

**SIND ORDINANCE NO. II OF 1976**  
**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

**C O N T E N T S**

***Preamble***

***Sections***

1. Short title and commencement.
2. Definitions.
3. Establishment and incorporation on the Board.
4. Constitution of the Board.
5. Chief Executive of the Board.
6. Temporary vacancy of Secretary.
7. Decision and meetings of the Board.
8. Officers and employees of the Board.
9. Delegation of Powers.
10. Fund.
11. Utilization of Fund.
12. Budget.
13. Account and Audit.
14. Functions of the Board.
15. Prohibition to establish or continue an orphanage without a licence.
16. Application for Licence.
17. Establishment and continuance of orphanage.
18. Renewal of Licence.
19. *Appeal.*
20. Orphanages for males and females.
21. Suspension or cancellation of licence.
22. Medical examination of orphans.
23. Maintenance and inspection of Accounts.
24. Prevention of begging.
25. Exemption.
26. Penalties.
27. Power to make rules
28. Repeal.

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

[20<sup>th</sup> January, 1976]

**An Ordinance** to provide for the establishment of a Board to supervise and regulate the working and control of orphanages in Sind.

**WHEREAS** it is expedient to establish a Board to supervise and regulate working and control of orphanages in Sind; **Preamble.**

**AND WHEREAS** the Provincial Assembly is not in session and the Governor of Sind is satisfied that circumstances exist which render it necessary to take immediate action;

**NOW, THEREFORE**, in exercise of the powers conferred by clause (I) of Article 128 of the Constitution of the Islamic Republic of Pakistan, the Governor of Sind is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Sind Orphanages (Supervision and Control) Ordinance, 1976. **Short title and commencement.**

(2) It shall come into force on such date as Government may, by notification, appoint in this behalf.

2. In this Ordinance, unless the ' context otherwise requires— **Definitions.**

(a) "Agency" means Voluntary Social Welfare Agency registered under the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961;

(b) "Board" means a Board established under section 3;

(c) "budget" means the official statement of annual income and expenditure of the Board;

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

(e) "Government" means the Government of Sind;

(f) "Fund" means the Sind Orphanages Fund created under section 10;

(g) "licensee" means a person or agency to whom a licence has been issued under this Ordinance;



**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

Karachi.

- (g) One representative of Home Department, Sind, nominated by Government. Member.
- (h) One representative of the Law Department, Sind, nominated by Government. Member.
- (i) One representative of the Industries and Mineral Development Department, Sind, nominated by Government. Member.
- (j) Parliamentary Secretary for Social Welfare Department. Member.
- (k) One prominent social worker nominated by Government from each Division. Member.
- (l) One representative of the Chamber of Commerce and Industry nominated by it. Member.
- (m) Director of Social Welfare, Sind. Member/Secretary.

(2) The Board may co-opt, non-official Members not exceeding three preferably from amongst philanthropists.

(3) The Chief Minister shall be the Patron of the Board.

(4) A non-official Member, shall hold office for a period of three years, unless he resigns by addressing a letter to the Chairman or is removed earlier, for reasons to be recorded in writing by the Board.

(5) A casual vacancy in the office of a non-official Member shall be filled in accordance with sub-section (1) and sub-section (2) and the Member appointed in such vacancy shall hold office for the un-expired portion of the term.

(6) An official Member appointed by virtue of his office shall cease to be member on vacating his office.

5. (1) The Chairman shall be the Chief Executive of the Board.

**Chief Executive of the Board.**

(2) The Vice-Chairman shall, in the absence of the Chairman exercise powers and perform functions of the Chairman.

6. If the Secretary for any reason, is temporarily unable to perform his duties, Chairman may appoint a Deputy Director of Social Welfare or any other officer to act as Secretary in his absence.

**Temporary vacancy of Secretary.**

7. (1) Any matter required to be decided by the Board shall be decided in a meeting of the Board by vote of majority of the Members present in such meeting.

**Decision and meetings of the Board.**

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

(2) The meetings of the Board shall be presided over by the Chairman.

(3) Each Member shall have one vote; provided that in case of tie the Chairman shall exercise the casting vote.

(4) One-third of the total Members shall form a quorum for a meeting of the Board and fraction shall count as a whole.

(5) No act or proceedings of the Board shall be invalid merely by reason of any vacancy in the Board or defect in its Constitution.

(6) The Board shall meet at such place and time and in such manner as may be prescribed:

Provided that until rules are framed, the meetings of the Board shall be held in such manner and at such place as the Chairman may consider fit.

