

**THE PUNJAB DESTITUTE AND NEGLECTED CHILDREN  
ACT 2004  
(XVIII of 2004)**

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TEXT
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**<sup>1</sup>THE PUNJAB DESTITUTE AND NEGLECTED CHILDREN ACT 2004  
(XVIII of 2004)**

[22<sup>nd</sup> June, 2004]

**An  
Act**

*to consolidate the law for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Province of the Punjab.*

**Preamble.—** **Whereas** it is expedient to consolidate the law for the rescue, protective custody, care and rehabilitation of destitute and neglected children in the Province of the Punjab 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 Punjab Destitute and Neglected Children Act 2004.

(2) It extends to the Province of the Punjab.

(3) It shall come into force at once but shall take effect in such areas and from such date as the Government may, by notification, specify.

**2. Saving.—** The Government may, by notification, direct that all or any of the provisions of this Act shall not apply to any class of children in the Province or in any particular area.

**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) <sup>2</sup>[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]

(iii) having no visible or known means of subsistence and found wandering about with the ostensible object of soliciting or receiving alms;

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<sup>1</sup>This Act was passed by the Punjab Assembly on 7 June 2004; assented to by the Governor of the Punjab on 17 June 2004; and, was published in the Punjab Gazette (Extraordinary), dated 22 June 2004, pages 1637 to 1646.

<sup>2</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp.1589.1591, s.2

- (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; <sup>3</sup>[or]
  - <sup>4</sup>[(ix) is at risk owing to disability or child labour; or

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<sup>3</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

- (x) is imprisoned with the mother or is born in a jail; or
- (xi) is abandoned by the parents or guardian;]
- (l) “Fund” means the Destitute and Neglected Children’s Welfare Fund established under section 18 of this Act;
- (m) “Government” means the Government of the Punjab in the Home Department;
- (n) <sup>5</sup> “[“local area” means a division, district or tehsil as defined in the Punjab Land Revenue Act, 1967 (*XVII of 1967*);]
- (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;
- (ra) <sup>6</sup> “[“protection” means shelter, maintenance, education, healthcare and well-being of a destitute and neglected child and includes assignment of custody of such a child;]
- (s) “Province” means the Province of the Punjab; <sup>7</sup> [ \* \* \* \* ]
- <sup>8</sup> [(sa) “rag picking” means collection, from any public place of rags, trash, waste material including any substance hazardous to the health; 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.

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<sup>4</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (*XIV of 2017*), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

<sup>5</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (*XIV of 2017*), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

<sup>6</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (*XIV of 2017*), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

<sup>7</sup>Omitted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (*XIV of 2017*), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

<sup>8</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (*XIV of 2017*), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.2

## PART II CHILD PROTECTION AND WELFARE BUREAU

**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.

<sup>9</sup>**[6. Board of Governors.**— (1) The Bureau shall have a Board of Governors comprising the following:—

- |     |  |                 |
|-----|--|-----------------|
| (a) | Chief Minister of the Punjab;  | Patron-in-Chief |
| (b) | Secretary to the Government,<br>Home Department;   | Member          |
| (c) | Secretary to the Government,<br>Social Welfare Department;   | Member          |
| (d) | Secretary to the Government<br>Local Government Department;  | Member          |
| (e) | three Members of the Provincial Assembly<br>of the Punjab to be appointed by the Government,<br>two from the treasury benches and one from<br>the opposition; provided that <sup>10</sup> [at least one of them shall be<br>a female member of the Assembly and] the Leader of the<br>Opposition shall nominate the Opposition Member; | Members         |
| (f) | two donors or representatives of donor<br>agencies <sup>11</sup> [including at least one woman] to be appointed<br>by the Government for a term of four years;   | Members         |
| (g) | two professors of sociology, psychology<br>or related social sciences <sup>12</sup> [including at least one<br>female Professor] to be appointed<br>by the Government for a specified term;  | Members         |
| (h) | six persons <sup>13</sup> [including at least two women] to be<br>appointed by the non-official<br>Government for a term of four years; and  | Members         |

<sup>9</sup>Substituted section 6, by the Punjab Destitute and Neglected Children (First Amendment) Act 2007 (VII of 2007); and published in the Punjab Gazette (Extraordinary), dated 30.6.2007, pages 5675-5676, s.2.

