

REGISTERED No. M - 302
L.-7646

The Gazette  **of Pakistan**

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

ISLAMABAD, TUESDAY, MARCH 24, 2020

PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 24th March, 2020

No. F. 22 (11)/2019-Legis.—The following Acts of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 19th March, 2020 are hereby published for general information:—

ACT NO. XV OF 2020

An Act to make provisions for raising alert, response and recovery of missing and abducted children

WHEREAS the Constitution of the Islamic Republic of Pakistan recognizes the inviolability of life, liberty and dignity of a person as fundamental right;

AND WHEREAS, in recognition of the Constitution's fundamental rights, it is necessary to make provisions for the protection of missing and abducted children under the age of eighteen years, that includes raising alert, responding and recovering of missing and abducted children;

(93)

Price: Rs. 40.00

[5343(2020)/Ex. Gaz.].

AND WHEREAS it is obligatory on the Government of Pakistan to make provisions for ensuring the right to life and protection from violence, abuse, neglect, abduction or exploitation of children under the age of eighteen years, as envisaged under various national and international laws, conventions, covenants and instruments, relating to the rights of children, including, but not limited to, the United Nations Convention on the Rights of the Child ratified by Pakistan on 12th November, 1990;

AND WHEREAS it is a matter of national concern that children under the age of eighteen years, who are abducted, are at high risk of violence, exploitation, abuse, trafficking, rape or death;

AND WHEREAS it is urgent and necessary to introduce systems with respect to raising alerts, as well as the response and recovery of missing and abducted children, so that incidents such as that of a seven-year old Zainab, resident of district Kasur, who was abducted, raped and murdered in January, 2018, do not occur again in future;

AND WHEREAS it is in the interest of efficacy and avoidance of duplication of efforts that the ZARRA established pursuant to this Act will work supporting and complementing the mandate of federal and provincial law enforcement agencies and child protection and welfare institutions and to coordinate and guide the efforts of all governmental agencies, authorities and departments in relation to cases of missing and abducted children.

It is hereby enacted as follows:—

PART I

1. **Short title, extent and commencement.**—(1) This Act may be called the Zainab Alert, Response and Recovery Act, 2020.

(2) It shall extend 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) “Act” means the Zainab Alert, Response and Recovery Act 2020;

(b) “Alert” means any notification raised by ZARRA after receiving any information or complaint about missing children on any media;

(c) “Alert system” means an alert system established under this Act;

- (d) “Abduction” means,—
- (i) whoever by will or force, threat, violence, coercion or by any deceitful means induces any child under eighteen years of age to move from one place to another and includes kidnapping as defined in the Pakistan Penal Code 1860 (Act XLV of 1860); or
 - (ii) whoever has un-lawful custody of a minor or removing a child from the custody of his parents or lawful guardianship;
- (e) “Abductor” means a person, a group of persons or an organization who kidnaps, traffics or abducts a child;
- (f) “Board” means the ICT Child Protection Advisory Board established under the Islamabad Capital Territory Child Protection Act, 2018 (XXI of 2018);
- (g) “Child” means anyone who has not attained the age of eighteen years at the time of commission of an offence or when reported to be missing or abducted;
- (h) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (i) “Government” means the Federal Government of the Islamic Republic of Pakistan;
- (j) “missing child” means any child for whom a complaint is lodged with the police or in respect of whom information is given to any ZARRA office or any other relevant authority assigned under this Act as missing because his whereabouts are not known to his parents or legal guardians or is a runaway child regardless of circumstances and causes of disappearance or time elapsed since the child went missing;
- (k) “organization” means any group, combination or body of persons acting under a distinctive name;
- (l) “rape” means any forcible and non-forcible sexual conduct with a child by another person;
- (m) “recovery” means all those required actions that may include, but not limited to search, investigation, forensics, coordination and dispatch of specially trained teams to rescue, recover, to provide

psycho-social support and bring the missing or abducted child to safety;

- (n) “response” means all those actions that must be taken by the ZARRA office, police, local government, telecommunication companies, state and privately-owned media channels, airports, railway stations, highway authorities, missing child response and recovery teams or any other organization or individual that is assigned a task under this Act; and
- (o) “ZARRA” means Zainab Alert, Response and Recovery Agency established under this Act of Missing and Abducted Children.

