



EXTRA ORDINARY

GOVERNMENT

Registered No P III

GAZETTE

North West Frontier Province

Published by Authority

PESHAWAR, WEDNESDAY, 28TH OCTOBER, 2009

Provincial Assembly Secretariat
THE NORTH WEST FRONTIER PROVINCE

NOTIFICATION

Dated Peshawar, the 28th October, 2009

No.PA/NWFP/Bills/2009/38863.The North West Frontier Province Establishment of a Commission on the Status of Women Bill, 2009 having been passed by the Provincial Assembly of North- West Frontier Province on 12th October,2009 and assented to by the Governor of the North-West Frontier Province on 24th October,2009 is hereby published as an Act of the Provincial Legislature of the North-West Frontier Province.

THE NORTH WEST FRONTIER PROVINCE ESTABLISHMENT OF A COMMISSION ON THE STATUS OF WOMEN ACT,2009.

(N.W.F.P ACT NO XIX OF 2009)

(First published after having received the assent of the Governor of the North West Frontier Province in the Gazette of the N.W.F.P(Extraordinary).

Dated the 28th October,2009)

**An
ACT**

to provide for the establishment of a Commission on the Status of Women at provincial level and to form District Committees at district level, in the North-West Frontier Province.

WHEREAS it is expedient to establish a Commission on the Status of Women at provincial level and to form District Committees at district level, for the emancipation of women, equalization of opportunities and socio-economic conditions amongst women and men and elimination of all forms of discrimination against women and for the matters connected therewith or incidental thereto;

It is hereby enacted as follows:

1. Short title and commencement.----(1) This Act may be called the North-West Frontier Province Establishment of a Commission on the Status of Women Act, 2009.

(2) It shall come into force at once.

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

- (a) "Chairperson" means the Chairperson of the Commission or a District Committee, as the case may be;
- (b) "Commission" means the Provincial Commission on the Status of Women established under section 3;
- (c) "Department" means the Government of the North-West Frontier Province, Zakat, Ushr, Social Welfare and Women Development Department;
- (d) "District Committee" means a District Committee on the Status of Women, constituted under section 17;
- (e) "Government" means the Government of the North-West Frontier Province;
- (f) "member" means the member of the Commission or a District Committee, as the case may be;
- (g) "prescribed" means prescribed by rules; and
- (h) "Secretary" means the Secretary of the Commission or a District Committee, as the case may be.

3. Establishment of the Commission.---(1) Soon after the commencement of this Act, Government shall, by notification in the official Gazette, establish a Commission on the Status of Women.

(2) The Commission shall consist of not less than nine and more than fifteen female members including a Chairperson.

(2A) 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.

(3) The Chairperson and the members shall be appointed by the Government with preference given to female members of the Provincial Assembly of NWFP.

4. Terms of office and conditions of service of the Chairperson and Members.---(1) The Chairperson and members shall hold office for a period of three years on such terms and conditions as may be prescribed by Government and shall be eligible for reappointment for a similar term or such shorter term as the Government may determine.

(2) The Chairperson or a member may resign from her office in writing under her hand addressed to Government.

5. Removal of Chairperson or a Member.---

(1) Government may remove a Chairperson or a Member, if she has,-

- (a) become an un-discharged insolvent;
- (b) been convicted and sentenced to imprisonment for an offence which, in the opinion of Government involved moral turpitude;
- (c) become unsound mind and has been declared as such by the court of competent jurisdiction; and
- (d) in the opinion of Government so abused the position as Chairperson or as the case may be member as to render her continuance in office detrimental to public interest:

Provided that no person shall be removed under this clause until she has been given a reasonable opportunity of being heard.

(2) A vacancy caused under sub-section (1) shall be filled in by fresh appointment by Government, within thirty days of such occurrence.

6. Secretariat of the Commission.---(1) The Department shall be the Secretariat of the Commission.

(2) Government shall by notification nominate an Additional Secretary or Director of the Department to act as a Secretary of the Commission.

(3) The executive authority and responsibilities of the Commission shall vest in the Chairperson who shall be overall incharge of the Commission.

