

THE BALOCHISTAN ORPHANAGES
(SUPERVISION AND CONTROL)
ORDINANCE, 1978

(Baln Ordinance V of 1978)

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Preamble.

Short title, extent
and
commencement.

Definitions.

'THE *BALOCHISTAN ORPHANAGES
(SUPERVISION AND CONTROL)
ORDINANCE, 1978

(Balochistan Ordinance V of 1978)

[18" February, 1978]

An Ordinance to provide the establishment of a Board to supervise and regulate the working and control of Orphanages in Balochistan.

WHEREAS it is expedient to provide for the establishment of a Board to supervise and regulate the working and control of Orphanages in Balochistan;

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

NOW THEREFORE, 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 Balochistan is pleased to make and promulgate the following Ordinance: —

1. () This Ordinance may be called the Balochistan Orphanages (Supervision and Control) Ordinance. 1978.

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

(3) It shall 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

This Balochistan Ordinance, was promulgated by the Governor of Balochistan on 18th February, 1978; published in the Balochistan Gazette (Extraordinary) No. 7, dated 18th February, 1978. Saved and, validated by Article 270-A of the Constitution of the Islamic Republic of Pakistan (1973).

Spelling of the word "Baluchistan", wherever it appears in this Ordinance, is corrected by insertion of letter "o" instead of "u"; as per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18th June, 1989.

3 Proclamation of Martial Law, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5th July, 1977

4 Chief Martial Law Administrator Order I of 1977, published in the Gazette of Pakistan, Extraordinary, Part I, dated 5th July, 1977

(b)
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(f)
(g)

(h)

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(x)

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3 of this Ordinance;

"Chairman" means the Chairman of the Board;

"Government" means the Government of
Balochistan;

"Governing Body" means a person or group of
persons responsible for the management and
control of an Orphanage;

"Licensing Authority" means the Director/Deputy

Director, Social Welfare, Balochistan or any
other Officer appointed or nominated by '[the
Administrative Secretary of Social Welfare
Department]' to be a Licensing Authority for the
purpose of this Ordinance;

"Member" means a member of the Board;

"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

(ii) is unclaimed; or

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

"Orphanages" 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";

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

"Secretary" means the Secretary of the Board;

"Rules". means the rules made under _ this Ordinance; and

"Voluntary Social Welfare Agency" means an Organization, Association or undertaking established by a person or group of persons for rendering welfare services and depending for its

1 Substituted for word "him" by Balochistan Ordinance XVI of 1978; published in the Balochistan Gazette (Extraordinary), dated 21* June, 1978; saved and validated by Article 270-A of the Constitution of Islamic Republic of Pakistan, 1973.

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(Constitution and 3.

Membership of the

Board.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)

3[Tenure of 4.

resources on public subscription, donation or

Government aid and registered under

the

Voluntary Social Welfare Agencies (Registration

and Control) Ordinance, 1961!.

Chief Administrator Augaf
Department, Government of
Balochistan.

Secretary Finance Department,
Government of Balochistan.

Secretary Education Department,
Government of Balochistan.

Secretary Home Department or
his nominee not being an officer
below the rank of Deputy
Secretary.

Secretary Law Department or his
nominee not being an officer
below the rank of Deputy
Secretary.

Director/Deputy Director. Social
Welfare Department Balochistan.

One representative of the
Chambers of Commerce and

Industry to be nominated by its President.

Two prominent Social Workers to be nominated by the Chairman of the Board by notification in the official Gazette.]

Membership of from the date of their assumption of office.]

nominated

On coming into force of this Ordinance, the Board comprising of the following shall come into existence: —

Ex-Officio

Chairman

Ex-Officio
Member

Ex-Officio
Member.

Ex-Officio
Member.

Ex-Officio
Member.

Ex-Officio
Secretary
the Board.

of

Non-Official
Member.

Non-Official
Members.

The tenure of nominated members shall be two years

1 That is Ordinance XLVI of 1961; made by President of Pakistan; and published in the Gazette of Pakistan, Extraordinary, da
2

2TM December, 1961.

Section 3 substituted by Balochistan Ordinance VXi of 1978, published in the Balochistan Gazette (Extraordinary) dated 21* June, 1978. For more detail see footnote 1, under section 2 (e).

3 Section 4 substituted by Balochistan Ordinance VXi of 1978. For more detail see footnote | under section 2 (e).

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Members.

