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GOVERNMENT OF BALUCHISTAN.

LAW DEPARTMENT. /

'NOTIFICATION.

Dated Quetta, the 18th February, 1978.

No. Legis: 2-32/Law/75. The following Ordinance made by the  
Governor of Baluchistan on the 18th, February, 1978 is hereby published  
for general information :—

BALUCHISTAN ORDINANCE NO. V OF 1978.

THE BALUCHISTAN ORPHANAGES (SUPERVISION AND CONTROL),  
a: ORDINANCE, 1978.

AN <

ORDINANCE

to provide for the establishment of joardto supervise

and regulate the working and control of Orphanages in Baluchistan.

~ Printed by the Manager Government Printing & Stationery Repernnaes ap sy Quetta.  
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vs WHEREAS it is expedient to provide for the establishment of a Board to supervise and regulate the working and control of Orphanages in Baluchistan; (

Preamble. AND WHEREAS the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFOR, in pursuance of the Proclamation of the fifth day of July 1977, read with the Laws ( Continuance in Force ) Order 1977 (CMLA ORDER NO. 1 OF 1977) and in exercise of all powers enabling him in that behalf the Governor of Baluchistan is pleased to make and promulgate the following

Ordinance :— ;

Short 1. (1) This Ordinance may be called the Baluchistan title, Orphanages ( Supervision and Control, }, extent and Ordinance, 1978. é commence-ment.

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

O ‘ (3) It shall come into force on such date as the Government may by Notification in the Official’ Gazette appoint in this behalf.

Definitions. 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 ; ,

oo a? @) “Governing Body” means a person or group ; of persons responsible 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 purpose of this Ordinance;

(f) “Member” means a member of the Board.

(g) “Orphan” means any child under the age of 18 years who:-

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

income; or ~ :

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Establishment  
of the Board.

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Mémbership  
ape the Board

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sdegented:-by his/her parents; -

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oe lf'Oephanages"? means.q bilding, structure: ,

or, enclosyre/or,,any instittition. or" pait

- esa thereof which is-used for the reception,"

"maintenance and care of Orphans. The  
sage 0 sa in future will be named as  
"@ - | "Breseribed" chs prescribed by the tules ;

' framed under. this Ordinance;

Od "Secretary". means thé Secretary of the Board;

(ky "Rules" means thie rules made under this, Ordi-  
. nance; and . i

@ "Voluit Social Welfare Agency" means an  
— —, Organiza on, Association or undertaking estab-. .  
#," lished By a person or group of persons for rey- ."  
. dering welfare services and depending for its  
fesources on public subscription, donation or  
Government aid and registered under the Volin-  
tary Social Welfare Agencies (Registration and.  
Control) Ordinance, 1961. . elles

3. Assoon as may be, after the commencement of 'this:  
Ordinance Government shall, by notification in the  
Official Gazette, establish a Roard to be called . ©  
"The Baluchistan Bean pe Control for, the Super: .  
vision. and Control o' Orphanages". 2

#@, The Board: etal consist of a Chairman and the  
'ollowing miembers !

{a} Secretary, Finance a Baluchisten:

(b) Secretary, Education, Department, Baluchistan;

(©) One'representative of the Home Department to :  
. , be nominated 'by Government} 7

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. @ One tepresentative of, the Chamber of Com- ;

j merge 'and Industry, to be nominated. by it;

(e) One representative of the 'Law Departmen tote z .

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~ 4 Se pl ty Smee Aber ao Be, ee  
 ie a or ne, Two prominent Sdtial Wogkers to be nominatoti  
 "ey ; rg (s a rat cient 5 ih the manner stated in' Sub  
 ' 5 ; son (4) of this Section;.. ;  
 2... "The Sevtetéry Auqaf, Government of Baluchistra;  
 ; -. shall be the Sune of the Board atid shall act 'as  
 pt os ' such if His individual capacity. ~  
 : pea \* 3. 'The Diréstor/Depiity Director, Social Welfare; Balu-  
 ; chistaii skall be the Ex-officio Secretary of the Board.  
 oy 4. . The Chairman shall, on the recommendation of the ~  
 Secrélary nominate two prominet Social Workers  
 mentioned in clause(h) of Sub Section(1) of Section  
 ro 4 from amongst Voluntary Social Workers who may ,  
 . be willing to act as miembets of the Board and be  
 i deemed fit by the Chairman to hold that assignment.

Temporary 5. (1) If for atiy reason, the Chairman becomes un- '  
 Vaeancies. ~ able to perform his duties temporarily, Govern-  
 int Shall hotrninate any other member to act Tn  
 pion till such time the Chairman resumes  
 s duties. :

(2) In case the office of Secretary falls temporarily  
 vacant, the. Government may nominate any  
 - ' \_ ot Fann EE OF officer of the Board to perform  
 ? oo the duties of the Secretary during the 'subsis-  
 tance of 'the vacancy. : '

Motilication 6. (1) Théhomina on of th Chairman aind members -  
 ; of the . shall mol ed in the official Gazette.  
 and nomi- " ; ;  
 ide ' Q) Any plternation in the membership eof the

Card, ineluding termination or sepignatien by -  
 allor any. one of the members shall take effect  
 from auch date.as-may be specified in the notifi-

on. .

