

THE BALOCHISTAN VAGRANCY
RULES, 1988

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RULES

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'THE BALOCHISTAN VAGRANCY
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NOTIFICATION

[23rd August, 1989]

No. 40-NZF/83- In exercise of the powers conferred by section 25, of the Balochistan Vagrancy Ordinance, 1958? (W. P. Ordinance XX of 1958), the Government of Balochistan is pleased to make and promulgate the following rules, namely:—

1. Short title and commencement.— Q) These rules may be called the Balochistan Vagrancy Rules, 1988.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant to the subject or context, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:—

(1) "Competent Authority" means the Government of Balochistan;

(2) "Controller" means the person specified in clause (b) of section 2 of the Ordinance;

(3) | "Convicted vagrant" means any vagrant who is under sentence of a Court, and

includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898;

(4) "District Magistrate" means the District Magistrate of the area Magistrate;

(5) "Genuine beggar" means a person who is incapacitated, infirm and has no ostensible means of earning his livelihood;

(6) "History ticket" means the ticket exhibiting such information as is required in respect of each inmate;

(7) "Hostel Superintendent" means the Female Superintendent incharge of Hostel of Female Welfare Home;

(8) "Imprisonment" means the imprisonment of either description as defined in the Pakistan Penal Code, 1860+;

(9) | "Inmate" means a person arrested under the Ordinance, declared a genuine beggar by competent Magistrate/Court and sent to the Welfare Home;

These rules have been issued by the Government of Balochistan, Zakat and Social Welfare Department (National Zakat Foundation) vide its notification No. 40-NZF/83, dated January, 1988; and published in the Balochistan Gazette (Extraordinary No. 146, dated 23 August, 1989.

An Ordinance promulgated by Governor of West Pakistan on 1 October, 1958; published in the W.P. Gazette (Extraordinary),

dated 1* October, 1958; saved and given permanent effect by Article 225 of the Constitution of Islamic Republic of Pakistan (1962); and adopted by Balochistan Laws (Adaptation) Order, 1975, with substitution of the word "Balochistan" for the words "West Pakistan".

3 That is Act V of 1898.

That is Act XLV of 1860.

(10) "Magistrate First Class" means a Magistrate appointed by the Provincial Government under Section 10 or 12 of the Code of Criminal Procedure, 1898°;

(11) "Manager" means a person appointed under section 4 of the Ordinance;

(12) "Medical Officer" means a Doctor with minimum qualification of M.B.B.S;

(13) "Notification" means a notification published under proper authority in the official gazette.

(14) "Ordinance" means the Balochistan Vagrancy Ordinance (XX of 19587);

(15) "Police Officer" means the Officer incharge of a Police Station/Police Post of Police escort.

(16) "Prescribed" means prescribed by rules;

(17) "Prohibited article" means an article the introduction or removal of which into or out of a Welfare Home is prohibited by any rules under the Ordinance.

(18) "Province" means the Province of Balochistan.

(19) "Public nuisance" means a public nuisance as defined in the Pakistan Penal Code, 1860°;

(20) "Subordinate Officer" means and includes every officer of a Welfare Home, other than the Manager/Social Welfare Officer incharge of a Welfare Home.

3. In addition to the money made available from the Provincial Zakat- Fund and the National Zakat Foundation, the Competent Authority may authorise any person to receive money, food or gift for the Welfare of the inmates housed in the Welfare Home.

4. Any person who solicits or receives money, food or gift for the purpose authorised by these rules shall be issued a certificate to that effect.

5. The Controller shall be responsible for the proper management in all matters of all the Welfare Homes established in the Province. He shall pay visits to the Welfare Homes at least once a quarter.

6. The District Magistrate or any other officer, not below the rank of a Magistrate First Class authorised by him, may inspect the Welfare Homes situated within the District.

7. The Manager or in his absence, the Social Welfare Officer shall:—

(a) Provide for the support, care and custody of, and control over all inmates housed in the Welfare Home;

(b) maintain order and discipline amongst the inmates house and the subordinate officer employed, in the Welfare Home;

(c) control all expenditure relating to the Welfare Home;

(d) made preliminary inquiries into all alleged breaches of discipline rules in due

course of law; and

(e) to take all such measures as may be necessary and expedient for the proper

protection and management of the Welfare Home and of all inmates at any time housed therein and for the purpose of giving effect to and enforcing the provisions of the Ordinance, and all rules, regulations, orders and directions made or issued thereunder, as may be applicable thereto or to any inmate confined therein or any officer thereof.