[Alteration and
addition in
membership.

Notification of the
Chairman and
nominated
members.

3[Meetings of the
Board.]

‘(Quorum of
meeting.

Employees of the
Board.

Functionaries of the
Board to be
public servants.

Section 5 substituted, ibid.

Section 6 substituted, ibid.

5. The Government may, by notification in the official Gazette make any addition or alteration in official members and change the Chairman of the Board.]

716. (1) If for any reason, the Chairman becomes unable to perform his duties temporarily, the senior most official member shall act as Chairman till such time the Chairman resumes his duties.

(2) In case the office of Secretary falls temporarily vacant, or if for any reason the Secretary becomes unable to perform his duties temporarily, the Chairman shall nominate any of the official members or an officer of the Board to perform the duties of the Secretary during the subsistence of the vacancy. |

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.

7-A. The quorum of a meeting shall be one half of the members of the Board.]

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 ad-hoc 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

Marginal heading given to section 7, by Balochistan Ordinance VXi of 1978. For more detail see footnote | under section 2 (e).

Section 7-A, added *ibid*.

within the meaning of Section 21 of the Pakistan Penal Code.

Delegation of 10.

Powers.

The Board may delegate to the Chairman or to any of its members or employees all or any of its powers under this

Ordinance or the rules made thereunder.

Fund. 11.

()

There shall be a fund of the Board called the

Balochistan Orphanages Fund.

Custody Audit and = 12.

operation fund.

Functions of the 13.

Board.

(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[:];!

?[Provided that the money collected through Zakat and Fitrah shall be spent in accordance with the Injunctions of the Holy Qur'an and the Sunnah of the Holy Prophet.]

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

The fund shall be: —

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

(ii) operated by the Secretary under the directions of the Chairman; and

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

The functions of the Board shall be: —

(a)

(b)

(c)

to formulate policies with objectives of the Board;

regard to the

to plan, coordinate, integrate, evaluate and

encourage welfare services for orphans in

Balochistan;

to supervise and regulate the working of

orphanages by giving them professional

1 Semi-colon and word "and" appearing after word "contributors" substituted for colon, by Balochistan Ordinance XIX of 1984; published in the Balochistan Gazette (Extraordinary), dated 9" January, 1985; saved and validated by Article 270-A of the Constitution of Islamic Republic of Pakistan.

2 Proviso added, *ibid*.

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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.

Prohibition to 14. No person or a Voluntary Social Welfare Agency shall establish or establish or continue an orphanage except under a licence continue an issued by the Licencing Authority:

Orphanage

without a Provided that a person or a Voluntary Social Welfare

licence. Agency continuing an orphanage on the date of commencement of this Ordinance may obtain a licence within thirty days of the said date.

Separate 15. () There shall be separate orphanages for male and Orphanages for females.

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.

Issue of licence. 16. On receipt of an application for issue of a licence in the

prescribed form alongwith a fee at the rate of Rs. 50/- per Orphanage, the Licencing 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.

Renewal 17. A licence issued under section 16: —
cormallation of (i) shall be valid for a period of two years from the licence. date of its issue;

(ii) 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 Licencing 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 by the Licencing Authority, if there is any contravention of any of the provisions of this Ordinance or any breach of the conditions of the

Renewal Appeal,
Suspension or
cancellation of
licence.

Medical
Examination of
Orphans.

Prevention of
begging.

Penalties.

Maintenance and
Inspection of
Accounts.

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[.]'

[Provided that no appeal shall be decided unless the appellant has been afforded an opportunity of being heard.]

19. 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.

20. 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.

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.

3[Provided that cognizance of an offence under section 21, shall not be taken except by a Magistrate of the first class on a written complaint by the Secretary.]

22. () 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

2 Full stop substituted for a colon by Balochistan Ordinance XIX of 1984. For more detail see footnote 2 under section 11(b).

2 Proviso added, *ibid.*

3 Proviso added by Balochistan Ordinance XVI of 1978. For more detail see footnote 1 under Section 2 (e).

Exemption.

Power to make
rules.

Repeal.

required.

23. Nothing in this Ordinance shall apply to any Orphanage established or managed by Government.

24. (i) 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;

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

(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, Ordinance, 1958 in its application to the Province of Balochistan is hereby repealed.