

EXTRAORDINARY . REGISTERED No. S-2771

A g
Sec

an The Baluchistan Gazette
i } . PUBLISHED BY AUTHORITY

No. 7 QUETTA, SATURDAY, FEBRUARY 18, 1978.

we oe

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 Repernaes ap sy Quetta.
Price Ref-1 . P,Q) 426.450-3-78.

2;

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 managtment 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 adoquate source of

income; or ~ :

oe

"4

an

Establishment
of the Board.

Y

Mémbership
ape the Board

www.ezqanoon.com

eine or, " i
; who at fe destitutes. sith ia.
sdegented:-by his/her parents; -

(fai sagt es dl

oe \f'Oephanages"? means.q bvilding, 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, Ordinance; 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;

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

dy. oe

7

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

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

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

mere me Cees

,

~ 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 shall be the €x-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 hotninate 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 sepignatiien 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 eonvaneed 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 pacas it may consider neces:
3 'on such terms and conditions as may be presedibats

www.ezqanoon.com

Coe Le Provided that such terms and conditions shall -be
wet ot 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 untill rules are framed, the
'Board: may appoint employees on ad-hoc basis, on
i = such terms.and conditions as it may deci fit. <
Fansion- 9: Thé 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 te be-
- | ta.be public Public Servants oe the meaning of Section 21. of **

__ Sévatits. © the Pakistan Pena Code. - 7

ao Delegation 10.. _ The Bpard 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-rales made thereunder. -

Fund. i a There shall be a fund of the Board calléd the
h Bah chistah Orphanages Fund. -

Bye es (2) The Find stall consist of:-

6 (a) all.inoney réceived by the Board from Govern

2 : ment. , ;

r uo , {b) all mipitey vdlected through *Zakat., Fitrah,

: a : . délations charities and other contributions;

and © ea .

(©) -all_tioney teceivéed or collected under this -

Ordinance as fée, étc. r .

Custody — 12. The fund shall be--

Audit and : 25 ; ;

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

of fund. "--préScribed; ' ; ;

(ii). Opttated by 'the Seéretary under the directions

i of the che rian ; ! ~

; Gi subjéct td inspection and audit in the manner

i3. Tig felis af he Bout shall bei. Ss es

) (a ali ith re .to the objec-

'fhe of the icies with reg; Cae) jee

Beard;

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

. tk encourage. welfare services for orphans: in

; f * _ ~ Baluchistan: : : ¥

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

hanages by giving thém professional technical ~
and financial' assistances;? ——

. hie ae Hy sig 5 2 . x

SI vas oa, t rform , any other functionsentrusted to it
had Wome it 0, ifeC L # , Ti AR tilization of funds «
= a i ve bc , ele

dy of ofphanages afd to-arrange -

gt 14." NOT™ 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 .\
| ' Orphanages ; and females. ee wi: :
`-o"". for males (2) Aperson.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 opportunity 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 : : ¥

PX

Renewal 18.

Appeal. Suspension or

Medical 19.

Provention 20.

of begging.

Penalities, 21.

Mainte- 22.
nance and
Inspection

of Accounts.

Exemption. 23.

Power to "24.
make rules.

7

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 have to continue such practice once a year and keep a record to this effect in the prescribed 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 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 to ordinary human dignity.

Whoever contravenes any 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

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

rovision

(1), The Governing Body of an Orphanage shall
maintain orcause 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 Or-
phanage 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 Autho-
rity 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 rene-

wal of licence; aN

(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.