

**THE BALOCHISTAN COMMISSION ON THE STATUS OF WOMEN
ACT, 2017**

(Baln Act V of 2017)

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**THE BALOCHISTAN COMMISSION ON THE STATUS OF WOMEN
ACT, 2017**

(Balochistan Act V of 2017)

[9th September, 2017]

*An Act to provide for the establishment of Balochistan
Commission on the Status of Women.*

Preamble.

WHEREAS, it is expedient to establish the Balochistan 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 elimination of all forms of discrimination against women and for matters connected therewith or incidental thereto: —

It is hereby enacted as follows: —

CHAPTER— I
PRELIMINARY

Short title, extent and commencement. 1. (1) This Act may be called the Balochistan Commission on the Status of Women Act, 2017.

(2) It extends to the whole of the Province of Balochistan except Tribal Areas.

(3) It shall come into force at once.

Definition.

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

(a) “Act” mean the Balochistan Commission on the status of women Act, 2017;

(b) “Chairperson” means the Chairperson of the Commission as appointed under section 4, and includes the acting chairperson appointed under section 8;

(c) “Commission” means the Balochistan Commission on the status of Women established under section 3;

(d) “Department” means the Women Development Department, Government of Balochistan;

¹ This Act was passed by the Provincial Assembly of Balochistan, on 30th August, 2017; assented to by the Governor of Balochistan on 8th September, 2017; and published in the Balochistan Gazette (Extraordinary) No. 138, dated 9th September, 2017.

- (e) “Executive Committee” means the Committee constituted under section 13;
- (f) “Ex-officio” means a member appointed under section 5 (1);
- (g) “Girl” means a female human being who has not attained the age of eighteen years;
- (h) “Government” means the Government of Balochistan;
- (i) “member” means the member of the Commission;
- (j) “Prescribed” means prescribed by rules made under this Act;
- (k) “Secretary” means the Secretary of the Commission appointed under section 10 (3); *and*
- (l) “Women” means a female human being of eighteen years or above.

CHAPTER– II
THE COMMISSION

Establishment of
the
Commission.

3. (1) The Government shall establish a Commission to be known as the Balochistan Commission on the Status of Women (PCSW), to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of any property and shall sue and be sued by the said name.

(3) The Commission shall consist of: —

- (a) not less than nine and more than fifteen, members of which two third members shall be females, including a Chairperson;
- (b) Chairperson, who shall be a women with experience of working on issues related to women’s rights for more than twelve years, and is committed to the cause of women’s empowerment;
- (c) The Chairperson and members shall be persons of integrity good standing and

repute having the knowledge of laws related to women; and fully apprehend social, economic, and legal problems faced by women;

- (d) Six ex-officio members shall be the Secretaries to the Government of Balochistan, Law Department, Finance Department, Social Welfare Department, Women Development Department, Home & Tribal Affairs Department, and the Department concerned with the subject of women's rights not below BPS-19, and who shall not have the right to vote;
- (e) One women member who shall be a non-Muslim;
- (f) The Chief Inspector of treasuries and Accounts (B-20); *and*
- (g) Secretary of the Commission, who shall not have the right to vote.

(4) A Chairperson appointed under clause (b) of sub-section (2), shall not be less than thirty five years of age, with experience on issues related to women's rights and is committed to the cause of women's empowerment, and be a person of integrity, good standing, and repute having the knowledge of laws related to women; and fully apprehend social economic and legal problems faced by women.

(5) The head office of the Commission shall be at Quetta.

Appointment of
Chairperson.

4. (1) The Government shall appoint the Chairperson on the recommendations of a search committee headed by Chief Secretary of the Government and consisting of the following:

—

- (a) two female members of the Provincial Assembly nominated by the Speaker Balochistan Provincial Assembly.
- (b) secretaries to the Government, Law and Parliamentary Affairs, Finance, Human Rights and Women Development Departments.

(2) The Chairperson shall be appointed on such terms and conditions as may be prescribed and, until prescribed, as the Government may determine.

(3) The Chairperson shall be a full-time officer of the Commission entitled to remuneration in management position scale-I

Appointment of member.

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

(2) The Government shall, after consultation with relevant stakeholders, recommend to the Chief 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.

Term of Office of Chairperson and of Members.

6. (1) A person appointed as the Chairperson and Member shall hold office for a term of three years which may be extended only once.

(2) The Chairperson or a Member other than ex-officio member, may resign his or her office in writing under his or her hand addressed to Chief Minister and on acceptance of such resignation, such vacancy shall be filled within thirty days for the remaining term of the member.