° That is Act V of 1898.

2 That is W.P. Ordinance XX of 1958. Also see footnote 2 on the first page of these rules.

3 That is Act XLV of 1860.

8. The Manager, shall make himself thoroughly acquainted with the provisions of the Ordinance and these rules.

9. The Manager shall report at once to the Controller as they occur;

(a) all serious breaches of Welfare Home discipline;

(b) all outbreaks of epidemic diseases among the inmates and the measures taken

to prevent the spread thereof;

(c) all serious cases of overcrowding and all such other matter as the Controller may from time to time in his discretion by general or special order in that behalf, require to be so reported;

(d) in all cases of any emergency, not sufficiently provided for in these rules, shall inform the Controller and conform to his orders, acting, in the meantime, to the best of his own judgement.

10. The "Manager" shall maintain "Order Book" and shall enter therein all his orders relating to the management and discipline of the Welfare Home, and shall satisfy himself that every such order is duly carried into effect. All officials entrusted with the execution of any such order shall sign the order book in acknowledgement of having read and received the orders.

11. The Manager shall record in his order book the distribution of duties and registers among the subordinate officers of the executive, clerical and other staff in such a way that responsibility for error, dereliction of duty and defalcation may be fixed with precision.

12. The Manager shall Visit the Welfare Home at least once on every working day, and on Fridays and holidays whenever special circumstances render it necessary to do so. He shall record in his order book any failure to comply with this rule, together with the cause thereof.

13. The Manager shall inspect the food prepared for the inmate at least three times as week.

14. The Manager shall ensure that the premises of the Welfare Home are maintained in the

best possible state of repair and are kept clean and in an efficient sanitary condition,

15. The Manager shall on all occasion be ready to enquire into an complaints and to listen to any application from an inmate.

16. The Manager shall inspect daily the rations prepared for issue to the inmates and shall satisfy himself that they are of good quality and proper weight.

17. Once in every quarter the Manager shall test all weights and scales which are in use in the store rooms kitchen etc in the Welfare Home and shall record the result to such test in his order book.

18. The Manager shall submit an annual report to the Controller by the end of February each Year. This report shall contain review of the general condition and management of the Welfare Home concerned.

19. The Manager shall report to the Controller the death of any inmate.

20. The Manager shall discharge his duties subject to the control of, and all orders passed by him shall be subject to revision by the Controller.

21. The Manager shall hold a preliminary enquiry touching every offence committed or alleged to have been committed by an inmate and taken further action in accordance with the law.

22. The Manager shall at all times exercise a vigilant supervision and control over all moneys and property of whatever kind received by him or by any subordinate officer, and overall expenditure of every kind incurred by him or under his authority or orders or under the

authority of any rules in that behalf for the time being in force, on the upkeep and management of the Welfare Home and shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the provisions of these rules and any other rules and order regulating the management of the public accounts for the time being in force in that behalf.

23. The Manager shall be personally liable for all defalcations, losses or damages caused in any way due or attributable to any negligence, disobedience or misconduct on his part.

24. The Controller with the sanction of the Government, shall fix the scale of diet to be provided in respect of each class of inmates and with the like sanction may from time to time:—

(a) vary the scale of diet generally; and

(b) prescribe a special scale of diet in respect of any kind or periods of time, during the season of the year.

Provided that the Medical Officer, in his discretion, at any time, may prescribe any special dietary in respect of any sick inmate for the period of his recovery.

25. The Controller may transfer an inmate from one Welfare Home to another to avoid over crowding and on any other valid grounds necessitating such transfer.

26. A report about the inmate having been transferred to another Welfare Home should be sent by the Manager to the Controller.

27. Transfers should be made in such a manner so that the inmate reaches his destination on a day other than Friday or Holiday.

28. Three day's notice should be given to the Police to arrange for the escort giving the number of vagrants and their sexes.

29. The transferring Manager should inform the receiving Manager of the date of departure and probable arrival at their destination of the inmate whose transfer is sanctioned.