PART II

3. Establishment of Zainab Alert, Response and Recovery Agency.—(1) The Government shall, by notification in the official Gazette, establish Zainab Alert, Response and Recovery Agency (ZARRA) of missing and abducted children.

(2) The ZARRA shall consist of a Director General who shall be appointed by the Prime Minister after public advertisement in such manner and in such terms and conditions as may be prescribed by Ministry of Human Rights. Other officers and employees shall be appointed by the Director General in consultation with Ministry of Human Rights in such manner and on such terms and conditions as may be prescribed by rules.

(3) The management staff of ZARRA shall be suitably equipped with skills of managing databases, conducting planning and monitoring of programs, analyzing data, preparing reports and coordinating with all other offices.

(4) Standard operating procedures (SOPs) shall be devised to ensure the safety and protection in the hands of authorities of the recovered missing or abducted child.

(5) All helplines including helpline 1099 shall forward to ZARRA all complaints relevant to the mandate of ZARRA.

4. Superintendence and administration of ZARRA.—(1) The superintendence of the ZARRA shall vest with the ICT Child Protection Advisory Board.

(2) The administration of the ZARRA shall vest in the Director General.

(3) The Director General shall exercise such powers and perform such functions as may be prescribed.

5. **Powers and functions of ZARRA.**—The following shall be powers and functions of ZARRA that shall be performed under the administration of the Director General, namely:—

- (a) to activate Zainab alerts, when there is a missing or abducted child, which shall include information on the physical characteristics of the missing or abducted child as well as any other data that would help in the child's identification, so as to inform the public at large and all concerned agencies to whom these alerts shall be issued;
- (b) to coordinate with Pakistan Telecommunication Authority (PTA) for issuance of Zainab alert SMSs, MMSs and with Pakistan Electronic Media Regulatory Authority (PEMRA) for broadcast/tickers on television channels and announcements on radio stations and alerts on social media as well as postings on relevant websites or online, print media or any other available medium to report abductions;
- (c) to define procedures for how, when, with what frequency and in which geographical territory the missing or abducted child alert shall be raised;
- (d) to provide nation-wide telephonic toll free hotline number 1099 or such other number where any person may report a missing or abducted child and such number may be used by any member of public who has any information relating to the missing or abducted child;
- (e) to maintain online data base both in ZARRA and Division concerned and of every reported incident of a missing or abducted child, the actions taken, the current status of the case and its final outcome. This database shall be monitored for accuracy and shall be kept updated at all times. The database shall cover all territories of Pakistan and shall be accessible to public on ZARRA website in English and in Urdu;
- (f) to define procedures for who, how and when an incident of missing or abducted child shall be brought on to the ZARRA database. National Commission on Rights of Child and Division concerned shall also have the responsibility to maintain a database. To maintain proper record for each case, coordinate any information on missing children with local law enforcement agencies, detect

criminal patterns in a geographical area, issue monthly public reports on missing and abducted children on its website, introduce procedures and key performance indicators that will improve and measure the effectiveness of ZARRA;

- (g) to ensure that the concerned stakeholders perform their duties in accordance with the prescribed rules;
- (h) to introduce a user friendly cellular mobile application linked with the main database for reporting of any missing child and for updated information of any child abducted or recovered;
- (i) to initiate, refer or take action for proceeding against any non-cooperation or non-compliance by any organization or stakeholder in accordance with the rules as may be prescribed under this Act;
- (j) to ensure that full real-time information is being received in ZARRA office;
- (k) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of any such child;
- (l) to facilitate the provision of legal aid or advice, where circumstances so requires;
- (m) to coordinate and cooperate with relevant foreign agencies and authorities in cases of missing or abducted children where the child has been wrongfully removed to, or from, Pakistan, and frame Standard Operating Procedures for the same;
- (n) to do any other task necessary to perform the functions of ZARRA; and
- (o) to seek the cooperation of all federal and provincial law enforcement agencies and any other federal or provincial agencies, authorities or departments in cases of missing or abducted children.

6. Powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act.—Without prejudice to the business allocated to the Division concerned, the following shall be powers and functions of the ICT Child Protection Advisory Board for the purposes of this Act, namely:—

- (a) to analyze the performance of ZARRA, to evaluate the effectiveness of ZARRA functions and to take actions to continually improve the performance of ZARRA; and

- (b) to provide governance and oversight in order to ensure that all actions relating to ZARRA that are initiated, from registration of FIR to safe recovery of child and referral for rehabilitation of a recovered child, are performed efficiently.

