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NO. 49 WEDNESDAY DECEMBER 1st, 1976.

GOVERNMENT OF BALUCHISTAN,  
LAW DEPARTMENT.

NOTIFICATION,

Re

Dated Quetta, the 4th December, 1976.

No. Legis: 2-32/Law/75. The following Ordinance made by

the Governor of Baluchistan.

on the 1st of December 1976, is hereby published

for general information :—

BALUCHISTAN ORDINANCE NO. XV OF 1976.

THE BALUCHISTAN ORPHANAGES (SUPERVISION & CONTROL)  
ORDINANCE, 1976.

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ORDINANCE /  
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to provide for the establishment of a board to supervise and regulate the working -and

control of Orphanages in Baluchistan.

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G. P. (Q) 373-500-12-75,

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Preamble.

Short title extent  
and commencement.

Definations.

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WuereAs it is expedient to establish a Board to supervise and  
Segulate the working and the control of Orphanages in Baluchistan;

AND WuereAS the Provincial Assembly is not in session and the  
Governor of Baluchistan is satisfied that circumstances exist which  
render immediate legislation necessary;

Now, THEREFORE, in excrcise of the powers conferred by  
clause (1) of Article 128 of the Contitution of the Islamic Republic  
of Pakistan, the Governor of Baluchistan is pleased to make and  
promulgatd.the following Ordinance:—

1, (1)... This Ordinance may be called the Baluchistan Orphan-  
ages (Supervision & Control ) Ordinance, 1976.

(2) It extends to the whole of Baluchistan except the Tribal  
Areas,

(3) Itshall come into force on such date as the Government  
may by notification in the official Gazette appoint in this behalf,

2. In this Ordinance, unless the context otherwise requires-

(a) "Board" means a Board constituted under Section 3 of  
this Ordinance;

(b) "Chairman" means the Chairman of the Board;

(c) "Government" means the Government of Baluchistan;

(d) 'Governing Body" means a person or group of persons  
tesponsible for the management and control of an orphanage;

(e) "Licencing Authority"? means the Director/ Deputy  
Director, Social Welfare, Baluchistan or any other officer  
appointed or nominated by him to be a Licencing  
Authority for the purposes of this Ordinance;

(f) "Member" means a member of the Board;

(g) "Orphan" means any child under the age of J8 years whe-

(i) has lost his/her parents or one of the parents and  
has no adequate source of income; or

(ii) is unclaires; or

(iii) has parents who are destitute or who has been deserted by his parents;

(h) "Orphanage" means a building, structure or enclosure or any institution or part thereof which is used for the reception, maintenance and care of Orphans. 'The Orphanage in future will be named as "Darul Itfal";

(i) "Prescribed" means prescribed by the rules framed under this Ordinance;

Establishment of  
the Board.

Membership of  
the Board.

Temporary  
Vacancies.

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Gj) 'Secretary'? means the Secretary of the Board;

(k) "Rules" means the rules made under this Ordinance;  
and

(l) 'Voluntary Social Welfare Agency'? means an organization association or under-taking established by a person or group of persons for rendering welfare services and depending for its resources on public subscription, donations or Government aid and registered under the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.

3. As soon as may be, after the commencement of this Ordinance, Government shall, by notification in the official gazette, establish a Board to be called "the Baluchistan Board of Control for the Supervision and Control of Orphanages".

4. (t) The Board shall consist of a Chairman and the following members:—

- (a) Secretary, Finance Department, Baluchistan;
- (b) Secretary Auqaf Department, Baluchistan;
- (c) Secretary, Education Department, Baluchistan;

(d) One representative of the Chamber of Commerce and Industry, to be nominated by it;

(ec) One representative of the Home Department to be nominated by Government;

(f) One representative of the Law Department to be nominated by Government;

(g) Director/Deputy Director, Social Welfare, Baluchistan.

(h) Two prominent Social Workers to be nominated by the Chairman in the manner stated in sub Section (4) of this Section;

(2) The Additional Chief Secretary (Coordination) shall be the Chairman of the Board and shall act as such in his individual

capacity.

(3) The Director/Deputy Director, Social Welfare, Baluchistan shall be the ex-officio Secretary of the Board.

(4) The Chairman shall, on the recommendation of the Secretary nominate two prominent social workers mentioned in clause

(h) of sub-section (i) of Section 4 from amongst Voluntary Social Workers who may be willing to act as members of the Board and be deemed fit by the Chairman to hold that assignment.

5. (1) \_ If for any reason, the Chairman becomes unable to perform his duties temporarily, Government shall nominate any other member to act as Chairman till such time the Chairman resumes his duties.

Notification of the  
Chairman and  
nominated members.

Employees of the  
Board.

Functionaries of  
the Board to be  
public servants.

Delegation of  
Powers.

Fund,

Custody, Audit  
and operation of  
fund.

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(2) In case the office of Secretary falls temporarily vacant, the Government may nominate any other member or officer of the Board to perform the duties of the secretary during the subsistence of the vacancy.

6. (1) The nomination of the Chairman and members shall be notified in the official Gazette.

(2) Any alternation in the membership of the Board, including termination or resignation by all or any one of the members shall take effect from such date as may be specified in the notification,

7. The meetings of the Board shall be held at such time and place and in accordance with such procedure as may be prescribed;

Provided that until rules are made, the meetings of the Board shall be convened and conducted by the Chairman at such times and in such manner as he may consider fit.

