

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

to provide for the setting up of National Commission on the Status of Women

WHEREAS it is expedient to set up a National Commission on the Status of Women for the promotion of social, economic, political and legal rights of women, as provided in the Constitution of the Islamic Republic of Pakistan and in accordance with international declarations, Conventions, treaties, Covenants and Agreements relating to women, including the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:

**CHAPTER I
PRELIMINARY**

1. Short title, extent and commencement.- (1) This Act may be called the National Commission on the Status of Women Bill, 2012.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

- (a) “Chairperson” means the Chairperson of the Commission as appointed under section 4, and includes acting chairperson appointed under section 7;
- (b) “Commission” means the National Commission on the status of Women established under section 3;
- (c) “girl” means a female human being under the age of eighteen years;
- (d) “Member” means the Member of the Commission;
- (e) “prescribed” means prescribed by rules made under this Act;
- (f) “Secretary” means the Secretary of the Commission appointed under section 9; and
- (g) “women” means a female human being of eighteen years or above.

**CHAPTER II
ESTABLISHMENT OF THE COMMISSION**

3. Establishment of the Commission.- (1) The Federal Government shall constitute a Commission to be known as the National Commission on the Status of Women (NCSW), to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

- (2) The Commission shall consist of,-
- (a) a Chairperson, who shall be a woman with experience of working on issues related to women's rights for more than fifteen years, and is committed to the cause of women's empowerment;
 - b) two members from each Province of whom at least one member shall be a woman, one woman member each from Federally Administered Tribal Areas, Azad Jammu and Kashmir, Gilgit-Baltistan, the Islamabad Capital Territory and from minorities;
 - (c) five *ex-officio* members who shall be representatives of the Ministries of Law, Finance, Foreign Affairs and Interior and the Ministry concerned with the subject of women's rights not below BPS-20, and who shall not have the right to vote;
 - (d) Chairperson or a designated member of each Provincial Commission on the Women's rights, set up under provincial laws; and
 - (e) Secretary of the Commission, who shall not have the right to vote.
- (3) A member appointed under paragraph (b) of sub-section (2), shall not be less than thirty years of age, with experience of working on issues related to women's rights and is committed to the cause of women's empowerment.
- (4) The headquarter of the Commission shall be at Islamabad.
- (5) The Commission shall be a body corporate having perpetual succession and a common seal with powers, among others to acquire, hold and dispose of any property and shall sue and be sued by the said name.

4. Appointment of Chairperson:- (1) The Federal Government shall through public notice, invite suggestions for suitable persons for appointment as Chairperson and, after proper scrutiny, shall submit a list of those persons to the Prime Minister and the Leader of the Opposition in the National Assembly.

(2) The Prime Minister shall in consultation with the Leader of the Opposition in the National Assembly forward three names for Chairperson to a Parliamentary Committee for hearing and confirmation of any one person:

Provided that in case there is no consensus between the Prime Minister and the Leader of the Opposition, each shall forward separate list to the Parliamentary Committee.

(3) The Parliamentary Committee shall be constituted by the Speaker of the National Assembly and shall comprise fifty per cent members from the treasury benches and fifty per cent from the opposition parties, based on their strength in Majlis-e-Shoora (Parliament), to be nominated by the respective Parliamentary Leaders:

Provided that the total strength of the Parliamentary Committee shall not exceed twelve members out of which one-third shall be from the Senate.

(4) The Parliamentary Committee shall regulate its own procedure.

(5) The Parliamentary Committee shall forward the name of the nominee confirmed by it to the Prime Minister, who shall appoint the Chairperson accordingly.

5. Appointment of members.- (1) The members, including ex-officio members, shall be appointed by the Prime Minister from amongst the names recommended under sub-section (2).

(2) The Federal Government shall, after consultation with relevant stake-holders, recommend to the Prime Minister three names for each Member who fulfill the qualifications laid down in section 3.

(3) A vacancy of a Member shall be filled as provided in sub-sections (1) and (2) within thirty days of the occurrence of the vacancy.

6. Term of Office of Chairperson and of Members.- (1) A person appointed as the Chairperson and Member 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 chairperson or a Member may resign his or her office in writing under his or her hand addressed to Prime Minister of the Islamic Republic of Pakistan and on acceptance of such resignation, such vacancy shall be filled within thirty days for the unexpired term of the member.

7. Removal of Chairperson and Members.- The Chairperson and Members may be removed from office by the Prime Minister if he or she, as the case may be,-

(a) is, after proper inquiry, found guilty of misconduct:

Provided that in the case of the Chairperson, such finding shall be submitted to the Parliamentary Committee for confirmation;

- (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; and
- (d) 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.

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

9. Terms and Conditions as applicable to members.- (1) The traveling and daily allowance and other allowances payable to and terms and conditions as applicable to members, other than *ex-officio* members, shall be such as may be prescribed.