8. (1) The Board may, for the purpose of efficient performance of its functions or exercise of its powers, appoint such officers and other employees as it may consider necessary on such terms and conditions and possessing such qualifications as may be prescribed:

**Officers and employees of the Board.**

Provided that the terms and conditions of service under this section shall be fixed in accordance with terms and conditions of service applicable to Government servants.

(2) The Board may, pending framing of the rules, appoint any employee on ad-hoc basis on such terms and conditions as it may determine.

(3) The officers and staff appointed under sub-sections (1) and (2)—

(a) may be assigned such duties and powers by the Board as it may deem fit;

(b) shall, unless otherwise directed by the Chairman or the Board, work under the control and supervision of the Secretary;

(c) shall be subject to such disciplinary action as may be prescribed.

(4) The Chairman, Members and all other employees of the Board shall be deemed to be public servants within the

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

meaning of section 21 of the Pakistan Penal Code.

9. (1) The Board may by special or general orders and subject to such conditions as it may impose delegate any of its powers, functions and duties to the Chairman or Vice-Chairman, or a Member or the Secretary or its any other officer or employee. **Delegation of Powers.**

(2) The Chairman may delegate any of his powers to the Vice- Chairman.

10. (1) There shall be a separate Fund of the Board<sup>1</sup> known as the Sind Orphanages Fund. **Fund.**

(2) The Fund shall consist of—

(a) grants made by Government;

(b) all moneys collected through zakat, fitra, donations, charities and other contributions;

(c) all moneys received or collected under this Ordinance as fee;

(d) all moneys received from the Federal Government, any International Agency or other donor Agency;

(e) income accruing from investments of or interest on moneys of the Fund.

(3) The amounts credited in the Fund shall be deposited in a Scheduled Bank approved by the Board.

(4) The Board may invest its funds in any security of the Federal Government or a Provincial Government or in any other security approved by the Board.

(5) The Board may obtain loan from Government or any Bank on such terms and conditions as may be specified by Government.

11. (1) The Board may utilize the Fund for— **Utilization of Fund.**

(a) meeting charges in connection with its functions under this Ordinance including salaries and other allowances to officers and employees of the Board;

(b) repayment of loans and interest thereon;

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

- (c) other expenses required for carrying out the purpose of this Ordinance.

(2) The Board may fix the limit upto which the Chairman and the Secretary shall have the power to draw from the Fund, hold in their custody and spend.

12. (1) The Board shall prepare statement of estimated receipts and expenditure for every financial year and submit such statement to Government for approval not less than three months before commencement of such financial year.

**Budget.**

(2) Government may sanction the budget submitted under subsection (1) with or without modification as it may deem fit.

(3) If the budget duly sanctioned by Government is not received before the commencement of the financial year, it shall be deemed to have been sanctioned by Government.

(4) The Board shall not, except with prior approval of Government, incur expenditure in excess of the sanctioned budget.

13. (1) The accounts of the Board shall be maintained and audited in such manner as may be prescribed.

**Account and Audit.**

(2) A statement of the accounts duly audited under subsection (1) shall be placed before the Board for its scrutiny and a copy of the statement shall be furnished to Government as soon as may be after the end of every financial year.

14. (1) Subject to general or special directions of Government, the Board shall—

**Functions of the Board.**

- (a) formulate policy for institutional care of orphans throughout the Province;
- (b) determine the standard of care to be given to the orphans in such institutions;
- (c) advise the management of orphanages in running the orphanages on modern and scientific lines;
- (d) exercise close supervision on the institutions and ensure that they conform to the standard of care set for them;
- (e) formulate and suggest to Government suitable legislation relating to orphans and recommend

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

amendments in existing laws, if necessary;

(f) review the present system of registration of orphanages and suggest ways and means to streamline it;

(g) do every other thing which is conducive to the improvement of orphanages;

(h) perform such other functions as may be assigned to it by Government.

(2) The Board may—

(a) take such measures and exercise such powers as may be necessary for carrying out the purposes of this Ordinance;

(b) incur any expenditure for carrying out the purposes of this Ordinance.

15. No orphanage shall be established or continued except in accordance with the provisions of this Ordinance.

**Prohibition to establish or continue an orphanage without a licence.**

16. (1) Any person or agency intending to establish an orphanage and any person or agency intending that an orphanage already in existence should be continued as such, shall, in the prescribed form and on payment of fee of rupees fifty, make an application to the Licensing Authority, indicating if the orphanage for which licence is required is for males or females and the application shall be accompanied by such documents as may be prescribed.

