

**THE GILGIT-BALTISTAN PROHIBITION OF CORPORAL
PUNISHMENT AGAINST
CHILDREN ACT 2015
(ACT NO. VII OF 2015)**

AN

ACT

to make provisions for prohibition of corporal punishment against children

WHEREAS the constitution recognizes the inviolability of dignity of a person as the fundamental right;

AND WHEREAS it is necessary to make provisions for the protection of children against corporal punishment by any person, including in the family and work place, in all types of educational institutions including formal, non formal,

and religious both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings both public and private, and in the juvenile justice system;

AND WHEREAS it is obligatory on Pakistan Government to make provisions for the prohibition of all kinds of corporal punishment under various international conventions, covenants and instruments;

It is enacted as follows:—

1. **Short title, extent and commencement.** — (1) This Act may be called the Gilgit-Baltistan Prohibition of Corporal Punishment Act, 2015.

(2) It extends to the whole of the Gilgit Baltistan.

(3) It shall come into force at once.

2. **Definitions.** — (1) In this Act, unless the context otherwise requires,—

(a) “care institutions” means an institution, an orphanage or a place of safety which houses one or more children for the purposes of providing alternative care or foster care; it may include a children’s home, rehabilitation center or shelter either on permanent or temporary basis whether public or private; registered or unregistered;

(b) “Child” means any person under the age of eighteen years;

(c) “corporal” or “physical” punishment means any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light it may be, which may involve hitting.

(“smacking”, “slapping”, “spanking”) a child, with the hand or with an implement (a whip, stick, belt, shoe, wooden spoon, etc) including kicking, shaking or throwing a child, scratching, pinching, biting, pulling hair or boxing ears, forcing a child to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing a child’s mouth out with soap or forcing him to swallow hot spices), including but not limited to:

(i) “assault” as defined in section 351 of the Pakistan Penal Code (Act XL V of 1860) hereinafter referred to in this section “as the said Code”;

- (ii) "hurt" as defined in section 332 of the said Code;
 - (iii) "criminal force" as defined in section 350 of the said Code; and
 - (iv) other non-physical forms of punishment which are cruel and degrading, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child;
- (d) "educational institution" means any institution where any kind of instruction is imparted in a formal or non-formal way whether it is on a full time or part time basis; including boarding houses, both public or private; registered or unregistered;
- (e) "workplace"² means the place of work or the premises where an organization or employer operates and includes building, factory, shop, commercial establishment, workshop, farm, residential hotel or restaurant, open area or a larger geographical area where the activities of the organization or employer are carried out and including any situation that is linked to official work or official activity outside the office.

(2) "Words and expression" used but not defined shall have the same meanings as assigned in the respective laws.

3. Prohibition of Corporal Punishment.— (1) The child has the right to be shown respect for his personality and individuality and shall not be made subject to corporal punishment or any other humiliating or degrading treatment.

(2) Notwithstanding anything contained in section 89 of the Pakistan Penal Code, 1860 and any other law and regulation for the time being in force, corporal punishment of children by any person is prohibited in all its forms in the family and work place, in schools and other educational institutions including formal, non-formal and religious, both public and private, in child care institutions including foster care, rehabilitation centers and any other alternative care settings, both public and private, and in the juvenile justice system.

(3) Disciplinary measures concerning the child can only be taken in accordance with the child's dignity, and under no circumstances corporal punishments, or punishments which relate to the child's physical and mental development or which may affect the child's emotional status are allowed.

4. **Penalties.**— (1) Whoever violates the provisions of Section 3 of this Act shall be liable to the punishments prescribed for the said offences in the Pakistan Penal code, 1860 and other respective laws.

(2) In addition, the following minor and major penalties will apply to persons who violate the provisions of Section 3 of this Act in educational, care and penal institutions, and other alternative care settings, namely—

(a) Minor Penalties:

- (i) censure;
- (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules of orders pertaining to the service or post;
- (iii) stoppage from promotion, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar; and
- (iv) recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders.

(b) Major Penalties:

- (i) demotion to a lower post or time-scale, or to a lower stage in a time scale;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) Dismissal from service.

(3) Removal from service does not, but dismissal from service does, disqualify for future employment.

(4) in this section removal or dismissal from service does not include the discharge of a person—

- (a) appointed on probation, during the period of probation, or in accordance with probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or

- (c) Engaged under a contract in accordance with the terms of the contract.

(5) Notwithstanding anything contained in sub-section (2) to (4) in cases where parents violate the provisions of section 3 and the offences committed are not covered under the Pakistan Penal code, 1860 and other respective laws in such cases the parents shall be served with a caution and be bound by an agreement not to use corporal or physical punishment in future wherever necessary the parents will also be provided with advice on parenting:

Provided that in taking any decision with regard to charging or prosecuting parents in cases of corporal and physical punishment the best interests of the child should be the paramount consideration.

5. Complaint procedure in the cases of corporal punishment.—

The Government of Gilgit-Baltistan shall prescribe a complaint procedure in coordination with other line departments, to entertain complaints of corporal punishment by children or by any other person.

6. Enforcement of the provisions of this Act to private institutions.—

(1) The Government of Gilgit-Baltistan shall devise a comprehensive system for the enforcement and monitoring of the Act in private institutions whether registered or unregistered which will be prescribed.

(2) All private institutions shall formulate a complaint system to address corporal punishment.

(3) At the time of registration the private institution will have to submit an undertaking in writing that they will be responsible for the formulation of complaint system in line with the Act and Rules made there under for entertaining complaints of corporal punishment; failing which will make them liable to the cancelation of registration. The form of undertaking will be prescribed.

(4) In the case of a private institution the complaint of corporal may also be tiled for invoking the provisions of the Act before an authority which may be prescribed.

7. This Act to override all other law.— The provisions of this Act shall override all other laws for the time being in force.

8. Rules.— (1) The Government of Gilgit-Baltistan may, by official notification, prescribe Rules under the Act, as and when required in the best interest of the people of GB.

(2) The Government of Gilgit-Baltistan shall amend respective Education Code and the Code of Conduct for teachers and the relevant Rules etc. to include the prohibition of corporal punishment against children at workplace and in all educational institutions including formal, non-formal, and religious, both public and private, and in child care institutions including foster care, rehabilitation centers, and any other alternative care settings, both public and private and in the juvenile justice system.

HAJI FIDA MUHAMMAD NASHAD,
Speaker,
Gilgit-Baltistan Legislative Assembly.

MIR GHAZANFAR ALI KHAN,
Governor,
Gilgit-Baltistan.