7. Functions of the Commission.---The Commission shall,-

- (a) examine the policy, programs, projects and other measures taken by Government, for women development and gender equality, to assess implementation and make suitable recommendations to the concerned authorities, where considered necessary for effective impact;
- (b) review all provincial laws, rules and regulations affecting the status and rights of women and suggest repeal, amendments or new legislations essential to eliminate discrimination, safeguard and promote the interests of women and achieve gender equality in accordance with the Constitution of the Islamic Republic of Pakistan, 1973 and obligations under International Covenants and commitments;
- (c) monitor the mechanism and institutional procedures for redress of violation of women's rights, individual grievances and facilities for social care, and undertake initiative for better management and efficient provision of justice and social services through the concerned forums and authorities;
- (d) examine and review policies/programs and plans of each department to ensure that they address gender concerns adequately;
- (e) provide guidelines to a District Committee; and
- (f) perform any other function which may be assigned to it by Government.

8. Meetings of the Commission.---(1) Meetings of the Commission shall be held at its Secretariat, at least once in a month.

(2) The meeting of the Commission shall be conducted in accordance with the procedure as may be prescribed and until such procedure is prescribed in such manner as the Minister for Social Welfare, NWFP may direct.

(3) The powers and functions of the Chairperson shall, in his absence, be exercised and performed by the senior most member of the Commission by appointment.

(4) The quorum to constitute a meeting of the Commission shall be one-third of its total membership.

(4A) A member of the Commission who willfully fails to attend two consecutive meetings shall stand terminated from the membership of the Commission.

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

(6) No act or proceedings 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.

9. Appointments of Committee.---The Commission may, in consultation with the Government, appoint such committees, consisting of such of its members as it may think fit and may refer to them any matter for consideration and report.

10. Appointment of Advisors etc.---The Commission may with the approval of Government, appoint advisors, consultants and experts, having specialization and expertise in women related fields and problems, on such terms and conditions as may be prescribed.

11. Commission Fund.---(1) There shall be established by the Government a Fund to be known as the Commission on the Status of Women Fund, hereinafter referred to as "Commission Fund", which shall consist of:

- (a) all sums paid by Government;
- (b) all grants, if any, made by the Federal Government, Provincial Governments or local bodies; and
- (c) donations, if any, made by private individuals, national and international agencies.

(2) Subject to the general supervision of Government, the Commission Fund shall be administered by the Commission, which shall make such allocation for specific activities as it thinks necessary.

(3) The Commission Fund shall be utilized for-

- (a) performing functions of the Commission;
- (b) the establishment charges; and
- (c) the welfare of women.

12. Budget.---(1) The Department shall prepare budget for the next financial year in respect of Commission.

(2) The Commission shall furnish to Department within four months of the close of the financial year, an audited statement in the prescribed form and a complete report on the working of the Commission during the year, and copies of the said statement account and report shall also be published in the Official Gazette.

13. Financial Control.---The Secretary of Commission shall be the Principal Accounting Officer of the Commission in respect of the expenditures incurred against the budget grant or grants made to the Commission Fund and shall, for this purpose, exercise all the financial and administrative powers delegated to the Secretary of Commission by Government.

14. Audit and Accounts.---The Accounts of the Commission shall be maintained and audited in such form and in such manner as prescribed by GFR

15. Assistance to the Commission.---All executive authorities in the North-West Frontier Province shall assist the Commission in the performance of its functions.

16. Executive Committee.---There shall be an executive committee of the Commission consisting of the Chairperson, Secretary and three other members to be elected by the Commission, which shall be responsible for overseeing the implementation of the decisions and recommendations of the Commission.

17. District Committee on the Status of Women.---(1) Soon after the commencement of this Act, Government shall by notification in the official Gazette constitute, in each district a District Committee, on the Status of Women.

(2) A District Committee shall consist of a Chairperson who shall be a person committed to the cause of women and shall consist of not less than seven members and not more than ten members.

(3) Two of these members shall be from amongst the elected Members of the Zilla Council, who shall be recommended by the Zilla Nazim. Executive District Officers of the Health, Education, Planning and Finance Departments shall be the ex-officio Members of a District Committee. Majority of the Members shall be women, and at least one woman from the minorities in the districts where minorities account for at least ten per cent of the total population.

(4) The Chairperson and the members shall be appointed by Government.

18. Term and condition of service of the Chairperson and members of a District Committee.---(1) The Chairperson and members of a District Committee shall hold office for a period of three years on such terms and conditions, as may be prescribed by Government and shall be eligible for reappointment for a similar term or such shorter term as the Government may determine.

(2) The Chairperson or a member other than ex-officio may resign from his office in writing under his hand addressed to Government.