7. **Coordination between ZARRA and Local Police Stations.**—(1) The police station where a case of missing or abducted child is reported shall, immediately and not later than two hours after the complaint is lodged, through any available means of communication call, fax, electronic email or ZARRA mobile application, inform the ZARRA of the missing child incident and keep providing latest status of the case and all available details on daily basis. The missing or abducted child database shall be shared on online database, maintained by the ZARRA office in accordance with the prescribed rules. The police officer shall ensure that the required information in Schedule to this Act, is made part of the complaint.

(2) The Local Police and concerned law enforcement agencies shall on receipt of information under sub-section (1) take an immediate action and launch, the investigation, search, rescue and recovery operations. ZARRA shall wherever required, coordinate the efforts of the concerned Police stations and any other Federal and provincial agencies, authorities or departments.

(3) In case ZARRA office receives a direct complaint of a missing or abducted child, it shall coordinate immediately with the local police station and other ZARRA offices to ensure all actions relating to ZARRA are initiated. This includes registering of a complaint at the concerned police station, any other federal or provincial agency, authority or department that ZARRA may consider necessary in this regard on behalf of the complainant.

PART III

8. **Registration of FIR.**—(1) “Notwithstanding anything contained in any other law for the time being in force, upon receiving information that a child is missing, the officer in charge of a police station shall reduce the same into writing in the same book and in the same manner as prescribed for a cognizable offence under section 154 of the Code of Criminal Procedure and shall be under a duty to cause investigation of the same and recover the missing child and also ensure that the required information in Schedule A to this Act, is made part of the complaint.

(2) A police officer investigating the case of a missing child shall have the same powers as available to an officer investigating a cognizable offence under the code of criminal procedure:

Provided that the provisions of this section are intended to supplement the powers, responsibilities and duties of the police in relation to missing

children and nothing herein shall be deemed to curtail or detract from their powers, responsibilities and duties in respect of any offence relating thereto as provided under any other law for the time being in force”.

9. **Punishment under this Act.**—Any police officer who does not comply with the provisions of section 8 of this Act in case of missing or abducted child or any other public officer who willfully delays or hinders in providing or processing the information in accordance with provisions under this Act, shall be punished with imprisonment of either description not less than 1 year and up to 2 years and a fine of not less than Rs. 50,000/- and up to Rs. 100,000/-.

PART IV

10. **Power to make rules.**—ZARRA in consultation with the Minister-in-charge may, by notification in the official Gazette, make rules within six months of the commencement of this Act to carry out the purposes thereof.

11. **Power to amend Schedule A to this Act.**—ZARRA in consultation with the Minister-in-charge may amend the Schedule A to this Act so as to add thereto or omit there from or amend therein any entry.

12. **Financing of ZARRA.**—(1) The remuneration payable to the Director General, other employees, staff and administrative expenses of the ZARRA shall be made from funds allocated by Federal Government.

13. **Director General, officers and employees deemed to be public servants.**—The Director General, officers and employees of ZARRA shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860) and shall be subject to all the relevant provisions of sections 161 to 169 of the said Act XLV of 1860.

PART V

14. **Application of Code.**—The provisions of the Code shall apply to the proceedings under this Act, except in the case of juveniles who will be dealt under the Juvenile Justice System Act, 2018.

15. **Completion of trial.**—Notwithstanding anything contained in any other law for the time being in force, offences against children under the age of 18, including but not limited to, section 292-A, section 292-B, section 328, section 328-A, section 361, section 362, section 364, section 364-A, section 365, section 366-A, section 369, section 369-A, section 372, section 373, section 375, section 377 and section 377-A of the Pakistan Penal Code shall be tried by magistrates and judges, as the case may be, specifically designated for such purpose by the Sessions Judge of the district concerned and all such trials shall be concluded in not more than three months:

Provided that nothing herein shall affect the trial of any offence being conducted or to be conducted by the anti-terrorism courts established under ATA 1997.

16. **Act to override other laws.**—Subject to section 15, the provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force.

17. **Removal of difficulties.**—If any difficulty arises in giving effect to any of the provisions of this Act, the Federal Government may make such order, not inconsistent with the provisions of this Act, as may appear to be necessary for the purpose of removing the difficulty.