**Application for Licence.**

(2) The Licensing Authority may, on receipt of the application, make such enquiries as it considers necessary, and either grant the application, or for reasons to be recorded in writing, reject it.

(3) If the Licensing Authority grants the application, it shall issue, in the prescribed form, a licence to the applicant.

(4) The Licensing Authority shall maintain a Register, containing such particulars as may be prescribed, of licences issued under sub-section (3).

17. (1) An orphanage not in existence on the coming into force of

**Establishment and**

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

this Ordinance shall be established only after a licence has been issued under sub-section (3) of section 16. **continuance of orphanage.**

(2) An orphanage already in existence shall not be continued for more than two months from the date on which this Ordinance comes into force, unless an application for a licence has, within thirty days of such date, been made under sub-section (1) of section 16.

(3) Where an application as aforesaid has been made in respect of an existing orphanage and such application is rejected, then, notwithstanding the period of two months provided in sub-section (2), the orphanage may be continued for a period of thirty days from the date on which the application is rejected, or if an appeal is preferred under section 19, until such appeal is dismissed.

18. Licence issued under section 16 shall be valid for a period of two years which may, on application, be renewed by the Licensing Authority without fee for a further period not exceeding two years. **Renewal of Licence.**

19. If the Licensing Authority rejects an application for issuing or renewing a licence, the applicant may, within thirty days from the date of the order of the Licensing Authority, prefer an appeal to Government, and the order passed by Government shall be final and given effect to by the Licensing Authority. **Appeal.**

20. There shall be separate orphanages for males and females, which may, if necessary, be allowed to run under the same management. **Orphanages for males and females.**

21. (1) If at any time the Licensing Authority has reasons to believe that the management of an orphanage has been responsible for any irregularity in respect of its funds or for any maladministration in the conduct of its affairs or has failed to comply with the provisions of this Ordinance or the rules made thereunder or any term or condition of the licence, it may, after giving such opportunity to the management of being heard as it thinks fit, by order in writing, suspend or cancel the licence. **Suspension or cancellation of licence.**

(2) Every order of suspension or cancellation under sub-section (1) shall be placed by the Licensing Authority before the Board, which may confirm or set aside the order of the Licensing Authority.

(3) On the cancellation or suspension of a licence, the Board may make such orders and take such action with respect to the orphanage whose licence has been cancelled or suspended, as may appear to it to be necessary.

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

22. The licensee shall, within seven days of his admission into the orphanage, have every orphan medically examined by a registered doctor and thereafter at least once a year and maintain record of such medical examination in the prescribed form.

**Medical examination orphans.** or

23. (1) The licensee shall maintain or cause to be maintained accounts of income and expenditure of the orphanage in the prescribed manner.

**Maintenance and inspection of Accounts.**

(2) The Board or any person authorised by it may inspect the accounts of an orphanage and issue such directions as it or he may deem necessary and the licensee shall carry out such directions.

(3) The licensee shall, whenever required, produce or cause to be produced record and accounts maintained by him before the Board or the Licensing Authority or its nominee.

24. A licensee shall not permit any orphan admitted to an orphanage to beg for alms or solicit for donation or subscription in any way or form or act in any manner incompatible with human dignity.

**Prevention of begging.** of

25. Nothing in this Ordinance shall apply to any orphanage established or managed by Government.

**Exemption.**

26. (1) Whoever contravenes any provision of this Ordinance shall be punished with rigorous imprisonment for a term not exceeding two years or with fine not exceeding two thousand rupees or with both.

**Penalties.**

(2) Where fine is imposed seventy / five percent of such fine shall be credited to the Fund.

27. (1) Subject to the provisions of this Ordinance the Board may with previous approval of Government make rules, for carrying out the purposes of this Ordinance.

**Power to make rules.**

(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 meetings of the Board;

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

**SIND ORDINANCE NO. II OF 1976**

**THE SIND ORPHANAGES (SUPERVISION AND CONTROL) ORDINANCE, 1976.**

of the Board;

- (c) the powers and duties of the Chairman, Vice-Chairman, Secretary and the Members of the Board;
- (d) the form of application for issue or renewal of licences;
- (e) the form and conditions on which licences may be issued;
- (f) the form of making reports of medical examination and admission of orphans.

28. The West Pakistan Control of Orphanages Act, 1958, in its application to the Province of Sind and the Control of Orphanages (Karachi Division) Ordinance, 1958, are hereby repealed. **Repeal.**