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## PROVINCIAL ASSEMBLY OF THE PUNJAB NOTIFICATION

September 28, 2017

No.PAP/Legis-2(164)/2017/1650. The Punjab Destitute and Neglected Children (Amendment) Bill 2017, having been passed by the Provincial Assembly of the Punjab on September 20, 2017, and assented to by the Governor of the Punjab on September 27, 2017, is hereby published as an Act of the Provincial Assembly of the Punjab.

### THE PUNJAB DESTITUTE AND NEGLECTED CHILDREN (AMENDMENT) ACT 2017

ACT XIV OF 2017

*[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated September 28, 2017.]*

An  
Act

*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 the 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 guardian;”;
- (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 of 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 the Punjab Destitute and Neglected Children (Amendment) Act 2017 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 this 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.”.

Arif Shaheen  
Acting Secretary