

THE SINDH CHILD MARRIAGE RESTRAINT RULES, 2016

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The Sindh Child Marriages Restraint Rules, 2016

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**GOVERNMENT OF SINDH
WOMEN DEVELOPMENT DEPARTMENT**

Karachi dated the 22nd March, 2016

NOTIFICATION

NO.SO(WI))/ W1JU/Z-1UU/2016: In exercise of the powers conferred by Section 10 of the Sindh Child Marriages Restraint Act, 2013 (Sindh Act No. XV of 2014), the Government of Sindh are pleased to make the following Rules namely: -

**Chapter-I
PRELIMINARY**

1. **Short title and commencement-** (1) These rules may be called 'The Sindh Child Marriages Restraint Rules, 2016'.
 - (2) They shall extend to the whole province of Sindh
 - (3) They shall come into force at once.

2. **Definitions.** - In these rules, unless there is anything repugnant in the subject or context.
 - (a) "Act" means 'The Sindh Child Marriages Restraint Act, 2013 (**Sindh Act No. XV of 2014**).
 - (b) "Child Protection Institute" means any such government facility or registered voluntary organization established for the admission, care, protection and rehabilitation of persons, particularly children and women and may include remand houses, shelter homes, brostral institutions etc.
 - (c) "Child Victim" means a person below the age of 18 who is a contracting party in a child marriage
 - (d) "Code" means Code of Criminal Procedure 1898 (Act V of 1 898)
 - (e) "Committee" means District Monitoring Committee constituted under this Act.
 - (f) "Court" means court of the Judicial Magistrate of the First Class
 - (g) "CNIC" means Computerized National Identity Card
 - (h) 'Facilitation' means making an action or process easier or providing help and assistance in the Provincial Committee of an action or process
 - (i) "Faith" means religion
 - (j) "Government" means Provincial Government of Sindh
 - (k) "Informed and voluntary consent" means consent which is given freely without any coercion, undue influence. fraud or misrepresentation by an adult with full knowledge of the implications of the consent and any alternatives;
 - (l) "Monitoring Committee on Child Marriage" mean a committee constituted under these rules;

- (m) "spouse" means husband or wife;
(n) "relatives" means any person related to the child through blood, kinship or marriage;

(2) The words and expressions used but not defined in these rules shall have the same meanings respectively assigned to them in the Act.

Chapter II: Age of Contracting Parties and Persons Liable Under the Act

3. **Ensuring Age of Parties.** - (1) Any person performing, conducting or solemnizing the marriage must ensure that the bride and the bridegroom are aged 18 or above as per the Act.

He shall provide a signed affidavit stating that he has satisfied himself about the age of the contracting parties as not being less than 18 years. Such affidavit shall be attached with the nikkahnama.

(2) An attested copy of a valid CNIC of both contracting parties shall be attached with the nikkahnama, marriage contract or any other documentation having the same effect.

Explanation: The copies of the CNIC may be attested by a Nikah Registrar having license under Section 5 of Muslim Family Laws Ordinance, 1961 and attached with nikkahnama for registration of marriages.

(3) If a CNIC of either party to the marriage is not available, the parties may attach a medical certificate verifying the age of the parties.

(4) Any person or institution providing a medical certificate verifying age of a person shall sign and provide an affidavit stating that he has satisfied himself about the age of the person examined. Such affidavit shall be attached with the nikkahnama, marriage contract or any other document having the same effect.

(5) Fabricating of false evidence, statement or affidavit shall be liable to prosecution as per the Pakistan Penal Code 1860 (Act XIV of 1860)

4. **Performing, conducting, directing, bringing about or facilitating a Child Marriage.** - As per section 4 of the Act, any person who may perform, conduct, direct, bring about or facilitate a child marriage is liable to punishment under the Act. This may include parents of the contracting parties, relatives of the child, the Nikahkhan

or any person solemnizing the marriage, those providing the space or premises where the marriage is contracted and celebrated etc.

Chapter - III Mechanism of Complaints

5. **Complaint to the Magistrate.** - (1) Any person may lay an application before the Court of a Judicial Magistrate of First Class that a child marriage is going to be arranged, or is about to be solemnized or has been solemnized.

