

The Gazette of West Pakistan

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LAW DEPARTMENT NOTIFICATION

The 24th April 1958

No. Leg. 1(28)/58—The following Act having received the assent of the Governor of West Pakistan on the 24th April, 1958, is hereby published for general information:—

THE WEST PAKISTAN CONTROL OF ORPHANAGES ACT, 1958

WEST PAKISTAN ACT No. XXVIII OF 1958

First published after having received the assent of the Governor of West Pakistan, in the Gazette of West Pakistan, on the 24th April 1958.

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ACT

to consolidate and amend the law relating to the maintenance of and control over orphanages in West Pakistan.

WHEREAS it is expedient to consolidate and amend the law relating to the maintenance of and control over orphanages in West Pakistan; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the West Pakistan Control of Orphanages Act, 1958. Short title
extent and
commence-
ment.

(2) It extends to the whole of West Pakistan except the Federal Capital and the Special Areas.

(3) It shall come into force on such date as the Provincial Government may, by notification in the Official Gazette, appoint in this behalf.

2. In this Act unless there is anything repugnant in the subject or context, Definitions.

(i) "District Magistrate" means the District Magistrate of the district in which the orphanage is situate;

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12/12/1958
Date of enforcement by notification
No. W/34-1/58 Dt: 21-11-58 (W.P. Gazette Part I-A) bnd

- (ii) "Government" means the Government of West Pakistan;
- (iii) "Manager" means any person charged with the management of an orphanage, or any one acting on his behalf;
- (iv) "orphan" means any child under the age of fourteen years who has lost his parents or one of the parents and has no adequate source of private income;
- (v) "orphanage" means a building, structure or enclosure, or part thereof, which is used for the purpose of accommodating orphans; and
- (vi) "prescribed" means prescribed by the rules framed under this Act.
- (vii) "officer" means a person appointed by the Government to check orphanages from time to time.

Prohibition to establish or continue an orphanage without a licence.

3. (1) No person shall, except in conformity with the conditions of a licence issued under this Act establish or continue an orphanage:

Provided that a person continuing an orphanage on the date of commencement of this Act, may obtain a licence within thirty days of the said date.

(2) A person applying for a licence to run an orphanage shall inform the District Magistrate, whether the orphanage for which he has applied, is a male or female orphanage.

(3) A person running a male orphanage shall in no way be entitled to admit any female orphan.

(4) Any male person shall not be issued licence for running a female orphanage.

Issue of a licence.

4. (1) The District Magistrate may, on receipt of an application in the prescribed form and after making such inquiry as he may deem necessary under subsection (2), issue to any person a licence, without payment of any fee, for establishing or continuing an orphanage on such conditions as may be prescribed.

(2) Before issuing a licence the District Magistrate shall satisfy himself that—

- (i) the orphanage is suitable for the proper accommodation of orphans;
- (ii) the applicant is competent to discharge his responsibilities; and

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(iii) there is no other cause or reason for which the application for the licence may be refused.

5. A licence issued under section 4—

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(i) shall be valid for a period of three years from the date of issue, and may on an application by the Manager in the prescribed form, be renewed by the District Magistrate, without payment of any fee, for further periods not exceeding three years at a time;

(ii) may be suspended or cancelled by the District Magistrate, if there is any contravention of any of the provisions of this Act or any breach of the conditions of the licence.

6. If the District Magistrate rejects an application for the issue or the renewal of a licence or suspends or cancels a licence issued under this Act, he shall record his reasons for doing so in the order and the applicant, licensee or the Manager, as the case may be, may, within three months from the date of any such order, prefer an appeal to the Government. The order passed by the Government on appeal shall be final and shall be given effect to by the District Magistrate.

Appeal

7. The District Magistrate shall keep a register of all licences issued and renewed under this Act.

Register
licences.

8. (1) Within seven days of the admission into or discharge from the orphanage of an orphan, the Manager shall report to the District Magistrate in the prescribed form the name and other particulars of such orphan.

Admission
and dis-
charge o
orphans

(2) After verifying, in the manner prescribed, the report received under sub-section (1), the District Magistrate may issue to the Manager such directions regarding admission or discharge of an orphan as he may deem necessary and the Manager shall carry out those directions.

9. The Manager shall have every orphan admitted into the orphanage medically examined within a week of his admission, and thereafter shall have every such orphan medically examined once a year. He shall maintain such medical reports and a register thereof in the prescribed form.

Medical
Examina-
tion.

10. The Manager shall maintain, or cause to be maintained, regular accounts of income and expenditure

Accounts.

of the orphanage in such forms as may be prescribed and shall place them before the District Magistrate twice in a year, that is, after every six months.

Inspection
of Reports
and
Accounts.

11. The Manager shall, whenever required by the District Magistrate or any other Magistrate authorised by the District Magistrate in this behalf produce the reports or accounts maintained by him under section 8, 9 and 10, before the District Magistrate or such other Magistrate who may, after inspection of such reports or accounts issue such directions as he may deem necessary and the Manager shall carry out such directions.

Prevention
of begging.

12. The Manager shall not permit any orphan admitted into his orphanage to beg for alms or solicit for donation or subscription in any way or form.

Penalties.

13. Whoever contravenes any provision of this Act shall be punished with rigorous imprisonment for a term which may extend to two years but which shall not be less than six months, or with fine which may extend to two thousand rupees.

Power to
make rule

Exemption

14. Nothing in this Act shall apply to any orphanage established and managed by Government.

Power to
make rules.

15. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the power conferred by sub-section (1), such rules may provide for all or any of the following matters :—

(a) the form of applications for issue or renewal of licences;

(b) the form and conditions of licences;

(c) the forms of making reports to the District Magistrate containing particulars of admissions into and discharge from the orphanage;

(d) the manner of verification of reports, made under section 8;

(e) the form of register of medical examination of orphans;

(f) the form of register of income and expenditure; and

(g) any other matter which the Government considers necessary.

Repeal &
savings.

*1/ Pub. W.P. Gazette Part I-A Page 571
of 1958*

16. The following Acts are hereby repealed:— Repeal.

N. F. P.
of 1947.

(i) the North-West Frontier Province Orphanage Act, 1947; and

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(ii) the Punjab Orphanages, Widows' Homes and Marriage Bureaux Act, 1950.

MAHOMED HANIF SIDIKI

Secretary to Government, West Pakistan,
Law Department.

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