19. Removal of Chairperson or member of District Committee.---(1) Government may remove, the Chairperson or a member of a District Committee, if he has,-

- (a) become an un-discharged insolvent;
- (b) been convicted and sentenced to imprisonment for an offence which in the opinion of Government involved immoral turpitude;
- (c) become of unsound mind and has been declared as such by the court of competent jurisdiction; or
- (d) in the opinion of Government, so abused the position as Chairperson or a member, as to render his continuance in office detrimental to public interest:

Provided that no person shall be removed under clause (d) until he has been given a reasonable opportunity of being heard.

(2) A vacancy caused under sub-section (1) shall be filled by fresh appointment by Government, within thirty days of the occurrence of the vacancy on the recommendations of the Zilla Nazim.

20. Secretariat of District Committee.---(1) The office of the Social Welfare at each district level shall be the Secretariat of a District Committee.

(2) The District Officer, Social Welfare and Women Development shall act as Secretary of a District Committee.

(3) The executive authority and responsibility of a District Committee shall vest in the Chairperson who shall be over all in charge of a District Committee.

21. Functions of District Committee.---A District Committee shall:

- (a) implement the policies/programmes/projects of the Commission;
- (b) examine and review policies/programs and plans of each office in the district and to ensure that they address gender concerns adequately;
- (c) submit a quarterly report on the implementation status to the Commission on the Status of Women; and
- (d) perform any other function, which may be assigned to it by the Government or the Commission.

22. Meetings of a District Committee.---(1) Meetings of a District Committee shall be held at its secretariat, at least once in a month and shall be presided over by the Chairperson.

(2) The meetings of a District Committee shall be conducted in accordance with the procedure as may be prescribed and until such procedure is prescribed, in such manner as the Chairperson may direct.

(3) The powers and functions of the Chairperson shall, in his absence, be exercised and performed by such a Member as Chairperson may appoint.

(4) The quorum to constitute a meeting of a District Committee shall be two-third of its total membership.

(5) All orders and decisions of a District Committee shall be authenticated by the signature of the Chairperson or any person authorized in this behalf by Chairperson.

(6) No act or proceedings of a District Committee shall be invalid on the ground, merely of the existence of any vacancy in, or defect in the constitution of the District Committee.

23. Appointment of Sub-Committees.---A District Committee may, in consultation with the Government, appoint such Sub-Committees, consisting of such of its members as it may think fit and may refer to them any matter for consideration and report.

24. District Committee Fund.---(1) The Government shall establish, in each District, a Fund, to be known as a District Committee Fund, which shall consist of:

- (a) all sums paid by Government;
- (b) all grants, if any, made by the Federal Government, Provincial or District Governments; and

(c) donations, if any, made by private individuals, national and International agencies.

(2) Subject to the general supervision of Government, the District Committee Fund shall be administered by a District Committee, which shall make such allocation for specific activities as it thinks necessary.

(3) The District Committee Fund shall be utilized for—

(a) performing functions of a District Committee;

(b) the establishment charges; and

(c) the welfare of women.

25. Financial Control.---(1) The Chairperson of a District Committee shall be the Principal Accounting Officer of a District Committee in respect of the expenditure incurred against budget, grant or grants made to the District Committee Fund and shall, for this purpose, exercise all the financial and administrative powers delegated to him by Government.

(2) A District Committee shall, in consultation with Government and authorities of the Local Fund Audit, appoint a qualified Auditor, who shall carry out the internal audit of the accounts of a District Committee.

(3) The Auditor referred to in sub-section (2) shall be appointed on such remuneration and on such terms and conditions as Chairperson may determine.

26. Assistance to District Committees.---All executive authorities in the districts shall assist the District Committees, in the performance of its functions.

27. Executive Body.---There shall be an executive Body of a District Committee consisting of the Chairperson, Secretary and three other members to be elected by a District Committee, which shall be responsible for overseeing the implementation of decisions and recommendations of a District Committee.

28. Chairperson, members and other staff of the Commission and District Committee, to be public servants.---The Chairperson, members, officers and other employees of the Commission and a District Committees shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code,1860 (Act XLV of 1860).

29. Reports.---(1) The Commission and a District Committee shall prepare annual report of its activities and such other periodical or special reports as it may consider necessary.

(2) Reports of the Commission shall be submitted to the Chief Minister, North-West Frontier Province and laid before the Provincial Assembly.

30. Power to make rules.---Government may by notification in the official Gazette, make rules for carrying out the purposes of this Act.

BY ORDER OF MR. SPEAKER,
PROVINCIAL ASSEMBLY OF
NORTH-WEST FRONTIER PROVINCE

AMANULLAH
Secretary

Provincial Assembly of N.W.F.P