(2) An application can be laid down in any of the following jurisdictions: -

- (i) where the child victim resides;
- (ii) where the accused resides or works;
- (iii) the location where the child victim may be residing at during pendency of the trial

(3) The Court shall proceed according to the provisions laid down in rule 7 of these rules:

Provided that this provision is in addition to the existing process of the Criminal Procedure Code 1898:

Provided further that the Court may take cognizance of any complaint or First Information Reports registered with the police.

(4) Where an application is filed under section 7(1) of the Act. the Court may issue notices as per the Civil Procedure Code 1908 and the Code of Criminal Procedure 1898 by all three modes at once, namely, through Bailiff, pasting and publication all at once and if notice is served by any of these modes, the notice shall be deemed to have been served.

6. **Complaint to the Police.** - (1) The provisions of the Code of Criminal Procedure 1898 (Act V of 1898) shall be applicable to any complaints made or First Information Reports registered under the Act unless expressly provided otherwise in the Act or these Rules.

(2) Any police officer failing to register or investigate a case of child marriage based on a complaint brought before him shall be liable to offences under the Pakistan Penal Code, 1860 (Act XLV of 1860).

7. **Provisions of Criminal Procedure Code 1898 to Apply.** Except as expressly provided under the Act or these Rules, the procedure to be followed shall be in

accordance with the provisions of the Code of Criminal Procedure.

Chapter VI -Rescue, Custody And Special Procedures for Victims of Child Marriage

8. **Rescue and recovery of child victim.** - A police officer or any person given such authority under the law upon receiving information that a child marriage is going to be arranged or solemnized or has been solemnized. may upon investigation take into custody a child alleged to be the victim of child marriage and produce her or him before the Court within twenty-four hours of taking the child into such custody:

Provided that where a child is in the custody of her or his parent or guardian and the parent or guardian are not alleged offenders under the Act, the officer shall not take her or him into custody but shall in the first instance, make a report to the Court:

Provided further that the first proviso shall not be applicable in case of where the alleged accused is a parent or guardian or any other person in any capacity, lawful or unlawful.

Provided that where the child is of another faith from that of her or his spouse or intended bridegroom or bride, she or he immediately be taken into custody in the first instance.

9. **Warrant to search for child - (1)** If it appears to a Court from information received on oath or solemn affirmation laid by any person who, in the opinion of the Court, is acting in the interest of the child that there is reasonable cause to suspect that an offense has been or is being committed or unless immediate steps be taken will be committed in respect of the child, the Court may make orders to any police officer or any person authorized under the law' to search for such child and if it is found that the child is a victim or intended victim of child marriage, to remove her or him and deal with her or his custody in accordance with the provisions of these Rules and in the best interests of the child.

(2) The officer executing the warrant shall be accompanied by the person laying the information, if such person so desires and may also, if the Court by whom the warrant is issued so directs, be accompanied by the police or any person so authorized by the law or Court or by both.

(3) The Court issuing a warrant under this rule may in its discretion by the same warrant direct that any person accused of any offense in respect of the child be apprehended and brought before it, or direct that if such person executes a bond with

sufficient sureties for his attendance before the Magistrate at a specified time and thereafter until otherwise directed by the Magistrate, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

10. **Temporary custody;** - (1) Where a child victim is taken into custody in accordance with rule 8 and rule 9, she or he shall immediately be produced before the Court and if immediate production of the child before the Court is not possible due to any reason, shall immediately be taken to the nearest child protection institution for temporary custody till her or his production before the Court within the stipulated time.

(2) Where the child victim is of another faith than her or his spouse, intended bridegroom or bride, she or he shall be given temporary custody in a child protection institution during the pendency of the trial for the best interests of the child.

(3) While providing temporary custody as per sub-rule (2), the court may use its discretion and, in the best, -interest of the child and in the interest of security, withhold the information of the location of the child from any person with the exception of necessary official personnel.

(4) Any person who discloses the location of the child victim shall be liable to penalties as contempt of court as under the Contempt of Court Act 1976 (Act No. LXIV OF 1976) and any other penalties deem fit by the Court.

(5) The child may be allowed to meet her or his parents, guardians, husband, intended bridegroom or in laws only upon her or his informed voluntary written consent in the best interests of the child.

Provided that any such meeting shall be supervised by a police officer, senior employee of (he child protection institution or any other person authorized by the court.

Provided further that any such meeting may be given police protection at the discretion of the court.