30. The certificate of receipt (Annexure "A") is to be filled in and signed by the Manager of the receiving Welfare Home and forwarded to the Manager of the transferring Welfare Home.

31. All the expenses connected with the transfer of the inmates shall be borne by the despatching Welfare Home.

32. If an escape occurs enroute, intimation of the same should be given as soon as possible to the nearest law enforcing authorities, and to the Manager of the Welfare Home from which the inmate came, with a view to his recapture.

33. Any female may be allowed to keep her Male or Female children with her in the Welfare Home up to the age of seven years.

34. No female inmate shall, otherwise than under lawful authority, on any pretext leave or

be removed from the female enclosure of the Welfare Home.

35. The keys of the various locks in use in the female Welfare Home shall (other than the outer lock of the Main entrance, be kept in possession of the Hostel Superintendent of the Welfare Home. The Hostel Superintendent shall lock all the inmates into their sleeping wards and having done so shall lock the door of the main entrance. It should be so arranged that whenever the female portion of the Welfare Home is opened, other than by the Hostel Superintendent, two Welfare Home officials shall be present.

36. All articles of diet shall, when possible, be weighed out to the cooks in a state ready prepared for cooking. Measures frequently tested shall be kept in sufficient number for the distribution of all food that has to be given out by measure.

37. The uncooked food shall be weighed out to the cooks in the presence of the Manager, Welfare Officer, or any other official so authorised, who shall be held responsible that proper quantity is issued, and also in the presence of the head warden specially appointed to keep the godowns, in which the food stuffs are stored. The cooked should always be well conducted. When possible, the cooks should be changed now and again and always carefully watched to prevent any theft or tampering with the food.

38. All articles of diet must be passed by the Manager and the Medical Officer as fit for food, before being taken inside the Welfare Home for storage or consumption.

39. Clothing, beddings and other necessities shall be provided to the inmates; the inmates shall wear such clothing and use such bedding as is supplied to him by the Welfare Home authorities and no other.

40. The Controller shall fix the scale of clothing and bedding for the inmates, and may, with the like sanction, from time to time:—

- (a) vary the scale of clothing and bedding generally;
 - (b) prescribe a special scale in respect of the Welfare Home situated within any specified Local area;
 - (c) prescribe a special scale in respect of any period or periods of time or during any season of the year; and
 - (d) vary the shape, size, material or quality of any article prescribed in any scale of clothing or bedding.
41. Nothing contained in the foregoing rules, shall be deemed in any way to limit or

restrict the power of the Medical Officer, in his discretion, at any time, to direct, on medical grounds and for the benefit of the health of any inmate, the issue of extra clothing to any such inmate, for any specified period or during, any season of the year.

42. The clothing, bedding and necessities to be supplied to infants who are permitted to reside in the Welfare Home, shall be such as the Medical Officer may, in each particular case, prescribe.

43. All articles of clothing, beddings etc, shall be of the standard patterns approved by the Controller and, shall, with the exception of the bedding and blankets, remain with the inmate at all time.

44. Each articles of clothing and bedding supplied to every inmate shall be marked legibly with a separate consecutive number.

45. A sufficient stock of clothing to meet all possible requirements shall be kept in store at the Welfare Home.

46. All Clothing and bedding must be kept in a thoroughly clean condition.

47. Once every month all, clothing considered unserviceable shall be brought before the Manager and, if declared useless/ unserviceable, shall be written off the accounts under his signatures.

48. Indents for clothing, bedding etc; shall be submitted in duplicate, to the Controller as per requirements of the Welfare Home. The requirements should be carefully considered.

49. The Clothing godown shall be placed in the charge of the Manager. Every care must be taken to protect the clothing from damp and the ravages of vermin and insect pests by the airing it in the sun at least once a month and by free use of "need" leaves.

50. The identical articles of bedding sent with the inmate on transfer are to be returned to the transferring Welfare Home.

51. The Controller shall appoint a Medical Officer, with the prior approval of the Government on whole time or part time basis, for every Welfare Home, in coordination with the Health Department. He shall also keep liaison with the Medical Superintendent of Government Hospital for examination of inmates by a Specialist and for admission in to Hospital of serious cases of illness of inmates.

52. The Medical Officer shall obey all directions issued by the Controller prescribing his duties and the manner in which he is to be performed.