8. The Board may for the purposes of official performance of its functions or exercise of its powers appoint such employees as it may consider necessary on such terms and conditions as may be prescribed ;

Provided that such terms and conditions shall be fixed in accordance with such directions as the Government may, in case of its employees, issue from time to time.

Provided further that until rules are framed, the Board may appoint employees on adhoc basis on such terms and conditions as it may deem fit.

9, The members of the Board, its employees and every person empowered by the Board to exercise any of its powers under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code,

10. The Board may delegate to the Chairman or to any of

its members or employees al] or any of its powers under this Ordinance or the rules 'made thereunder.

il. (1) There shall be a fund of the Board called the Baluchist- 3 Orphanages Fund.

(2) The fund shall consist of:—

(a) all money received by the Board from Government;

(b) all money collected through Zakat, Fitrah, donations, charities and other contributions; and

(c) all money received or collected under this Ordinance as fee, etc.

12, The Fund shall be-

(i) Kept in any scheduled Bank in the manner prescribed;

Functions of the Board.

Prohibition to establish or continue an orphanage without a licence.

Separate Orphanages for males & Females.

Issue of licence.

Renewal, suspension or cancellation of licence.

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Gi) Operated by the Secretary under the directions of the Chairman; and

(ii) subject to inspection and audit in the manner prescribed.

13. The functions of the Board shall be.

(a) to formulate policies with regard to the objectives of the Board;

(b) to plan, coordinate, integrate, evaluate and encourage welfare services for orphans in Baluchistan;

(c) to supervise and regulate the working of orphanages by giving them professional, technical and financial assistance;

(d) to perform any other functions entrusted to it by or under any law; and

(e) to control the raising and utilization of funds by executive body of orphanages and to arrange for their audit.

14. No person or a Voluntary Social Welfare Agency shall establish or continue an Orphanage except under a licence issued by the Licencing Authority;

Provided that a person or a Voluntary Social Welfare Agency continuing an Orphanage on the date of commencement of this Ordinance may obtain a licence within thirty days of the said date.

(1) There shall be separate orphanages for males and females.



(2) A person or a voluntary Social Welfare Agency applying for a licence to run an Orphanage shall mention in the application whether the orphanage for which the licence required is a male or female orphanage.

16. On receipt of an application for issue of a licence in the prescribed form along with a fee at the rate of Rs. 50/- per Orphanage, the Licensing Authority shall hold inquiry to find justification for the opening or continuance of an Orphanage and may issue a licence on such terms and conditions as may be prescribed.

17. A licence issued under section 16.—

(i) shall be valid for a period of two years from the date of its issue;

(ii) may, when an application is made on the prescribed form within a week of the date of the expiry of the licence, be renewed by the Licensing Authority without fee for a further period not exceeding two years at

a time; and

(iii) may, after giving the licensee an opportunity of being heard, be suspended or cancelled.

Appeal.

Medical Examination of Orphans.

Prevention of begging,

Penalties.

Maintenance and Inspection of accounts,

Exemption.

Power to make rules.

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Licensing Authority, if there is any contravention of any of the provisions of this Ordinance or any breach of the conditions of the licence.

18. | Any person aggrieved by an order under section 16 and 17 may prefer an appeal to Government within sixty days from the date of such order and the decision of the Government thereon shall be final.

19. The Governing Body of an Orphanage shall have every orphan, admitted into the orphanage, medically examined within seven days of such admission and thereafter shall have to continue such practice once a year and keep a record to this effect in the prescribed form.

20. The Governing Body of an Orphanage shall in no circumstances allow or cause an orphan admitted into an Orphanage to beg for alms or solicit for donation or subscriptions in any way or form; nor shall such an orphan be made or permitted to act in any manner incompatible with ordinary human dignity.

21. | Whoever contravenes any provision of this Ordinance shall be punished with rigorous imprisonment for a term which may extend to three years but which shall not be less than one year, or with fine which may extend to two thousand rupees, or with both.

22. (1) The Governing Body of an Orphanage shall maintain or cause to be maintained accounts of income and expenditure of Orphanage in the manner prescribed.

(2) The Board or any person authorised by it in this behalf

may inspect the accounts of an Orphanage and issue such directions as it may deem necessary and the Governing Body shall carry out such directions.

(3) The Governing Body of an Orphanage shall be bound to produce or cause to be produced its record before the Board or the Licencing Authority or its nominee as and when required.

23. (1) Nothing in this Ordinance shall apply to any orphanage established or managed by Government.

24. (1) Subject to the provisions of this Ordinance and with the approval of the Government the Board may make rules, for the purpose of carrying into effect the provisions of this Ordinance,

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters namely :—

(a) the procedure to be followed at the meeting of the Board;

(b) the terms and conditions of service of the employees of the Board;

(c) the powers and duties of the Chairman, Secretary and the members of the Board;

Repeal.

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(d) the form of the application for issue or renewal of licences;

(e) the form and condition on which licences may be issued ;

(f) the form of making report of medical examination and admission of Orphan; and

(g) any other matter which may be considered necessary for carrying out the purposes of this Ordinance.

25. The West Pakistan Control of Orphanages Act. 1958 in its application to the Province of Baluchistan is hereby repealed.

AHMAD YAR KHAN  
BALUCH GOVERNOR OF  
BALUCHISTAN.

the {st December, 1976.

FAKHRUDDIN H. SHAIKH  
Secretary to Govt: of Baluchistan,  
Law Department.

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