11. **Court may direct production of child by parent or guardian.** - The Court to which a report is made under the first proviso of rule 8, may; -

- (i) call upon such parent or guardian to produce the child before it and show cause why the said child should not, during the pendency of the proceedings, be removed from their custody; and may order the child to be admitted in a child protection institution or on suitable surety being offered for the safety of such child and for her or him being brought

before it, permit the child to remain in the custody of her or his parent or guardian: or

(ii) if it appears to the Court that the child is likely to be removed from the jurisdiction of the Court or is concealed, may issue a search warrant for the production of the child, and order her or his immediate admission to a child protection institution.

12. Examination of person producing or reporting. - (1) The Court before which a child is brought under rule 8 or is produced under rule 1, I shall examine on oath the person who has brought the child or made the report and record the substance of such examination and may order the admission of the child to a child protection institution pending any further inquiry, if any in the best interests of the child.

(2) On the date fixed for the production of the child or for the inquiry or on any subsequent date to which the proceedings may be adjourned, the Court shall hear and record substance of the evidence which may be adduced and consider any cause which may be shown why an order directing the child to be admitted to a child protection institution or be given in the care of a suitable person should not be passed in the best interests of the child.

13. Special Circumstances to be adopted; - (1) In situations where the child is not of the same faith as her or his spouse, intended bridegroom or bride, special measures may be put in place during the investigation and trial of the matter at the discretion of the court and in the best interests of the child. These special measures may include but not be limited to: -

- (i) holding the trial in a different and secure location;
- (ii) withholding the location of the child from any person with the exception of necessary official personnel;
- (iii) any person who makes known the child's location be liable to legal action against them;
- (iv) taking the child's statement and evidence outside the court premises and in a secure location;
- (v) providing police protection during transport of the child victim from court or the location where her or his statement may be recorded;
- (vi) passing an order or injunction to prohibit a child marriage; removal of child from jurisdiction of the court or police station or any other necessary order as per the circumstances.
- (vii) initiate immediate and fast-tracked divorce proceedings if the accused is found guilty upon the informed and voluntary consent of the child victim.

(2) The Court shall take appropriate measures to provide adequate security to the prosecution witnesses, investigating officers', prosecutors, the child victim, her or his family and the Judges during the pendency of investigation and trial, and if necessary, post the trial.

(3) The Court may use its discretion, with permission from the Chief Justice, High Court of Sindh, to transfer the case to the jurisdiction of another Court or Province if due to the insecurity or the political situation in the local area may result in difficulty of ensuring the safety of persons involved in the investigation and trial or where there is fear that there cannot be a Fair Trial as understood by Article 10 of the Constitution of the Islamic Republic of Pakistan 1973.

(4) In case of transfer of a case as per sub-rule (3), it may not be necessary for the new Court to recall any witness or again record any evidence that may be needed.

14. **Presence of Persons in cases involving a Child.** - No person shall be present at any sitting of a Court involving a case of a child with the exception of those identified in these rules hereunder: -

- (i) the members and officers of the Court;
- (ii) the parties to the case before the Court and other persons directly concerned in the case including the police officers: and such other persons as the Court specially authorizes to be present.

15. **Withdrawal of Persons from Courts.**- If at any stage during the course of a trial of a case or proceeding, a Court considers it expedient in the best interest of the child to direct any person, including the parent, guardian or the child's spouse or intended bride or bridegroom or the child herself or himself to withdraw, the Court shall be entitled to give such direction and thereupon such person shall withdraw. If any person refuses to withdraw, the Court may take steps to remove him and hold him in contempt of court as under the *Contempt of Court Act-1976 (Act No. LXIV OF 1976)*.

16. **Withdrawal of persons from Court when child is examined;** - (1) If at any stage during the course of a trial of a case, a child is examined, any court trying the case or holding the proceeding may direct such persons as n thinks 111. not being parties to the case or proceeding their legal advisors and the officers concerned with the case or proceeding, to withdraw, such persons shall then withdraw. If any person refuses to withdraw', the Court may take steps to remove him and hold him in Contempt of Court as per (Act No. LXIV OF 1976).

(2) The Court may use its discretion and allow' the examination of the child to be conducted in camera, in another secure location or through video link or employ

any other such means, if necessary, in the best interests of the child.

Provided that if the child is of another faith than her or his spouse, intended bridegroom or bride, the examination of the child shall be conducted in the manner identified in sub-rule (2).