(2) The salary and allowances payable to and terms and conditions applicable to the Chairperson, shall be such as prescribed by the Federal Government.

(3) The Chairperson of the Commission shall be full time, shall have the status equivalent to a Minister of State of the Federal Government. The executive and financial authority and responsibility of the Commission shall vest in the Chairperson who shall be the overall in-charge of the Commission.

(4) A member of the Commission shall have status equivalent to BPS-21 of the Federal Government.

10. Secretariat of the Commission.- (1) There shall be a Secretariat of the Commission headed by the Secretary with complement of officers and support staff as may be prescribed.

(2) The Secretary on the instructions of the Commission will prepare a draft three year strategic plan, the Annual Work Plan and Budget.

(3) The Secretary shall be appointed in the manner as may be prescribed.

(4) The appointment and terms and conditions of the employees of the Commission shall be such as may be prescribed.

CHAPTER III FUNCTIONS AND POWERS OF THE COMMISSION

11. Functions and Powers of the Commission.- The Commission,-

- (a) shall examine the policy, programs and other measures taken by the Federal government for gender equality, women's empowerment, political participation, representation, assess implementation and make suitable recommendations to the concerned authorities;

- (b) shall review all Federal laws, rules and regulations affecting the status and rights of women and suggest repeal, amendment or new legislation essential to eliminate discrimination, safeguard and promote the interest of women and achieve gender equality before law in accordance with the Constitution and obligations under international covenants and commitments;
- (c) shall sponsor, steer, encourage research to generate information, analysis and studies and maintain a database relating to women and gender issues to provide knowledge and awareness for national policy and strategic action for women empowerment;
- (d) shall develop and maintain interaction and dialogue with non-governmental organizations, experts and individuals in society and an active association with similar commissions and institutions in other countries for collaboration and action to achieve gender equality at the national, regional and international level;
- (e) mobilize grants from domestic and international, including multi and bi-lateral agencies, approved by the Federal Government, for meeting any of its obligations or performing its functions;
- (f) shall facilitate and monitor implementation of international instruments and obligations affecting women and girls to which Pakistan is a signatory, and advise the Federal Government before accession to any such proposed international instrument, protocol or treaty;
- (g) shall recommend to the Federal Government the signing or ratifying of international instruments (conventions, treaties and covenants) affecting rights of women and girls;
- (h) may seek and receive information, data and documents from any Federal source or entity in the course of performance of its functions;
- (i) while inquiring into complaints of violations of women's rights may call for information or report from the Federal Government civil society organizations and autonomous or concerned bodies; and in this regard the Commission 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;

- (j) may in accordance with relevant laws and rules and prior permission of the provincial government concerned inspect any jail, sub-jail or other places of custody where women and girls are kept and to make appropriate recommendations to the authorities concerned;
- (k) may act for advocacy, lobbying, coalition building, networking and as a catalyst for promotion of cause of women to facilitate their participation in all spheres of life including legal, economic, social and political empowerment;
- (l) liaise with the Provincial Commissions set up under provincial laws and other concerned provincial organizations;
- (m) shall monitor the mechanism and institutional procedure for redressal of violation of women's rights; and
- (n) may perform any other functions which may be assigned to it by the Federal Government.

12. Meetings of the Commission. - (1) A meeting of the Commission shall be held in each quarter of the year at such times and at such place as the Chairperson may decide. The Chairperson may call additional meetings if and when required.

(2) All meetings shall be chaired by the Chairperson.

(3) The Commission will consider, approve and monitor implementation of the Strategic Plan and the Annual Budget.

(4) The Commission shall, with the approval of Executive Committee, fix an honorarium or remuneration of advisors, consultants and experts as may be prescribed.

(5) The meeting of the Commission shall be conducted in accordance with the procedure as may be prescribed.

(6) All decisions of the Commission shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by the Chairperson.

(7) The quorum for the meeting of the Commission shall not be less than one half of the total strength of the Commission.

(8) The decisions of the Commission 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.

(9) No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy in or defect in the constitution of the Commission.

13. Appointment of Committees of the Commission.-(1) There shall be an Executive Committee of the Commission consisting of the Chairperson and three other members to be appointed by the Commission which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission.

- (2) The Commission may establish such other Committees from amongst its members as it deems fit and may refer to them any matter for consideration and report. The Commission may, if it considers necessary, co-opt to a Committee any person possessing special knowledge and expertise on the relevant subject.
- (3) All Committees except the executive Committee will be time bound.

CHAPTER IV

FUNDS AND FINANCIAL CONTROL

14. Fund (1).- There shall be established by the Federal Government a Fund to be known as the National Commission on the Status of Women Fund, which shall vest in the Commission and shall be used by the Commission to meet charges in connection with its functions under this Act.