53. The Medical Officer shall examine an inmate immediately on his admission to a Welfare Home, and send his report to the Manager who shall pass on the same, with his recommendations, to the Controller for his/ her admission to any Government medical institution, if necessary.

54. The Medical Officer shall also give his opinion/recommendation in regard to the type of work for which an inmate may be considered fit.

55. The Medical Officer shall visit the Welfare Home at least once a day, except on Fridays and on that day also whenever necessary; should circumstances render that course desirable, the Medical Officer shall visit the Home often or than once a day. He shall visit every part of the Home and its precincts and premises frequently.

56. The Medical Officer shall take all such measures as may be necessary or expedient for the maintenance of the Home in thoroughly sanitary state and the inmates in sound health.

57. The Controller shall decide the places or institutions where lepers, lunatics and persons, suffering from contagious diseases may be housed after receipt of medical report from the Medical Officer /Specialists and recommendations of the Manager.

58. The Medical Officer shall, in the event of outbreak of an epidemic disease or an infectious disease report to the Manager, for the information of the Controller, together with his recommendations with a view to preventing the spread of the disease. In the case of sudden or unnatural death, or a death having been the result of an offence punishable under the law, the Medical Officer shall report to the Manager, for the information of the Controller, together with his recommendation for post mortem examination, if necessary.

59. The Medical Officer shall submit indent for medicines and medical stores to the Controller, through the Manager. He shall keep a proper account of medicines, instruments and appliances.

60. In case the inmate is tried by a Magistrate of an offence under the law, and is convicted and sentenced, he shall be sent to a prison to undergo the sentence.

61. After completion of necessary training by the inmate, and if the Manager is able to obtain satisfactory employment for him/her, he shall send a report to the Controller. Thereafter the Manager shall keep liaison with the employer for at least one year to ensure his/ her employment. For that purpose he shall send monthly reports to the Controller. The inmate shall be discharged from the home after proper rehabilitation. The period of stay of an inmates shall depend on his/her general progress in the Home and his/her satisfactory rehabilitation in the society.

62. On discharge from the Welfare Home, the inmates may be given subsidy/subsistence allowance, with the sanction of the Controller for their rehabilitation.

63. A certificate of discharge shall be given by the Manager of the Home to the outgoing inmate.

64. The Manager shall keep, or cause to be kept, the following registers/books:—

(a) Register of vagrants admitted.

(b) Order Book.

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G)
(k)
)
(m)
(n)
(0)
(p)
(q)
(x)
(s)
(t)
(u)
(v)
(w)
(x)
(y)
(2)
(aa)

Visitors book for the entry of any observations made by the Visitors.
Register of depositing of the money and other articles taken from the vagrants.
Register of release of inmates.

Register for the entry of the names, father's names addresses etc of all visitors.
Hospital register.

General cash book,

Cash ledger.

Alphabetical register of all vagrants.

Register of Office furniture.

Stock registers of forms and Registers,

Register of letters received,

Register of letters despatched.

Register of contingent charges for supplies and service contingencies.
Register of purchases of grain, fuel, etc.

Register of daily dieting, of inmates.

Clothing Godown Stock Register.

Acquittance roll of establishment.

Inventory of miscellaneous property.

Manufactory cash book.

Register of manufactory contingencies.

Register of receipt and issue of raw material.

Register showing raw material in process of manufacture.

Stock register of manufactured articles received and issued.

Manufactory order book,

Bill Book.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
GOVERNMENT OF BALOCHISTAN

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(See Annexure on next page)

www.ezqanoon.com

Annexure "A"
(Rule 30)

Office of the Manager, Welfare Home,

Dated, jthe 1988

CERTIFICATE

This is to certify that Mr. /Mrs./ Miss

son/ wife/ daughter of resident of
, has been
received in this Welfare Home from the Manager, Welfare Home,
on this day of 1988, at hours.
(Letter No. dated refers).

Signature and Designation

of the Receiving Officer.

Annexure "B"
(Rule 63)

Office of the Manager, Welfare Home,

Dated, the, 1988.

CERTIFICATE OF DISCHARGE

This is to Certify that Mr. /Mrs./ Miss

son/ wife/ daughter of , resident of

, who had been admitted to this Welfare Home on

, after completing training in

(from to

His / her conduct in the Welfare Home has been

Signature and designation

of the Officer.