

THE PUNJAB WOMEN PROTECTION AUTHORITY ACT 2017

(X of 2017)

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TEXT

¹THE PUNJAB WOMEN PROTECTION AUTHORITY ACT 2017

(X of 2017)

[31st May 2017]

**An
Act**

for the establishment of the Punjab Women Protection Authority.

It is necessary for the provision of a comprehensive, efficient, effective and gender equitable system for protection, relief and rehabilitation of women against all forms of violence in the Punjab; to control, monitor, and oversee that system; and, to deal with matters ancillary thereto.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Women Protection Authority Act 2017.

(2) It shall extend to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act:

(a) “Act” means the Punjab Women Protection Authority Act 2017;

(b) “Authority” means Punjab Women Protection Authority established under the Act;

(c) “defendant” means a person against whom relief is sought by the aggrieved person;

(d) “Director General” means the Director General of the Authority;

(e) “Government” means Government of the Punjab;

(f) “member” means a member of the Authority;

(g) “prescribed” means prescribed by rules or regulations made under the Act;

(h) “referred Act” means the Punjab Protection of Women against Violence Act 2016 (*XVI of 2016*);

(i) “regulations” means the regulations framed under the Act; and

(j) “rules” means the rules made under the Act.

(2) An expression or word used but not defined in the Act shall have the same meaning as is assigned to it in the referred Act.

¹This Act was passed by the Provincial Assembly of the Punjab on 24 May 2017; assented to by the Governor of the Punjab on 29 May 2017; and, was published in the Punjab Gazette (Extraordinary), dated: 31 May 2017, pp. 7667-7672

3. The Authority.– (1) The Government may, by notification, establish an Authority to be called the “Punjab Women Protection Authority” to carry out the purposes of the Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of the Act, to acquire and hold property, both movable and immovable, and may, by the said name, sue and be sued.

(3) The Authority shall not dispose of any immovable property without prior consent in writing of the Government.

(4) The Authority shall be headed by the Chairperson appointed by the Government, and shall consist of the following members:

- (a) four members, including at least two female members, of Provincial Assembly of the Punjab to be nominated by the Government;
- (b) Additional Chief Secretary or, as the case may be Secretary to the Government, Home Department;
- (c) Provincial Police Officer (Inspector General of Police) Punjab, or his representative, not below the rank of Senior Superintendent of Police;
- (d) Secretary to the Government, Social Welfare and Bait-ul-Maal Department;
- (e) Secretary to the Government, Women Development Department;
- (f) Secretary to the Government, Public Prosecution Department;
- (g) four non-official members including, at least, two women, to be nominated by the Government; and Member/Secretary.
- (h) Director General of the Authority.

(5) The ex-officio members at (b) and (d) to (f) may be represented by an officer of the concerned department not below the rank of an Additional Secretary or, if there is no Additional Secretary, by an officer BS-19 and above.

²[(5-a) The Chairperson shall receive such perks and privileges, and be subject to such conditions of service as the Government may specify.

(5-b) For the purpose of attending a meeting of the Authority, a member shall receive such travelling allowance as may be determined by the Authority.]

(6) The tenure of the members, other than *ex officio* members, shall be three years but the Government may extend the term by one year.

(7) No act or proceedings of the Authority shall be invalid merely by reason of any vacancy or defect in the constitution of the Authority.

4. Qualifications of members.– (1) A person shall be eligible for appointment as a member who:

² Inserted by the Punjab Women Protection Authority(Amendment) Act 2020 (XXIV of 2020), published in the Punjab Gazette (Extraordinary), dated: 10 September 2020, pp. 1067, s. 2.

- (a) is a Pakistani citizen of sound mind and not less than twenty six years of age;
- (b) has not been convicted by a court on charges of corrupt practices, moral turpitude or misuse of power or authority under any law;
- (c) is not an un-discharged insolvent;
- (d) does not have any conflict of interest with the purposes of the Authority or any financial interest in any project or scheme, directly or indirectly, launched by the Authority; and
- (e) has worked towards furtherance of the rights of women and gender equality for a minimum period of three years.

5. Removal of non-official members.– (1) The Chairperson and the members shall serve during the pleasure of the Government and the Government may remove the Chairperson or a non-official member in the prescribed manner.

(2) A non-official member may resign by tendering resignation in writing.