- (2) Source of the Fund amongst other moneys may be the following,-
- (a) such fund as the Federal Government shall allocate each year as a non-lapsable grant in the annual budget;
 - (b) donations, if any, made by private individuals, national and international agencies;
 - (c) income from investment by the Commission, as may be prescribed;
 - (d) all funds held by the Federal Government under the title of 'National Commission's Fund; and
 - (e) all other sums or properties or assets which may in any manner become payable to or vest in, the Commission in respect of any matter.
- (3) The Commission whilst performing its functions and exercising its powers under this Act, shall ensure the highest sense of prudence in respect of expenditures incurred.
- (4) The Fund shall be expended for the purpose of, –
- (a) performing functions of the Commission;
 - (b) the establishment charges, including its members, employees, consultants, legal and other fees and costs; and
 - (c) such other activities which fall within the purview of the Commission.
- (5) The Commission may invest its Fund in accordance with the instructions of the Federal Government.
- (6) The Chairperson shall be the Principal Accounting Officer of the Commission.

15. Accounts and Audit. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Federal Government in consultation with the Auditor-General of Pakistan.

(2) The accounts of the Commission shall be audited by the Auditor-General at such intervals as may be specified by him or her.

(3) The Auditor-General and any other person appointed by him or her in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Auditor-General generally has in connection with the audit of Federal Government accounts and in particular shall have rights to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Auditor-General or any other person appointed by him or her in this behalf, together with the Audit Report, thereon shall be forwarded annually to the Federal Government by the Commission and the Federal Government shall cause the audit report to be laid, as soon as may be after it is received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

16. Annual Report of the Commission.— (1) The Commission shall prepare its Annual Report and shall be presented to the Prime Minister and concerned Ministry. The Annual report shall include an account of its performance and utilization of funds.

(2) The Annual Report of the Commission shall be laid and discussed in the Parliament.

17. Assistance to the Commission.— All Federal executive authorities shall assist the Commission in the performance of its functions.

18. Indemnity.— No suit, prosecution or legal proceedings shall lie against the Commission, the Chairperson or any Member, officer, employees, advisors or consultants of the Commission in respect of anything done in good faith or intended to be done under this Act or the Rules made there under or order made, or publication by or under the authority of the Federal Government, a Provincial Government, Commission or any report, paper or proceedings.

19. Members and officers to be public servants.— Every member of the Commission and every officer appointed or authorized by the Commission to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

20. Power to make Rules.— (1) The Federal Government in consultation with the Commission and by notification in the official Gazette, make Rules for the purpose of giving effect to the provisions of this Act.

(2) The rules of the Commission shall be made within ninety days of the commencement of this Act.

21. Delegation of powers.— The Commission may subject to such conditions, as it may specify, delegate any of its powers under this Act to the Executive Committee or member and to other such committees formed by the Commission.

22. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Federal Government may by order published in the official gazette make such provisions not inconsistent with the provisions of this Act as appears to it, be necessary or expedient for removing the difficulty:

Provided that this power shall be available for a period of one year from the date of commencement of this Act.

23. Repeal.- (1) The National Commission on the Status of Women Ordinance, 2000 (XXVI of 2000), hereinafter called as the repealed Ordinance, is hereby repealed.

- (2) Notwithstanding the repeal of Ordinance referred to in sub-section (1).-
- (a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under the repealed Ordinance shall have effect as if it had been issued, made or granted under the corresponding provision of this Act;
- (b) any official appointed and any body elected or constituted under the repealed Ordinance shall continue and shall be deemed to have been appointed, elected or constituted, as the case may be, under the corresponding provision of this Act;
- (c) any document referring to the repealed Ordinance shall be constructed as referring, as far as may be, to this Act, or to the corresponding provision of this Act.
- (3) The provisions of the General Clauses Act, 1897 (X of 1897), in general, and sections 6, 8 and 24 thereof, in particular, shall apply to the repeal and re-enactment of the repealed Ordinance.

STATEMENT OF OBJECTS AND REASONS

In furtherance of the empowerment of women and to ensure their rights, it is necessary and expedient to establish at a national level, a commission for women, with full administrative and financial autonomy to monitor and oversee compliance with national laws and international conventions; to advocate for the rights of women; to highlight discriminatory practices, abuse and violations of women's rights; and make policy recommendation.

Pakistan is signatory to several international agreements and conventions related to women, in particular CEDAW. This Commission will play a key role in overseeing and facilitating the compliance of these agreements.

The need for such a Commission was strongly advocated by the Women's Parliamentary Caucus, which has a cross party representation of Women Parliamentarians. The National Assembly's Standing Committee on Human Rights also took initiatives to promote establishment of an effective and autonomous women's commission.

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