Schedule

[See Section 7(1)]

- (a) Basic information about the missing child:—
- (i) Full name;
 - (ii) Date of birth;
 - (iii) Birthplace;
 - (iv) Nicknames, if any;
 - (v) Current and previous addresses. Who else lived there?;
 - (vi) Current and former employers;
 - (vii) Languages spoken; and
 - (viii) School attended;
- (b) Physical description of the missing child:—
- (i) Height;
 - (ii) Weight;
 - (iii) Age;
 - (iv) Build;
 - (v) Hair Color and Length of Hair;
 - (vi) Eye color;
 - (vii) Any distinguishing marks - such as tattoos, birthmarks, scars, etc.;

- (viii) Beard, mustache and sideburns; and
- (ix) Most recent photo of the missing child;
- (c) Habits and personality of missing child:—
 - (i) Does the child have any personal or emotional problems?;
 - (ii) Any addiction drug or smoking;
 - (iii) What level of education or training does the child have? ; and
 - (iv) Does the child visit frequently any particular areas or places of interest? ;
- (d) Clothing that the missing child was wearing the last time seen:—
 - (i) Style and color of wearing cloths;
 - (ii) Style and color of jacket or outerwear ;
 - (iii) If applicable, type of headwear;
 - (iv) Type of glasses;
 - (v) Type of gloves; and
 - (vi) Type and color of footwear;
- (e) Trip plans of the missing child the day he went missing:—
 - (i) What were the missing child's plans and activities on the day he went missing?;
 - (ii) Where was he or she going?;
 - (iii) Why was he or she going there?;
 - (iv) If the individual was travelling by car, can you provide the make and model number, licensed plate number, as well as registration if possible; and
 - (v) Provide information about any other vehicles or mode of travel the missing child may have access too;
- (f) Information about the last time the missing child was seen:—
 - (i) The time and location of where he or she was last seen;
 - (ii) The name of the individual who last saw the missing child;

- (iii) The name of the individual who last talked at length with the missing child;
 - (iv) The direction the missing child was travelling the last time seen;
 - (v) The attitude of the missing child the last time seen;
 - (vi) Was the missing child complaining of or concerned about anything before he or she went missing;
- (g) Overall health and condition of the missing child:—**
- (i) Physical condition;
 - (ii) Any known medical problems or disease;
 - (iii) Any handicaps or disabilities;
 - (iv) Any psychological problems;
 - (v) Any medications that the child is taking;
 - (vi) Any addictions that the child has;
 - (vii) Provide the name of the missing child's family physician and their health card number, if possible;
 - (viii) Provide the name of the missing child's main dentist, if possible;
 - (ix) Potential people that the child may have contacted last time; and
 - (x) List all of the child's friends and acquaintances who the missing child may try to contact. Try to include addresses and telephone numbers; and
- (h) Belongings of the missing child:—**
- (i) Items such as a hairbrush, a toothbrush, or undergarments in the event that investigators may need to undertake DNA analysis;
 - (ii) Any electronic equipment such as a cell phone or computer. What is the maker of phone and the cell phone provider; and
 - (iii) As well, do you know if they were active on a chat line or other social on-line or media network such as facebook?

ACT NO. XVI OF 2020

An Act to provide for the establishment of a Legal Aid and Justice Authority

WHEREAS, it is expedient to establish a Legal Aid and Justice Authority to provide legal, financial and other assistance for access to justice to the poor and vulnerable segments of the society in criminal cases and for matters ancillary thereto.

It is hereby enacted as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Legal Aid and Justice Authority Act, 2020.

(2) It extends to the whole of Pakistan.

(3) This Act or any part thereof shall come into force on such date or dates as the Government may, by notification in the official Gazette, appoint.

2. **Definitions.**—(1) In this Act, unless there is anything repugnant in the subject or context.—

(a) **“applicant”** means any person who—

(i) makes an application for legal aid under this Act or on whose behalf such an application is made; or

(ii) is of unsound mind or lunatic or minor;

(b) **“Authority”** means the Legal Aid and Justice Authority established under section 3;

(c) **“Board”** means the Board of Governors of the Authority constituted under section 4;

(d) **“Chairperson”** means Chairperson of the Board and includes any person for the time being performing the functions of the Chairperson;

(e) **“Court”** means court established under any law for the time being in force;

(f) **“Director-General”** means the Director-General of the Authority;