6. Powers and functions of the Authority.– The Authority shall have the powers to:

- (a) establish, maintain, monitor, govern, operate and construct Protection Centers in the Punjab;
- (b) initiate and maintain a continuous process of comprehensive planning for the protection system;
- (c) execute, implement and administer the protection system, relief to, and rehabilitation of, the women against violence;
- (d) control, monitor, and oversee the administration and functioning of the Committee and protection system;
- (e) execute the policies made by the Government for the provision of protection, relief and rehabilitation of women against all forms of violence;
- (f) undertake appropriate projects for purposes of the Act;
- (g) issue necessary instructions, directions or guidelines to the Committee and District Women Protection Officer or any other officer or official who is engaged in the Protection System, or to any other body for the implementation of the projects of the Authority and for effective implementation of the provisions of the Act or the referred Act;
- (h) formulate and ensure minimum standards, code of conduct and Standard Operating Procedures to be followed by the persons engaged in the Protection System;
- (i) evaluate, assess and coordinate the execution of its policies;
- (j) conduct survey of the aggrieved persons desirous of being rehabilitated;

- (k) institute a mechanism for the periodic sensitization and awareness of the public servants and employees of the Authority on issues involving women and protection and relief of the aggrieved persons;
- (l) carry out execution of the monetary, protection or residence orders;
- (m) ensure that a case of violence registered with a police station in the Province is referred to the Protection Centre for medical examination, collection of forensics, investigation and prosecution and until the Protection Centre is established in the District to make standing arrangements for shifting of an aggrieved person, with her consent, to the nearest Protection Centre;
- (n) approve annual strategy to improve the Protection Centre and shelter homes;
- (o) enlist women volunteers and women volunteer organizations in the District and assign roles to such volunteers and organizations to assist the Protection Centers in terms of advocacy, raising awareness, mediation and referring the victims to the Protection Centers;
- (p) approve the annual report about the key performance indicators, operations of the Protection Centers and gaps in the implementation of the Protection System for submission to the Government;
- (q) accept donations such as land, vehicles, equipment, money or human resource for facilitation of the functioning of the Protection System;
- (r) acquire property, both movable and immovable undertake any works, incur any expenditure and enter into contracts to this effect;
- (s) seek assistance for the establishment of Protection Centres or for the execution and operations of all Protection Centers from a Government department, agency or person;
- (t) prepare financial statements and feasibility reports, provide administrative approvals, issue technical sanction, and initiate tendering and procurement processes for the construction and maintenance of Protection Centres and other allied works;
- (u) approve the annual budget and to re-appropriate funds;
- (v) carry out administrative functions;
- (w) monitor and evaluate establishment or construction of the standardized Protection Centers according to their capacity;
- (x) provide funding to the District Women Protection Committee to carry out its functions; and
- (y) take such other measures and perform such other functions as may be assigned to it by the Government and as are necessary for carrying out the purposes of the Act.

7. Meetings.– (1) The Authority shall meet at least once in a month, at such time and, place and shall observe such procedure in regard to transaction of its business and meetings as may be prescribed and until so prescribed as the Authority may determine.

(2) The meetings of the Authority shall be presided over by the Chairperson and in the absence of the Chairperson, by a member elected for the purpose by the members present.

(3) The quorum for a meeting of the Authority shall be one third of the total number of members.

8. Delegation of Powers.— The Authority may delegate to the Chairperson, a member, Director General or an officer of the Authority any of its powers, duties or functions, except the power to:

- (a) approve the annual budget;
- (b) approve the annual performance report;
- (c) frame regulations; and
- (d) make policy decisions.

9. Director-General.— (1) The Government shall, on such terms and conditions as it may determine, appoint the Director General.

(2) The Director General shall be the Chief Executive of the Authority and shall:

- (a) be a whole time officer of the Authority;
- (b) perform such duties as may be prescribed or as may be assigned or delegated to him by the Authority; and
- (c) hold office for a term of three years but he shall serve during the pleasure of the Government.

(3) The Government may extend the term of office of the Director General for such period as it may determine.

(4) The Government may, by serving one month's notice or on payment of one month's salary in lieu of the notice, remove the Director General.

(5) The Director General may, by serving one month's notice or on payment of one month's salary in lieu of the notice, resign.

(6) In case the office of Director General is vacant for any reasons whatsoever, the Government may make such temporary arrangements for the discharge of functions of the Director General.