(3) *Dispensing with Attendance of Child.* If at any stage during the course of the trial of a case or proceeding, a Court is satisfied that the attendance of a child is not essential for the purposes of the hearing of the case or proceeding, the Court may dispense with her or his attendance and proceed with the trial of the case in the absence of the child.

(4) *Prohibition on Publication of Names, Addresses of Children Involved in Cases or Proceedings.* No report in any newspaper, magazine or news sheet of any case or proceeding in any Court under these in which a child is involved shall disclose the name, address or school or include any particulars calculated to lead directly or indirectly to the identification of any such child, nor shall any picture be published as being or including a picture of any such child in the best interests of the child.

Provided that for reasons to be recorded in writing, the Court trying the case or holding the proceeding may permit the disclosure of any such report, if in its opinion such disclosure is in the interest of child welfare and is not likely to affect adversely the best interest of the child concerned.

(5) *Entrustment of the custody of child victim.* - (1) If the Court is satisfied that the child brought before it is a victim of child marriage and that it is expedient to deal with her or him, the Court may order in the best interest of the child, that he or she be admitted to a child protection institution or her or his custody be entrusted to a suitable person, who is able and willing to look after the child, until such child attains the age of eighteen years, or in exceptional cases for a shorter period.

(2) The Court which makes an order for entrusting a child in the custody of a suitable person may, when making such an order, require such person to execute a bond, with or without sureties, as the Court may direct, undertaking to be responsible for the care, education and well-being of the child and for the observance of such other conditions as the Court may impose for ensuring welfare of the child.

(3) The Court making an order for entrusting the custody of a child to a suitable person under this rule, may order submission of periodical reports as to the welfare of the child to the Court by an authorized officer.

- (4) The Court may from time to time during the custody of a child by an authorized person, compel the production of the child in the Court to satisfy itself that the conditions of such custody are being carried out.
- (5) If at any time it appears to the Court, from information received from any source that there has been a breach of any condition contained in the bond, it may, after making such inquiry as it deems fit, order the child to be admitted into a child protection institution or be entrusted to the custody of any other suitable person.

20. Sending of child having place of residence outside jurisdiction - (1) In the case of a child victim of child marriage whose ordinary place of residence is not within the jurisdiction of the Court, the Court may direct that the child shall be kept in such custody and be produced before a Court having territorial jurisdiction over the place of residence of the child or to deal with her or his custody in any other manner provided in the Rules.

(2) Where a child is produced before a Court on the direction of any other Court passed under the foregoing provision of this rule, such Court may regulate the custody of the child as if the child had been produced before it in terms of rule 8 or rule 11 of these Rules.

21. Period of custody. - Subject to any order of the Court, a child ordered to be admitted to a child protection institution shall be kept in such custody till he or she attains the age of eighteen years in the best interest of the child.

22. Contribution of parents. - (1) Where an order has been made for the admission of a child into child protection institution or giving the custody of the child to a suitable person, the Court may direct a parent or guardian, in a suitable case, to pay maintenance of the child at such rates as may be determined by the Court:

Provided that while passing any such order, the Court shall take into consideration the capacity of the parent or guardian to pay maintenance.

(2) In case of non-compliance of the direction for the payment of maintenance issued under sub-rule (1), the Court may recover the amount from the parent or guardian as arrears of land revenue or directly from the place of employment of parent or guardian.

23. Monitoring of Child Protection Institutes. - Child Protection Institutes shall be monitored as per procedures laid down in Sindh Children Act 1955 (**Act XII of 1955**) and any other mechanisms or rules laid down by the Child Protection Authority

formed by the Child Protection Authority Act 20 11 (XIV Of 201 I) or (Government, as the case may be.

Chapter- IV

Provincial Monitoring Committee on Child Marriage

24. Establishment of the Provincial Monitoring Committee on Child Marriage. -

(1) Government shall constitute a Committee to be called as the Monitoring Committee on Child Marriage (hereby referred to as “Provincial Committee”), which shall be established in Karachi to exercise the powers conferred upon, and to perform the functions assigned to it.