(g) **“Free Representation Unit”** means a special unit comprising advocates and volunteers to provide legal or other social services on *pro bono* basis either on case to case basis or in respect of a group or set or type of cases other than the panel;

- (h) “**Government**” means the Federal Government;
- (i) “**legal aid**” means the provision of assistance, to a person who is unable to afford legal assistance, representation and access to justice;
- (j) “**member**” means a member of the Board;
- (k) “**panel**” means the list of advocates and volunteers prepared by the Authority under section 11;
- (l) “**prescribed**” means prescribed by rules or regulations made under this Act, as the case may be;
- (m) “**rules**” mean the rules made under this Act;
- (n) “**Secretary**” means the Secretary of the Board; and
- (o) “**volunteer**” means any person other than an advocate who may provide legal or other services on *pro bono* or fee basis to the applicant.

(2) A word or expression used in this Act and not defined shall have the same meaning as is assigned to it in the Code of Criminal Procedure, 1898 (Act V of 1898) or the Legal Practitioners and Bar Councils Act, 1973 (XXXV of 1973).

3. **Establishment of the Authority.**—(1) The Government, by notification in the official Gazette, shall establish a Legal Aid and Justice Authority to carry out the purposes of this Act.

(2) The headquarters of the Authority shall be at Islamabad and it may, with the prior approval of the Government, set up as many offices all over the country as, when and where required.

4. **Management.**—(1) The general direction and administration of the Authority and its affairs shall vest in the Board, which shall exercise all powers and do all acts and things which may be exercised or done by the Authority.

(2) The Board shall, in the discharge of its functions, be guided on questions of policy by such directions as the Government may give from time to time.

(3) If any question arises as to whether any matter is a matter of policy or not, the decision of the Government in respect thereof shall be final.

5. **Composition of the Board.**—(1) The Board of Governors shall consist of the following members, namely:—

(a) Federal Minister for Human Rights	<i>Chairperson</i>
(b) Attorney-General for Pakistan	<i>Member</i>
(c) one Member from the Senate of Pakistan to be nominated by the Chairman Senate	<i>Member</i>
(d) one Member of the National Assembly to be appointed by the Speaker National Assembly	<i>Member</i>
(e) Advocate General of each Province and Islamabad Capital Territory	<i>Member</i>
(f) Secretary, Ministry of Human Rights	<i>Member</i>
(g) Secretary, Ministry of Finance	<i>Member</i>
(h) Secretary, Ministry of Law and Justice	<i>Member</i>
(i) Vice-Chairman, Pakistan Bar Council	<i>Member</i>
(j) one prominent female social worker	<i>Member</i>
(k) Director General of the Authority	<i>Member-cum Secretary</i>

(2) The Chairperson shall preside at every meeting of the Board and in case of his absence for any reason, the Government may designate any other Minister as a Chairperson.

(3) The Authority may, with the prior approval of the Government, co-opt any other person as a member.

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

(5) If an *ex-officio* member is unable to attend a meeting of the Board, he may authorize a representative not below BPS-20 to attend the meeting.

6. Meetings of the Board.—(1) The Chairperson may convene meetings of the Board at such time and place as he considers necessary for the efficient performance of the functions of the Board.

(2) At any meeting of the Board the quorum shall be seven members.

(3) All issues arising at any meeting of the Board shall be decided by the majority of votes of the members present and voting.

(4) Subject to the provisions of this Act, the Chairperson may give directions regarding the procedure to be followed at or in connection with any meeting of the Board.

7. **Director-General.**—(1) There shall be a Director-General of the Authority who shall be appointed by the Government at such remuneration and on such terms and conditions as it thinks fit.

(2) No person shall be appointed as a Director-General unless he is qualified to be appointed as a judge of a High Court.

(3) The Director-General shall be responsible to the Authority for the day-to-day administration of the business of the Authority and shall discharge such duties and perform such functions as are assigned to him by the Board.

(4) In case the Director-General is absent or unable to act and no acting appointment has been made by the Authority, the Authority may authorize an officer of the Authority to perform temporarily the functions of the Director-General.

(5) Until the Board is duly constituted, the Director-General shall, subject to such directions as the Government may give from time to time, exercise the powers and perform the functions of the Board.

(6) The officers of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Director-General.