<sup>10</sup>Inserted by the Punjab Fair Representation of Women Act 2014 (IV of 2014); and was published in the Punjab Gazette (Extraordinary), dated 12.3.2014, pages 2733-2744, see s.2 and Schedule, at serial No.45 .

<sup>11</sup>Inserted *ibid*.

<sup>12</sup>Inserted *ibid*.

<sup>13</sup>Inserted *ibid*.

(i) 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.

(3) The Government shall appoint the Chairperson of the Board from amongst the Members on such terms and conditions as may be specified.

(4) A Member shall not be appointed as a Chairperson of the Board for more than two consecutive terms.

(5) The Chairperson shall hold office during the pleasure of the Government and may resign from his office by tendering his resignation to the Government.

(6) The Chairperson shall exercise the powers and the functions as may be delegated to him by the Board.

(7) Five Members, including two ex-officio Members, shall constitute the quorum for a meeting of the Board.

(8) The Patron-in-Chief, and in his absence, the Chairperson shall preside a meeting of the Board.

(9) Subject to quorum, the Board shall take decision by majority of the members present and voting and the person presiding shall have the casting vote.

(10) A Member shall not be entitled to any perks and privileges.

(11) A Secretary to the Government may be represented in the meeting of the Board by an officer of the Department not being below the rank of an Additional Secretary.]

**7. Removal of a Member.—** (1) A Member, not being an ex-officio Member, shall hold office during the pleasure of the Government.

(2) The Government may remove any such Member during the tenure of his office in the manner as may be prescribed.

(3) A Member, not being an ex-officio Member, may resign from his office by tendering his resignation to the Government.

**8. Casual vacancy.—** Any vacancy caused due to the death, resignation or removal of a Member other than an ex-officio Member, shall be filled in by the Government through appointment of another person as Member and such appointee shall, subject to the provisions of section 7, hold such office for the unexpired term of his predecessor.

**9. Powers and functions of the Board.—** Subject to the provisions of this Act, the Board shall exercise such powers and take such measures as may be necessary for carrying out the purposes of this Act, including—

(a) to take steps for the establishment of a Fund in the manner hereinafter provided, for carrying out the purposes of the Bureau;

(b) to establish, manage and recognize child protection institutions;



- (c) to exercise control over child protection institutions and look after the operation and maintenance of all essential services provided in the institutions;
- (d) to regulate the affairs of the child protection institutions;
- (e) to arrange, purchase or acquire land wherever necessary within the Province;
- (f) to supervise prosecution of the persons accused of the offences created under this Act;
- (g) to sell or dispose of assets, movable or immovable, of the Bureau in the manner as may be determined by the Board;
- (h) to appoint and authorize employees with the designations and the terms and conditions as the Board may determine;
- (i) to authorize spending from the Fund;
- (j) to delegate any of these powers and functions to a Member, Members, official or officials of the Bureau;
- (k) to regulate its meetings and all matters connected with or ancillary to a meeting; and
- (l) to do such acts as are ancillary and incidental to the above functions.

**10. Management.**— Executive authority and management of the Bureau shall vest in the Board.

**11. Committees of the Board.**— The Board may constitute committees with such powers, as may be delegated by the Board for carrying out the purposes of this Act.

**12. Special committee of the Bureau for a local area.**— (1) The Board may constitute special committee of the Bureau for a local area.

(2) The special committee shall consist of such members with the powers and functions of the Bureau, as may be devolved upon it by the Board.

**13. Director General.**— (1) There shall be a Director General of the Bureau who shall also be the chief executive of the Bureau.

(2) The Director General shall be appointed by the Government for a specified term.

(3) The Director General shall exercise such powers and perform such functions as may be determined by the Board.

(4) The Director General may resign, during the term of his office, by tendering his resignation to the Government.

(5) The Government may remove the Director General, during the tenure of his office, in the manner as may be prescribed.