7. Thé meetings of the Board shall: be held at such time '  
 . re Bs

and place and accerdanee with such proced  
 may be pronived P

a

Provided that untill rules are.made, the meetings

of the Board shall be eonvaned and conducted ty  
 thé Chairman at such times and in such manner as he

may consider fit.

ees 8... The Board' may for the purposes of official perfor- \_  
gt by - mange of its - functions Of exercise -of its owere

oo 'appoint suc! i paca sas it may consider neces:  
3 'on such terms and conditions as nay be presedibats

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Coe Le Provided that such terms and conditions shall be  
wet of 6. fixed in accordance with such directions as the Govern.  
wea . 8 Tuy , tent may, itt Case of its employees, issue from. time to  
7S tittte. es aie

aoe ; : Provided further that until rules are framed, the

'Board: may appoint employees on ad-hoc basis, on

i = such terms and conditions as it may decide fit. <

Faction- 9: The members of the Board, its employees and every

ories of person empowered by the Board to exercise any of its,

the Board powers under this Ordinance shall be deemed to be-

- | ta.be public Public Servants of the meaning of Section 21. of \*

\_ \_ Sévatits. © the Pakistan Penal Code. - 7

ao Delegation 10.. \_ The Board may delegate to the Chairman or to any

of Powers. of its members of employees all or any of its powers under

' a et : this Ordinance or the rules made thereunder. -

Fund. i a There shall be a fund of the Board called the

h Bah chistah Orphanages Fund. -

Bye es (2) The Fund shall consist of:-

6 (a) all money received by the Board from Govern

2 : ment. , ; ,

r uo , (b) all money collected through Zakat, Fitrah,

: a : . donations charities and other contributions;

and © ea .

(©) -all money received or collected under this -

Ordinance as fee, etc. r .

Custody — 12. The fund shall be--

Audit and : 25 ; ;

'Operation @ ne in Listy Scheduled Bank in the' winter |

of fund. "--prescribed; ' ; ;

(ii). Operated by 'the Secretary under the directions

i of the che rian ; ! ~

; Gi subject to inspection and audit in the manner

i3. The fund shall be. Ss es

) (a alith re .to the objec-

'the of the icies with reg; Cae) jee

Beard;

a (h) to plan, coordinate, integrate, evaluate "and

. to encourage welfare services for orphans: in

; f \* \_ ~ Baluchistan: : : ¥

© , : () to supervise and regulate the working of or-

hanages by giving them professional technical ~

and financial' assistances;? —

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Sl vas oa, t rform , any other functions entrusted to it  
had Wome it O, ifeC L # , Ti AR tilization of funds «  
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dy of ofphanages afd to-arrange -

gt 14." NO™ pe¥sdn'ér a Voluntary Social Welfare Agency  
im i shail establish 'or continue an Orphanage except  
i 'or-continue / . under a licence issued by the Licencing Authority; .  
"yam. Orpha- . " : me fe oe ge ' >  
"" natge = rT 4 sek wack aie  
| without. a Provided.that a person ot a Voluntary: Social: :  
"licence. \_\_.\* Welfare Agency. aa Orphanageon the  
ee ' . date "of commencement éf this Ordinance may » |  
ae ra ; obtain a'licetice 'within thrity days of the said date.  
oY ay : Sdparate "15. (ly Theré shall be sçparate Orphanages for-'male .\n  
| ' Orphanages ; and females. ee wi: :  
\\-o"" . for males (2) A person ora Voluntary Social Welfare Agen- ' f  
yoo. -amdfemales, 4 cy applying for a licence to yun an Orphanagel  
, ' : ; shall-mention in the' application whether the , <.  
"ae hanage for which the licence requiredis'a, |'  
\\: male or. female Orphanage. ' "  
. Issue of \_\_ ' - 16. On receipt ofan application for issue of a licence i  
"Licenced. in the prescribed form alongwith a fee at the rate of. 3 z  
tn 4 2 Rs. 56): Orphanage, the Licencing Authority  
"ay Thy shall hold inquiry to find justification for the open-  
re ae ing-or continuance of an Dephanape and may issue  
yeas . licence on-stich terms and conditions as thay be  
prescribed. \_\_  
Ve Renewal 17. A: licence issued "under section 16....  
suspension Be, ie oa —  
or cancella- ~. @- Shall be valid. for a period of two years from  
, tion of licence. . / ' the date of, its issue; Bg hey  
(i) may, when an-application is made on the pres-  
ale ~ eribed-form witen a week of the date of the ..  
| exipiry of the licence; be renewed by the Licenc-  
E "edie ct 4 Ys of ing-Authority without fee.for a farther period  
fe se g not: exceeding two. years at atime: and 4  
nh ® ' rs ee soe . x ' aa  
+ (di) may, after giving the licence an oppurtunity of  
f A ee en - belagbeant Desuspended or cancelled bythe  
be, 7 oy: dbicencing Authority, if there is 'any contra:  
a ae 4 + Nealtion of any of the provisions of this Ordi- /  
7. ones ot any-bréach of the-conditions of the -  
; ss D fot, ; ge? ' rhets  
s 4 cf he 8 : : ¥

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Renewal 18.

Appeal. Suspen-  
"sion or

Medical 19.

Provention 20.

of begging.

Penalties, 21.

Mainte- 22.  
nance and  
Inspection

of Accounts.

Exemption. 23.

Power to "24.  
make rules.

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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.

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

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

Whoever contravenes any of this  
Ordinance shall be punished with rigorous imprison-  
ment for a term which may extend to three years  
but which shall not be less than one year, or with

five which may extend to two thousand rupees,  
on. with both. :

rovision

(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 direction 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 of the Licencing Authority or its nominee as and when required :

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

(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  
i 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:

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

(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. ;  
Repeal. '1 - The West Pakistan Control of Orphanages Ordinance, 1958 in its application to the Province of , + Baluchistan is hereby repealed. :

, Dated the 18th Feb: 1978. Mr. Justice Min. KHUPA BAKHSH Marri,  
GOVERNOR OF BALUCHISTAN.

FAKHRUDDIN H. SHAIKH,

\_\_\_ SECRETARY,  
GOVERNMENT OF BALUCHISTAN,  
Law DEPARTMENT.