- (2) The Provincial Committee shall consist of a Chairperson and eighteen Members.
- (3) The Secretariat of the Provincial Committee shall lie with the Women Development Department, Government of Sindh.
- (4) The Chairperson shall be the Secretary of the Women Development Department.
- (5) The Members of the Committee shall include -
 - (i) The Additional Secretary of the Women Development Department, who shall be the Secretary of the Committee.
 - (ii) Seven (7) ex-officio members who shall be representatives of the Departments of Law, Finance, Social Welfare, Home. Human Rights. Education and Health, not below the rank of Additional Secretary, and who shall not have the right to vote;
 - (iii) Provincial Ombudsperson for Protection Against Sexual Harassment;
 - (iii) Chairperson, Sindh Commission of Human Rights;
 - (iv) Chairperson, Sindh Commission on the Status of Women;
 - (v) Representative of the Child Protection Authority;
 - (vi) Two eminent persons of civil society;
 - (vii) Two persons of the legal fraternity, one of whom shall be nominated by the Sindh Bar Council;
 - (viii) Two persons of the media to be nominated by Government.

Provided that at least one-third of the members shall be women.

25. Appointment of Members of the Provincial Committee. - The Women Development Department, Government of Sindh in consultation with the Sindh Human Rights Commission shall compile a list of candidates fulfilling the qualifications identified in rule 26, and present them to the Secretary Women Development Department, who shall notify the Provincial Committee.

26. **Qualification of members:** - (1) The ex-officio members and their delegated representatives shall not be below the rank of Deputy Secretary.

- (2) Members from civil society shall have at least ten (10) years of experience working on human rights and children's issues.
- (3) The member nominated by the Sindh Bar Council shall have at least ten (10) years' experience working on human rights cases and cases involving children's issues.
- (4) The member of the legal fraternity not nominated by the Sindh Bar Council shall have at least ten (10) years' experience working on children's rights.
- (5) Members from the media shall have at least ten (10) years' experience working, reporting or researching on children's rights and issues.
- (6) Members of the Provincial Committee shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860):

27. **Term of Office of Member of the Committee.** - (1) A person appointed as a Member of the Provincial Committee shall hold office for a term of three years from the date on which he or she enters upon his or her office which shall be extendable for further one term only.

(2) The Member may resign his or her office in writing under his or her hand addressed to Chairperson of the Provincial Committee and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.

28. **Removal of Members.** - The Members may be removed from office by the Chief Minister if he or she, as the case may be -

- (a) is, after proper inquiry, found guilty of misconduct;
- (b) is adjudged an insolvent;
- (c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;
- (d) does not attend two consecutive meetings without a justifiable reason; and
- (e) has, on conviction of any offence involving moral turpitude, been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.

Explanation. - "Misconduct" shall include behavior which is found to be discriminatory or biased against women.

Explanation-II: An inquiry shall be carried out into any charge of 'misconduct' by two members of the Committee and one independent member.

29. **Acting Chairperson.** - By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the Chief Minister shall appoint the another woman from amongst the members of the Provincial Committee to act as Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

- (2) The Women Development Department shall have the administrative – and financial responsibility of the Committee.
- (3) There shall be a separate desk, office for record keeping and staff within the Women Development Department at Karachi.
- (4) Extra staff may be hired by the Women Development Department if and when deemed necessary.

31. **Role and Responsibilities of the Committee.** - The role and responsibility of the Provincial Committee shall include -

- (a) review from time to time the existing provisions of the law of Sindh Child Marriage Restraint Act 2013, and other laws related to child marriage and suggest amendments therein, if any;
- (b) call for specific studies or investigation into specific incidence of child marriage;
- (c) look into complaints and take *suo moto* notice of matters relating to child marriage and the non-implementation of the law;
- (d) participate and advise on the planning process for securing a safe environment free of child marriages; and
- (e) mobilize grants from domestic and international sources in order to meet any of its obligations and for the performing of its functions;
- (f) oversee the functioning of the District Watch Committees; and
- (g) any other functions that may be necessary to achieve the objectives of the Act and these rules.

32. **Functioning of the Provincial Committee.** - (1) The Committee shall meet at least quarterly at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

- (1) All decisions of the Provincial Committee shall be authenticated by the signature of the Chairperson or any person authorized in this behalf b) the Chairperson.
- (2) The quorum for the meeting of the Provincial Committee shall not be less

than one third of the total voting strength of the Provincial Committee.

- (3) The decisions of the Provincial Committee shall be taken by the majority of the members present and in case of a tie, the Chairperson of the meeting shall have the casting vote.
- (4) No act or proceeding of the Provincial Committee shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Provincial Committee.
- (5) While inquiring into complaints of violations of women's rights, the Provincial Committee may call for information or report from departments of Government, civil society organizations and autonomous or concerned bodies: and in this regard the Committee shall have the powers vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908) for enforcing the attendance of any person and compelling the production of documents.