**14. Annual progress report.**— (1) The Director General shall prepare an annual progress report at the end of each financial year.

(2) This report shall be submitted in a meeting of the Board, whenever such meeting takes place after the preparation of the report.

### **PART III**

#### **CHILD PROTECTION OFFICERS AND CHILD PROTECTION UNIT**

**15. Appointment of the child protection officers.**— (1) The Bureau may appoint child protection officers to carry out the purposes of this Act.

(2) The Board shall determine the eligibility for appointment, terms and conditions of service of the child protection officers.

(3) The child protection officer may seek police assistance in performance of his duties under the Act or the rules.

(4) A station house officer shall provide appropriate police assistance to the child protection officer, whenever such assistance is sought.

**16. Child protection unit.**— (1) There shall be a child protection unit for a local area.

(2) The unit shall consist of such members as the Board may determine.

(3) The unit shall exercise powers and functions devolved upon it by the Bureau.

**17. Supervision and control of members of the unit.**— A member of the unit in the performance of his duties under this Act or rules, shall be under the control, supervision and guidance of the Bureau.

### **PART IV**

#### **DESTITUTE AND NEGLECTED CHILDREN'S WELFARE FUND**

**18. Destitute and Neglected Children's Welfare Fund.**— (1) The Bureau and each child protection institution shall establish a fund to be known as Destitute and Neglected Children's Welfare Fund.

(2) The Fund shall consist of all moneys received from any source by the Bureau or a child protection institution, as the case may be, for the control, care, protection and rehabilitation of destitute and neglected children.

**19. Audit of the Fund.**— (1) The Fund shall be kept, operated, spent and audited in such manner as may be prescribed.

(2) The Bureau as well as each child protection institution shall make the annual audit report of the Fund available to general public as soon as such report is prepared.

### **PART V**

#### **CHILD PROTECTION INSTITUTIONS**

**20. Establishment and recognition of child protection institutions.**— (1) The Bureau may establish and maintain child protection institutions at any place in the Province.

(2) The Bureau may delegate its powers and functions of managing and maintaining any child protection institution to a local government or to a non-governmental organization subject to the terms and conditions as the Board may determine.

(3) The Bureau may recognize any other institution to be a child protection institution whether established and maintained by a local government or any non-governmental organization.

(4) The Bureau may establish or recognize any association for the aftercare and rehabilitation of destitute and neglected children discharged from a child protection institution and may regulate its activities and functions in the prescribed manner.

(5) The Bureau may authorize any person or a body of persons to inspect, check and supervise any child protection institution as to whether it is functioning in accordance with the provisions of this Act, the rules or the regulations.

(6) In case a child protection institution is found acting in contravention of this Act, the rules or the regulations, the Bureau may pass such order as it deems fit for the proper management or maintenance of such institution.

(7) No order shall be passed by the Bureau under sub-section (6) unless the existing management is provided with an opportunity of hearing.

<sup>14</sup>**[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 custody shall be considered unauthorized and the person in charge of the organization shall be punished under the provision of section 34 of this Act.]

**21. Administration and management of child protection institutions.**— Child protection institutions shall be managed, maintained and controlled in the manner as may be prescribed.

## **PART VI CHILD PROTECTION COURTS**

**22. Establishment of the Child Protection Court.**— (1) The Government may, by notification, establish one or more Courts under this Act for a local area.

(2) The Government may appoint presiding officer of the Court established for the purpose of this Act in consultation with the Lahore High Court and may lay down the qualifications, terms and conditions for the presiding officers.

(3) Until a Court is established for a local area, the Lahore High Court may confer powers of the Court for a local area upon a Sessions Judge or an Additional Sessions Judge.

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<sup>14</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), , published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.3

**23. Powers and functions of the Court.**— (1) The Court shall exercise powers conferred and functions assigned to it under the provisions of this Act or the rules.

(2) The Court shall finally decide a case within one month from the date of production of a child before it.

(3) Provisions of the Code and the Qanun-e-Shahadat Order, 1984 (P.O. No. X of 1984), unless otherwise expressly provided by this Act or the rules, shall not apply to proceedings before the Court.

