory; and

(t) "suitable person" means a person suitable for the custody of the destitute and neglected child.

(2) Words and expressions used herein and not defined in this Act but defined in the Code or the Juvenile Justice System Ordinance, 2000 (XXII of 2000) shall have the meanings respectively assigned to them in that Code or the Ordinance.

**4. Initiation of proceedings about child under Part VII of this Act.**— (1) Proceedings under Part VII of this Act can only be initiated about a child who has not attained the age of fifteen years notwithstanding that during the course of such proceedings he may have attained the age of fifteen years.

(2) In case of any dispute as to the age of a child, the Court shall decide the same in the first instance.

**5. Establishment of the Bureau.**— (1) As soon as may be after the commencement of this Act, the Government shall establish a bureau to be known as the Child Protection and Welfare Bureau.

(2) The Bureau shall be a body corporate, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire land in accordance with law and hold properties both movable and immovable and may sue and be sued by the said name.

(3) The Government may transfer state land or building, free of cost, to be utilized for the purpose for which the Bureau is established.

**6. Board of Governors.**— (1) The Bureau shall have a Board of Governors comprising the following:-

(a) Minister for Interior-Patron-in-Chief

(b) Secretary to the Government, Interior Department-Member

(c) Secretary to the Government Local Government Department-Member;

(d) three Members of the National Assembly to be appointed by the Government, two from the treasury benches and one from the opposition; provided that the Leader of the Opposition shall nominate the Opposition Member-Members;

(e) two donors or representatives of donor agencies to be appointed by the Government for a term of four years-Members;

(f) two professors of sociology, psychology or related social sciences to be appointed by the Government for a specified term-Members;

(g) six persons to be appointed by the non-official Government for a term of four years-Members; and

(h) Director General. Member/Secretary

(2) The Government shall not appoint a person as non-official Member unless he—

(a) holds a Master's Degree, or equivalent or a higher Degree; and

(b) has at least five years' experience in the related field.