33. **Annual Report of the Provincial Committee.** - (I) The Provincial Committee shall prepare its Annual Report which shall be presented to the Chief Minister and concerned Department. The Annual report shall include an account of its performance and utilization of funds.

(2) The Annual Report of the Provincial Committee shall be laid and discussed in the Provincial Assembly.

34. **Assistance to the Provincial Committee.** - All executive authorities of Province and departments shall assist the Committee in the performance of its functions.

Chapter - IV District Monitoring Committees

35. **Establishment of the District Monitoring Committees** - (I) The Women Development Department shall constitute a District Monitoring Committees in each district referred to as "the District Committee"), which shall be established in each district to exercise the powers conferred upon, and to perform the functions assigned to it by Women Development Department.

(2) The District Committee shall consist of minimum eleven members but not more than fourteen members.

(3) The Chairperson of the District Committee shall be the Deputy Commissioner of the concerned District.

(4) The Members of the District Committee shall include -

- (i) District Officer of Women Development Department, who shall be the Secretary of (he District Committee;
 - (ii) District Officers of the Education, Health. Social Welfare not below the rank of BPS-17
 - (iii) Representatives from Police Department not below the rank of DSP;
 - (iv) Officer / in charge of Child Protection Unit;
 - (v) One advocate having experience in the child rights nominated by the District Bar Council;
 - (vi) Two members from Civil Society Organizations;
 - (vii) One member from media;
 - (viii) One member from minority;
 - (ix) Member(s) of the Domestic Violence Protection Committee Probation Officer; and
 - (x) any other person notified by the Women Development Department
- Provided* at least one-third of the Committee shall consist of women.

36. Appointment of Members of the Committee. - (1) The Women Development Department through its district offices shall compile a list of candidates fulfilling the qualifications identified in rule 27, and present them to the Secretary of Women Development Department who shall make a final selection in consultation with the Provincial Committee.

(2) If, for any reason whatsoever a person identified in the sub-rule (I) is not available in a district, the Women Development Department in consultation with the Committee shall appoint any other person in their place on the basis of a majority vote.

37. Acting Chairperson. - By reason of a vacancy in the office of Chairperson due to death, illness, resignation or otherwise, the District Committee shall through majority vote appoint another person from amongst the members of the District Committee to act as the Chairperson for a period of not exceeding thirty days or until the appointment of a new Chairperson, whichever is earlier.

38. Qualification of Members. -Members of the District Committee must have the following qualifications: -

- (i) Members from civil society and minority member shall have at least ten

years of experience working on human's rights and issues with a focus on children;

- (ii) The member nominated by the District Bar Association shall have at least ten years' experience working on human rights cases and cases involving child rights'
- (iii) Members from the media shall have at least ten years' experience working, reporting or researching on human rights and child rights issues;
- (iv) Members of the Committee shall be deemed to be public servants within the meaning of section 21 of the **Pakistan Penal Code (Act XLV of 1860)**.

39. Term of Office of Member of the Committee. - (1) A person appointed as a Member of the District Committee shall hold office for a term of three years from the date on which he or she enters upon his or her office. The term of the office may be extended only once.

(2) The Member of the District Committee may resign his or her office in writing under his or her hand addressed to Chairperson of the District Committee and on acceptance of such resignation; such vacancy shall be filled within thirty days for the unexpired term of the member.

40. Removal of Chairperson and Members. - The Members may be removed from office by the Minister. Social Welfare if he or she, as the case may be, is, **after** proper inquiry, found guilty of misconduct:

- (b) is adjudged an insolvent;
- (c) is unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;
- (d) does not attend two (2) consecutive meetings without a justifiable reason; and
- (e) has, on conviction of any offence involving moral turpitude, been sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his or her release.

Explanation: "Misconduct" shall include behavior which is found to be discriminatory or biased against children.

Explanation-11: An inquiry shall be carried out into any charge of 'misconduct' by two members of the Provincial Committee and one (1) independent member.

41. Secretariat of the Committee. -(1) The Secretariat of the District Committee shall lie with the Women Development Department.

- (2) The Women Development Department shall have the administrative and financial responsibility of the District Committee.
- (3) There shall be a separate desk, office and staff for record keeping and monitoring within the office of district offices of Women Development Department.
- (4) Extra staff may be hired by the Women Development Department if and when deemed necessary.

