

EXTRAORDINARY
GOVERNMENT



REGISTERED NO. P.III
G A Z E T T E

KHYBER PAKHTUNKHWA

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PROVINCIAL ASSEMBLY SECRETARIAT,
KHYBER PAKHTUNKHWA

NOTIFICATION

Dated Peshawar, the 27th December, 2018.

No. PA/Khyber Pakhtunkhwa/Bills-4/2018/13585-The Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Bill, 2018 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 18th December, 2018 and assented to by the Governor of the Khyber Pakhtunkhwa on 24th December, 2018 is hereby published as an Act of the Provincial Legislature of the Khyber Pakhtunkhwa.

THE KHYBER PAKHTUNKHWA CHILD PROTECTION AND WELFARE (AMENDMENT) ACT, 2018. (KHYBER PAKHTUNKHWA ACT NO.XIII OF 2018)

*(first published after having received the assent of the Governor of the
Khyber Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa
(Extraordinary), dated the 27th December, 2018).*

**AN
ACT**

*further to amend the Khyber Pakhtunkhwa Child Protection
and Welfare Act, 2010.*

WHEREAS it is expedient further to amend the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 (Khyber Pakhtunkhwa Act No. XIII of 2010), for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Child Protection and Welfare (Amendment) Act, 2018.

(2) It shall come into force at once.

2. Amendment of section 2 of Khyber Pakhtunkhwa Act No. XIII of 2010.---
In the Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010 (Khyber Pakhtunkhwa Act No. XIII of 2010), hereinafter referred to as the said Act, in section 2, in sub-section (1), in clause (u), after the word “education”, the comma and word “, health” shall be inserted.

3. Amendment of section 3 of Khyber Pakhtunkhwa Act No. XIII of 2010.---
In the said Act, in section 3,—

(i) in sub-section (4), after clause (g), the following new clause shall be inserted, namely:

“(g-i) Secretary to Government, Ex-Office
Health Department or his Member”; and
nominee not below the rank
of Deputy Secretary;

(ii) in sub-section (6), after the word “having”, the word and comma “financial,” shall be inserted.

4. Amendment of section 4 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 4,-

(i) in sub-section (1), in clause (p), the word “and” appearing at the end shall be deleted; and

(ii) the “full stop” appearing at the end of clause (q) shall be replaced by a semi-colon and thereafter the following new clauses shall be added, namely:

“(r) to create, re-designate or abolish posts which are necessary for the discharge of its functions, functions of the Child Protection Unit and Child Protection Institutions:

Provided that creation of fresh posts shall be made in consultation with Finance Department of Government; and

(s) to make regulations for post employment benefits and health and life insurance during service of its employees.”.

5. Amendment of section 5 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 5,-

(i) for sub-section (5), the following shall be substituted, namely:

“(5) The term of the office of Chief Protection Officer shall be three years which may be extended by Government on the recommendation of the Commission, for another term of three years:

Provided that Chief Protection Officer may resign, during the term of his office, by tendering his resignation in writing to Government:

Provided further that on the advice of the Commission, Government may on ground of inefficiency or misconduct and in accordance with the prescribed procedure, terminate the services of the Chief Protection Officer.”; and

- (ii) after sub-section (5), as so substituted, the following new sub-section shall be inserted, namely:

“(6) If the post of the Chief Protection Officer become vacant due to the completion of tenure, resignation, death, suspension, removal or for any other reason, the Senior most officer of the Commission shall act as Chief Protection Officer till the appointment of another Chief Protection Officer:

Provided that the procedure for selection of Chief Protection Officer shall be completed within the period of four months.”.

6. Substitution of section 9 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, for section 9, the following shall be substituted, namely:

“9 Child Protection Unit.---(1) The Commission shall establish Child Protection Unit at District level, which shall work under their administrative control.

(2) The Social Welfare Officer of the District concerned shall be the incharge of the Child Protection Unit, who shall be assisted by Child Protection Officers, to be appointed by the Commission as provided under section 11 of this Act.

(3) The Child Protection Officer shall be assisted by such other staff to be appointed by the Commission, on such terms and conditions, as may be prescribed.”.

7. Amendment of section 11 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 11,-

- (i) in sub-section (1) for the words “rules”, the words “regulations” shall be substituted;
- (ii) in sub-section (2), in the proviso, at clause (e), for the word “Government”, the word “Commission” shall be substituted; and
- (iii) for sub-section (4), the following shall be substituted, namely:

“(4) The Child Protection Officer or any other official authorized by the Chief Protection Officer in writing, may register First Information Report or file complaint against any person, who has committed an offence under this Act.”.

8. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 13, for sub-section (2), the following shall be substituted, namely:

“(2) The Fund shall consist of grant-in-aid, donations, endowment, fee and bequest, received from any source by the Commission and shall be utilized for the purpose of this Act and running all the affairs of the Commission and Child Protection Units.”.

9. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 14,-

(i) in sub-section (1), the “full stop” appearing at the end shall be replaced with “colon” and thereafter, the following proviso shall be inserted, namely:

“Provided that till notification of the financial rules or regulations, the Fund shall be utilized in accordance with the prevailing rules of Government.”; and

(ii) after sub-section (2), the following new sub-sections shall be added, namely:

“(3) The Commission may keep money in any treasury, sub-treasury or a bank as may be prescribed.

(4) The Fund shall be audited by the Auditor General of Pakistan.”.

10. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. XIII of 2010.---In the said Act, in section 21, for the word “directs”, the word “direct” shall be substituted.

BY ORDER OF MR. SPEAKER
PROVINCIAL ASSEMBLY OF KHYBER
PAKHTUNKHWA

(NASRULLAH KHAN KHATTAK)
Secretary
Provincial Assembly of Khyber Pakhtunkhwa