Removal of Chairperson and Members.

7. The Chairperson and Members other than ex-officio member 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; *and*
- d) has, on conviction of any offence involving moral turpitude been sentenced to imprisonment for a term of not less than two years.

Acting
Chairperson.

8. By reason of a vacancy in the office of Chairperson due to death, illness, resignation removal or otherwise, the Chief Minister Shall appoint a women from amongst the members of the Commission to act as Chairperson for a period of not exceeding ninety days or until the appointment of a new Chairperson, whichever is earlier.

Terms and
Conditions as
applicable to
members.

9. (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 Government.

(3) The Chairperson shall be a full time employee of the commission and shall have the status equivalent to BS-20 officer of the Government.

(4) A member of the Commission shall have status equivalent to BPS-19 of the Government.

Secretariat of the
Commission.

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

(2) The Secretary on the instruction 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. The Commission: —

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

b) shall review all Balochistan 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 nongovernmental organizations, experts and individuals in society and an active association with similar commissions and institutions in other provinces and countries for collaboration and action to achieve gender equality at national, regional and international level;
- e) shall mobilize grants from domestic and international, including multi and bilateral agencies approved by the Government, for meeting any of its obligations or performing its functions;
- f) shall facilitate and monitor implementing of international instruments and obligation affecting women and girls to which Pakistan is a signatory, and advise the Government before accession to any such proposed international instruments and obligations affecting women and girls to which Pakistan is a signatory, and advise the Government before accession to any such proposed international instrument, protocol or treaty;
- g) shall recommend to the Provincial Government the signing 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 and Provincial 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, Provincial Government, Civil Society organization 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, (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 Government inspect any jail, sub-jail or other places of custody where women and girls are detained 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, economical, social and political empowerment;
- l) liaise with the Federal and Provincial Commissions set up under their 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 Government.

Meetings of the
Commission.

12. (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 or any other member nominated by the chairperson in her absence.

(3) The Secretary on the direction of the

Chairperson shall call a meeting of the Commission and shall maintain the minutes of each meeting.

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

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

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

(7) All decisions of the Commission shall be authenticated by the signatures of the Chairperson and the members present.

(8) The quorum for the meeting of the Commission shall not be less than one third of the total strength of the commission.

(9) The decision 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.

(10) 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.

Appointment of
Committees of
the
Commission.

13. (1) There shall be an Executive Committee of the Commission consisting of the Chairperson and three other members from amongst the Commission to be appointed by the Commission which shall be responsible to oversee the implementation of the decisions and recommendations of the Commission. The Chairperson of the committee along with the members shall be nominated by the Chairperson 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 a 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

Funds.

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

(2) Sources of the Fund amongst other means may be the following. —

- (a) such fund as the 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 Government under the title of Balochistan Commission on the status of women's Fund; *and*
- (e) all other sums or properties or assets which 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 Government.

(6) The Chairperson shall be the Principal Accounting Officer of the Commission.

Accounts and
Audit.

15. (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 Government.

(2) The accounts of the Commission shall be audited by the Auditor General Baluchistan.

(3) The Auditor-General Baluchistan 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 the 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 office 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 Government by the Commission and the Government shall cause the audit report to be laid, as soon as may be after it is received, before the Provincial Assembly.

CHAPTER – V MISCELLANEOUS

Annual Report of
the
Commission.

16. (1) The Commission shall prepare its Annual Report and shall be presented to the Government in January each year. 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 Balochistan Provincial Assembly.

Assistance to the
Commission.

17. All Provincial Executive Authorities shall assist the Commission in the performance of its functions.

Indemnity.

18. No suit, prosecution or legal proceedings shall be against 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 Government, Commission or any report, paper or proceedings.

Members and officers to be public servants.

19. The Chairperson, a member other than ex-officio member of the Commission and every officer or employee 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 No.XLV of 1860).

Power to make Rule.

20. The Provincial Government in consultation with commission and by notification in the official gazette, make rules for the purpose of giving effect to the provisions of this Act.

Delegation of powers.

21. 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 except the Function of: —

- (a) appointment of Executive Committee or Constitution of any other Committee;
- (b) the approval of strategic plan, annual work plan, performance report and annual budget; *and*
- (c) recommendation relating to Laws, rules, regulations or policies.

Power to remove difficulties.

22. If any difficulty arises in giving effect to the provisions of this Act, the 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.