Provided that if for any reason the Women Development Department is unable to hold a Secretariat of a District Committee, the Chief Minister may appoint another provincial department to hold the Secretariat and report to the Secretary, Women Development Department.

42. **Role and Responsibilities of the District Committee.** - The roles and responsibilities of the Committee as identified shall include -

- (i) provide information to the Court or local police station that a child marriage is going to be arranged or is about to be solemnized or has been solemnized;
- (ii) inform the child victim of her or his rights provided under this Act or any other law for the time being in force and the remedies and the help that may be provided;
- (iii) assist the child victim in obtaining any medical treatment necessitated due to the child marriage;
- (iv) if necessary, assist the child victim in relocating to a safer place acceptable to the child victim, which may include the house of any relative or family friend or other safe place including those established by a child protection institute in the best interest of the child;
- (v) assist the child victim in the preparation of and filing of any application, petition or report under the Act, Rules, the Code or any other law for the time being in force;
- (vi) assist the child victim in filing for divorce, khula, dissolution of marriage with the informed voluntary consent of the child or her or his parent or guardian;
- (vii) assurance to the child victim is provided legal aid if necessary;
- (viii) maintenance of a list of all child protection institutions providing legal aid or counseling, shelter homes and medical facilities in a local area within the jurisdiction of the court;
- (ix) keeping official record of the incidents of child marriages in its area of jurisdiction, whether on the basis of information received or *suo moto* inquiry, irrespective of whether or not action is taken under this Act or Rules. Such record shall include -
 - (i) the first information received about the incident of child marriage;

- (ii) the assistance, if any, offered or provided by the Committee to the child victim;
- (iii) where applicable the reason for not taking action under the Act or Rules when an incident was brought to the notice of the Committee;
- (iv) where applicable, the reason for the child victim's or her or his parent or guardian's refusal to take assistance from the Committee;
- (v) the names and contact details of the child protection institution, if any, from whom the child victim has sought help; and
- (vi) maintenance of the record of applications, orders and child protection institutions operating in the area of jurisdiction;
- (vii) prepare a quarterly and annual report to be shared with the Provincial Committee;
- (viii) perform any other duties that may be assigned to the Committee under this Act. the rules made there under, any other law and the Court.

43. Functioning of the District Committee. - (1) The District Committee shall meet quarterly at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

- (2) All decisions of the Committee shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.
- (3) The quorum for the meeting of the Committee shall not be less than one third of the total strength of the Committee.
- (4) The decisions of the Committee shall be taken by the majority of the members present. In case of a tie, the Chairperson-of- the meeting shall have the casting vote: –
- (5) No act or proceeding of the Committee shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Committee.
- (6) In case of an emergency, a Sub-Committee may be formed by the Chairperson to meet and respond as the situation may require. If deemed necessary, the sub-committee may convene a meeting of the entire Committee.

44. Annual Report of the Committee - (1) The Committees shall prepare an Annual Report and it shall be shared with the Women Development Department. The reports shall include an account of its performance and utilization of funds.

(2) The Women Development Department in coordination with the Provincial Committee shall consolidate the reports of the Committee to finalize one Annual Report to be presented to the Secretary, Women Development Department and Minister Development Department. The Annual report shall include an account of its performance

and utilization of funds.

45. **Assistance to the Committee.** - All district executive authorities and departments shall assist the Committee in the performance of its functions.

(AIJAZ AHMED MANGI)
Secretary to Government of Sindh

NO.SO(WD)/WDD/2- 00/2016
March, 2016

Karachi, dated the 22nd

A copy is forwarded for information & necessary action to the: -

- i. The Chief Secretary, Govt, of Sindh, Karachi.
- ii. The Additional Chief Secretary (Dev), P&D Department, Govt, of Sindh, Karachi.
- iii. The Principal Secretary to Governor, Sindh, Karachi.
- iv. The Principal Secretary to Chief Minister Sindh, Karachi.
- v. The Senior Member, Board of Revenue Sindh, Karachi.
- vi. The Administrative Secretaries to Govt, of Sindh (All).
- vii. All Divisional Commissioner, Sindh.
- viii. The Superintendent, Sindh Govt.
- ix. The P.S. to Secretary, Women Development Department, *GOVT OF SINDH, KARACHI.*

Govt, of Sindh, Karachi. Press.

Additional Secretary