10. Appointments.— (1) The Authority may, in the prescribed manner, appoint such officers, advisors and employees as it considers necessary for efficient performance of its functions and determine the terms and conditions of service.

(2) The Authority may acquire the services of such officers, advisors and employees on deputation from any agency as it deems necessary.

11. Public servants.— All persons acting or purporting to act under the Act shall be deemed to be public servants within the meanings of section 21 of the Pakistan Penal Code, 1860 (*XLV of 1860*).

12. Liability for loss.— Any person employed by or serving under the Authority, charged with the administration of the affairs of the Authority, acting on behalf of the Authority or acting under a contract with the Authority, who is responsible for:

(a) any loss, waste, misappropriation of any money or property belonging to the Authority; or

(b) any act which may adversely affect an aggrieved person approaching a Protection Centre, which is a direct consequence of his negligence or misconduct in the discharge of his duties—

shall be liable to compensate the Authority as determined by it after affording reasonable opportunity of being heard.

13. Police assistance.— The Authority may seek assistance of the police in the discharge of its duties and performance of functions under the Act or under referred Act.

14. Powers of Additional Inspector General Women Protection.— (1) There shall be an Additional Inspector General Women Protection for purposes of the Act or the referred Act.

(2) The Additional Inspector General Women Protection shall be a police officer.

(3) The Authority may authorize the Additional Inspector General Women Protection to:

- (a) supervise the working of police officers posted at the Protection Centers in the Punjab;
- (b) report to the Provincial Police Officer (Inspector General Police) Punjab on a bi-weekly basis all the cases at the Protection Centres;
- (c) conduct evaluation of the police officers at the Protection Centres;
- (d) provide remedial measures to the police officers and victims of gender-based crimes;
- (e) supervise and monitor prosecution of cases under the referred Act;
- (f) oversee and monitor prosecution on gender-based crimes and performance of police officials at the Protection Centers; and
- (g) perform such other functions as may be prescribed or as the Authority may assign.

15. Fund.— (1) There shall be a Fund to be known as the Punjab Women Protection Authority Fund.

(2) The Fund shall vest in the Authority and shall be utilized by the Authority in connection with its functions under the Act including construction, maintenance, operations, procurement and the payment of salaries and other remunerations to the members, officers, servants, experts and consultants of the Authority.

(3) The Fund shall consist of:

- (a) the grants received from the Government or from other domestic or international agencies;
 - (b) monetary relief payable to the Authority by the defendants under a monetary order by the court under section 9 of referred Act;
 - (c) any gifts or donations received by the Authority; and
 - (d) income from any other sources.
- (4) The Fund shall be maintained and invested in such manner as may be prescribed.
- (5) The Authority shall not obtain any loan and shall not incur any financial liability.

16. Accounts.— The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such manner and form as may be prescribed.

17. Budget.— The Authority shall prepare every year, in such form and manner and at such time as may be prescribed, a budget in respect of the next financial year showing the estimated receipts and expenditure of the Authority and shall submit it to the Government for approval.

18. Audit.— (1) The accounts of the Authority shall be audited by the Auditor General of Pakistan.

(2) In addition to the audit under subsection (1), the Authority or the Government may appoint a firm of Chartered Accountants or any Government audit agency to audit the accounts of the Authority.

(3) The Authority shall also make such arrangements for pre-audit or concurrent audit of accounts as may be necessary.

19. Performance Audit.— The Government may, at any time, direct to have the performance audit of the Authority by a person or agency appointed by the Government.

20. Annual report.— (1) The Director General shall, within three months of the end of a financial year, submit the annual performance report to the Authority enumerating all activities, developmental initiatives undertaken, the targets achieved during the previous financial year and the future plans.

(2) The Authority shall publish the report for public information and submit it to the Government and the Government shall lay it before Provincial Assembly of the Punjab within ninety days of its receipt.

21. Indemnity.— No suit, prosecution or any other legal proceedings shall lie against the Authority, the Director General, any member, officer, servant, expert or consultant of the Authority, in respect of anything done or purported to be done in good faith under the Act.

22. Power to make rules.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act .

23. Power to frame regulations.— Subject to the Act and the rules, the Authority may, frame regulations for matters not provided for in the Act or rules and for which provision is necessary or expedient for carrying out the purposes of the Act.

24. Repeal.— The Punjab Women Protection Authority Ordinance, 2017 (II of 2017) is hereby repealed.