(4) No appeal or revision shall lie against any order of the Court, however, the Court may, at any stage, recall or modify its earlier order in the interest of justice.

(5) The Court, exercising powers under this Act, shall be deemed to be a Court of Sessions in terms of section 476 of the Code.

## **PART VII RESCUE, CUSTODY, CARE, PROTECTION AND REHABILITATION OF DESTITUTE AND NEGLECTED CHILDREN**

<sup>15</sup>**[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 founded begging or is a victim of an offence alleged to have been committed by his parent or guardian.]

**25. Temporary custody.**— Whenever a destitute and neglected child is taken into custody in accordance with section 24, 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 his production before the Court within the stipulated time.

**26. Court may direct production of child by parent or guardian.**— The Court to which a report is made under the first proviso of section 24, 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 his 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 his being brought before it, permit the child to remain in the custody of 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

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<sup>15</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), , published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.4

the production of the child, and order his immediate admission to a child protection institution.

**27. Examination of person producing or reporting.**— (1) The Court before which a child is brought under section 24 or is produced under section 26 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.

(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.

**28. Entrustment of the custody of destitute and neglected child.**— (1) If the Court is satisfied that the child brought before it, is a destitute and neglected child and that it is expedient to deal with him, the Court may order that he be admitted to a child protection institution 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 require, 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 that makes an order for entrusting the custody of a child to a suitable person under this section 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 anytime 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.

**29. Sending of child having place of residence outside jurisdiction.**— (1) In the case of a destitute and neglected child whose ordinary place of residence is not within the jurisdiction of the Court, the Court may direct that the child 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 his custody in any other manner provided in the Act.

(2) Where a child is produced before a Court on the direction of any other Court passed under the foregoing provision of this section, such Court may regulate the custody of the child as if the child had been produced before it in terms of section 24 of this Act.

**30. 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 are reasons to believe that a child is destitute and neglected child, the Court may issue warrant for the production of the child before it.

(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 a duly qualified medical practitioner or the police or both.

(3) If any such child is brought before the Court and the Court is satisfied that the child is a destitute and neglected child, it may deal with his custody in accordance with the provisions of this Act.

**31. False, frivolous or vexatious information.**— (1) If in any case in which information has been laid before a Court by any person under the provisions of section 30, the Court after such inquiry as it may deem necessary, is of the opinion that such information is false, frivolous or vexatious, the Court may, for reasons to be recorded in writing, direct that compensation, not exceeding fifty thousand rupees, as it may determine, be paid by such informer to the child or to an aggrieved person against whom the information was laid.

(2) Before making any order for the payment of compensation, the Court shall call upon the informer to show cause why he should not pay compensation.

(3) The Court may, by its order directing payment of compensation, further order that in case of default, the person ordered to pay such compensation shall suffer simple imprisonment for a term not exceeding six months.

(4) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the information given by him, but any amount paid, as compensation shall be taken into account in any subsequent civil suit relating to such matter.

(5) When an order for payment of compensation is made under sub-section (1), the compensation shall not be paid to the person ordered to receive it before the expiry of one month in order to allow sufficient time to the informant to represent against any such order.

**32. Period of custody.**— Subject to any order of the Court or any direction of the Bureau, a child ordered to be admitted to a child protection institution shall be kept in such custody till he attains the age of eighteen years.

**33. 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, 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 to pay maintenance.

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

**PART VIII**  
**SPECIAL OFFENCES RELATING TO CHILDREN**

<sup>16</sup>**[34. Unauthorized custody.**— If a person taken 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.]

**35.** <sup>17</sup>[\* \* \* \* \* ]

<sup>18</sup>**[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.]

<sup>19</sup>**[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.]

<sup>20</sup>**[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.]

**38. Permitting child to enter places where liquor or narcotic drugs are sold.**— Whoever—

- (i) takes a child to any place where an intoxicant is served or consumed;
- or

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<sup>16</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.5

<sup>17</sup>Omitted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.6

<sup>18</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.7

<sup>19</sup>Inserted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.8

<sup>20</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.9

- (ii) being the proprietor, owner or a person in charge of such place, permits a child to enter such place; or
- (iii) Causes or procures a child to go to such place; <sup>21</sup>["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"]

**39. Inciting child to bet or borrow.**— Whoever, by words, spoken or written, or by signs, or otherwise, incites or attempts to incite a child to make any bet or wager or to enter into or take any share or interest in any betting or wagering transaction shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to fifty thousand rupees or with both.