8. **Powers and functions of the authority.**—(1) The Authority shall—

- (a) make policies, principles and guidelines for providing legal aid and financial or other assistance including the prescription of criteria for qualification to obtain legal aid and financial and other assistance;
- (b) design and establish an effective mechanism for provision, monitoring and evaluation of legal aid;
- (c) promote or cause to be promoted programmes designed to enhance public awareness of the legal aid system in Pakistan;
- (d) undertake and promote research in the field of legal aid with special reference to the need of such aid to the persons;
- (e) advise the Government or any other agency in regard to enforcement of the right to fair trial and due process of law;
- (f) take appropriate measures for spreading legal literacy and legal awareness amongst the people and, in particular, to educate poor and vulnerable sections of the society about the rights, benefits and

privileges guaranteed by social welfare legislations and other enactments as well as administrative programmes and measures;

- (g) establish panels of advocates and volunteers in respect of each office in the prescribed manner and, subject to sub-section (2) of section 11, to add to or remove from that panel any advocate and volunteer where the Authority is satisfied that the advocate or volunteer has derelicted his duty or it is in the interest of justice to do so;
- (h) devise and prescribe structure of fees for legal aid to advocates and volunteers on panels;
- (i) encourage the settlement of disputes by way of negotiations, arbitration and conciliation;
- (j) manage and administer the resources of the Authority;
- (k) allocate funds, monitor the expenditure of funds at all offices and withhold funds from any office;
- (l) establish and monitor the implementation of standards and procedures for the operation of all offices;
- (m) undertake any enquiry or investigation which the Authority thinks necessary or desirable in relation to the discharge of its functions;
- (n) perform such other functions as may be assigned to it by the Government; and
- (o) do such other things as may be expedient or necessary for the proper performance of its functions under this Act.

(2) In discharge of its functions, the Authority shall, wherever appropriate, act in coordination and cooperation with other individuals, governmental and non-governmental agencies, departments, bodies, authorities, universities engaged in the work of promoting the cause of legal services to the poor and vulnerable sections of the society.

9. Provision of legal aid, financial or other assistance in criminal matters.—(1) The Authority shall make appropriate arrangements for the provision of legal aid, financial or other assistance to an applicant who is charged with a criminal offence and is unable to afford legal, financial or other assistance, representation and access to justice, in such manner and to such extent as may be prescribed.

(2) The person seeking legal aid, financial or other assistance shall apply to the Authority, in the prescribed manner.

(3) The application for purposes of sub-section (2) shall be supported by an affidavit sworn by the applicant and such other documents as may be prescribed. In case of minors or lunatics or persons of unsound mind, the requirement of an application and affidavit shall not be applicable.

(4) The eligibility of the applicant shall be assessed in the manner and according to eligibility criteria as may be prescribed.

(5) In prescribing the criteria for and in extending the legal, financial or other assistance, preference shall be given to disadvantaged women and children, especially in relation to matters of sexual offences.

(6) For the purposes of assessing the means of the applicant, the Authority may in appropriate cases make such enquiries as it considers necessary into the means of the applicant and may direct any officer to enquire into and report thereon.

(7) A report to the Authority under sub-section (6) shall be made available to the applicant who shall be allowed, if he so desires, to make his observation on the report.

(8) The Authority shall decide the application of the applicant within seven days of receipt thereof.

10. **Revocation of legal aid.**—Where after the assessment for the purpose of grant of legal, financial or other assistance or release thereof, the Authority comes to the conclusion that the applicant was not eligible to receive the same due to filing of applications, affidavits or documents in relation thereto which are found to contain false particulars, the Authority may revoke the legal, financial or other assistance and take steps for the recovery of any amount undeservedly released to the applicant.

11. **Panel of advocates and volunteers.**—(1) The Authority shall approve panels of advocates and volunteers in the prescribed manner in each district or, if necessary, in any tehsil for provision of legal, financial or other assistance either on *pro bono* or on fee basis.

Explanation.—The panel of advocates and volunteers on *pro-bono* basis shall include setting up of a Free Representation Unit.

(2) The Authority shall monitor, assess and evaluate the quality of legal and volunteer services provided by each advocate, volunteer and the Free Representation Unit.

(3) The panel of advocates, volunteers and the Free Representation Unit shall maintain a proper record of the cases entrusted to them and shall provide information to the Authority at such time and in such manner as may be prescribed.

12. **Code of conduct.**—(1) The Government, on the recommendations of the Authority, may prescribe a code of conduct for panel advocates, volunteers and the Free Representation Unit.