**40.** <sup>22</sup>[\* \* \* \* \* ]

**41. Abetting escape of child.**— Whoever—

- (a) knowingly assists or induces, directly or indirectly, a child admitted in a child protection institution to escape from the institution or from the custody of a suitable person to whom custody of the child has been entrusted by the Court; or
- (b) knowingly harbors, conceals, connives at or prevents from returning to a child protection institution or to any person to whom the custody of the child was entrusted by the Court or assists or connives at so doing; shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to fifty thousand rupees or with both.

<sup>23</sup>**42. Cognizance of offence.**— An offence under this Act shall be cognizable and non-bailable.]

**43. Application of the Code.**— All offences under this part shall be investigated, tried and punished in accordance with the procedure prescribed in the Code.

## PART IX MISCELLANEOUS

**44. Discharge of a child from a child protection institution or from the care of any person to whose care he was entrusted.**— (1) The Bureau may at any time order a child to be discharged from a child protection institution, either absolutely or on such conditions as the Bureau deems appropriate.

(2) The Court may, at any stage, on application or otherwise, discharge a child from custody of a child protection institution or suitable person, as the case may be, either absolutely or on such conditions as the Court deems appropriate.

<sup>21</sup>Amendment by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.10

<sup>22</sup>Omitted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.11

<sup>23</sup>Substituted by the Punjab Destitute and Neglected Children (Amendment) Act 2017 (XIV of 2017), published in the Punjab Gazette (Extraordinary), dated: 28 September 2017, pp 1589-1591, s.12



**45. Transfers between institutions of like nature in different parts of Pakistan.**— (1) The Bureau may, in consultation with the manager of a child protection institution, transfer the custody of the child to any other such institution in any part of the Province.

(2) A destitute and neglected child shall normally be kept in an institution that is at or nearest to his place of domicile.

(3) The Court having jurisdiction over the local area of the Province where a child is being kept may exercise all the powers of the Court under this Act or the rules.

(4) The Government may direct any child to be transferred from any child protection institution in the Province to any institution of like nature in any other Province of Pakistan in respect of which the Government of that Province has made provisions similar to this Act under any law for the time being in force:

Provided that no child shall be so transferred without the consent of the Government of that other Province.

**46. Officers to be public servants.**— The Officers appointed or authorized under this Act shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

**47. Protection of action taken under this Act.**— No suit, prosecution or other legal proceeding shall be instituted or entertained against any person, acting or purporting to act under this Act or the rules, in good faith and for the welfare of a child.

**48. Act to over-ride other laws.**— Provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

**49. Power of Government to make rules.**— The Government may, by notification, make rules for carrying out the purposes of this Act.

**50. Power of Bureau to frame regulations.**— Subject to the provisions of this Act and the rules, the Bureau may frame regulations for giving effect to the provisions of this Act.

**51. Repeal and Saving.**— (1) The Punjab Children Ordinance, 1983 (XXII of 1983) is hereby repealed.

(2) The Punjab Youthful Offenders Ordinance, 1983 (XXIII of 1983) is also hereby repealed.

(3) The Punjab Supervision and Control of Children Homes Act, 1976 (XVI of 1976) is also hereby repealed.

(4) Notwithstanding the repeal of the Ordinances and the Act anything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, officer appointed or person authorized, jurisdiction or power conferred, rule made and order or notification issued under any of the provisions of the said Ordinances or the Act shall, if not inconsistent with the provisions of this Act, be continued and so far as may be, deemed to have been respectively done, taken,

incurred, commenced, appointed, authorized, conferred, made or issued under this Act.

(5) All Children Homes established and functioning under the Punjab Supervision and Control of Children Homes Act, 1976 (XVI of 1976) shall be deemed to be the Child Protection Institutions established or recognized under this Act.