(2) The Authority may suspend or, subject to hearing, remove the advocates and volunteers from the panel or from the Free Representation Unit if found guilty of breach of that code, or dereliction of his duty.

13. **Payments.**—(1) The Authority shall promptly make payment of professional fee, travelling allowances and other out-of-pocket expenses, after deduction of the applicable taxes, to the advocate, volunteer and the Free Representation Unit to whom a matter has been assigned in the manner that may be prescribed.

(2) Where costs are awarded in favour of the applicant in any matter in which the services of an advocate or volunteer of the panel or the Free Representation Unit were used, such costs shall be the property of and be paid to the Authority. The applicant shall be reimbursed out of such costs for the out-of-pocket expenses incurred by him in respect of such matter.

14. **Appointment of officers, staff etc., by the Authority.**—The Authority may create posts and appoint such Directors, officers, staff, experts or consultants on such terms and conditions as may be prescribed.

15. **Staff and officers etc., to be public servants.**—The Director General, Directors, officers, staff, experts and consultants of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

16. **Delegation of powers to the Director-General, etc.**—(1) The Authority may, by general or special order and subject to such conditions as it may think fit to impose, delegate to the Director-General, Directors or a member, or an officer of the Authority, all or any of its powers or functions under this Act.

(2) The Government may, by notification in the official Gazette, delegate all or any of the Authority's powers under this Act and the rules and regulations made thereunder to any other agency or department of the Government or to a provincial government with the consent of such government.

17. **Legal Aid and Justice Authority Fund.**—(1) There shall be established a fund to be known as the Legal Aid and Justice Authority Fund which shall vest in the Authority and shall be utilized by the Authority for the purpose of this Act, and to meet charges in connection with its functions under this Act including the provision of legal, financial or other assistance, including payment to meet bail amounts, penalties or fines of the applicants, payment of

fees to advocates or volunteers, salaries and other remuneration to the Director General, Directors, members, officers, staff, experts and consultants of the Authority.

- (2) The Fund shall be financed from the following sources, namely—
 - (a) grants from the Federal Government, Provincial and Local Governments;
 - (b) aid and assistance from local, provincial, national and international authorities or agencies;
 - (c) contributions from the statutory bodies, corporations, private organizations and individuals;
 - (d) income and earning from the moveable and immovable properties acquired or leased by the Authority; and
 - (e) any income from the investment of the amount credited to the Fund.
- (3) All sums payable to the Authority may be recovered as arrears of land revenue.
- (4) The amount credited to the Fund shall not lapse at the end of a financial year and shall be available for utilization at any time.

18. **Budget.**—The Authority shall, in respect of each financial year, submit for approval of the Government, on such date as may be prescribed, a statement of the estimated receipts and expenditure, including requirements of foreign exchange for the next financial year.

19. **Audit and accounts.**—(1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan in such manner as may be prescribed.

(2) Copies of the audit reports shall be sent to the Government along with the comments of the Authority.

(3) The audit report shall be available for public inspection.

(4) The Government may issue directions to the Authority for rectification of any item objected to by the Auditor General of Pakistan and the Authority shall comply with such directions.

20. **Submission of yearly reports and returns.**—As soon as possible after the end of every financial year but before the last day of the month of December of that year, the Authority shall submit to the Government a report on the conduct of its affairs for that year.

21. **Protection of actions taken in good faith under this Act.**—No suit, prosecution or other legal proceedings shall lie against the Government or the Authority or any officer or servant thereof or any person acting under the authority of the Government or the Authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder.

22. **Tax exemptions.**—The income of the Authority, donations and contribution received by the Authority for the purpose of this Act shall be exempt from all taxes, duties, charges or imposts of any nature levied by Federal, provincial, local governments or authorities or any institution.

23. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

24. **Act to override other laws.**—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

25. **Removal of difficulties.**—If any difficulty arises in giving effect to or applying the provisions of this Act, the Government may make such order, not inconsistent with this Act or the rules, as may be necessary for removal of such difficulty.

26. **Repeal and savings.**—(1) The Women in Distress and Detention Fund Act, 1996 (XV of 1996), hereinafter called as repealed Act, shall stand repealed.

(2) Notwithstanding the repeal under sub-section (1), all funds and accounts constituted and maintained under the repealed Act shall be deemed to be in continuation of the corresponding funds and accounts constituted or maintained under this Act.

TAHIR HUSSAIN,
Secretary.