

THE
VOLUNTARY SOCIAL WELFARE AGENCIES
(REGISTRATION AND CONTROL)

Ordinance, 1961

Ordinance no, XLVI OF 1961

An ordinance to provide for the registration and control of voluntary social welfare agencies.

Whereas it is expedient to provide for the registration and control of voluntary social welfare agencies, and for matters ancillary thereto;

Now, therefore, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: -

1. **Short title and commencement.** – (1) This ordinance may be called the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.
 2. It extends to the whole of Pakistan.
 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. **Definitions.** – In this ordinance, unless there is anything repugnant in the subject or context:-
 - (a) “Agency” means a voluntary Social welfare agency, and includes any branch of such agency;
 - (b) “Governing” body means the council, committee, trustees or other body, by whatever name called, to whom, by the constitution of the agency, its executive functions and the management of its affairs are entrusted;
 - (c) “prescribed” means prescribed by rules made under section 19;

- (d) “Register” means the register maintained under section 4, and “registered” shall mean registered under this Ordinance;
 - (e) “Registration Authority” means an officer authorised by the provincial Government, by notification in official Gazette, to exercise all or any of the powers of the Registration Authority under this ordinance;
 - (f) “Voluntary social welfare agency” means an organisation, association or undertaking established by persons of their own free will for the purpose of rendering welfare services in any one or more of the fields mentioned in the Schedule and depending for its resources on public subscriptions, donations or Government aid.
3. **Prohibition against establishing or continuing an agency without registration.**-No agency shall be established or continued except in accordance with the provisions of this Ordinance.
- 4 **Application for registration, etc.**
- (1) Any person intending to establish an agency and any person intending that an agency already in existence should be continued as such, shall, in the prescribed form, and on payment of the prescribed fee, made an application to the Registration Authority, accompanied by a copy of the constitution of the agency, and such other documents as may be prescribed.
 - (2) The Registration Authority may, on receipt of the application, make such enquiries as it considers necessary, and either grants the application, or, for reasons to be recorded in writing, reject it.
 - (3) If the Registration Authority grants the application, it shall issue, in the prescribed form, a certificate of registration to the applicant.
 - (4) The Registration Authority shall maintain a register, containing such particulars as may be prescribed, of all certificates issued under sub-section (3).

5. Establishment and continuance of agency

- (1) An agency not in existence on the coming into force of this Ordinance shall be established only after certificate of registration has been issued under sub-section (3) of section 4.
- (2) An Agency already in existence shall not be continued for more than six months from the date on which this Ordinance comes into force, unless an application for its registration has, within thirty days of such date, been made under sub-section (1) of section 4.
- (3) Where an application as aforesaid has been made in respect of an existing agency, and such application is rejected, then notwithstanding the period of six months provided in sub-section (2), the agency may be continued for period of thirty days from the date on which the application is rejected, or if an appeal is preferred under section 6, until such appeal is dismissed.

6. Appeal. If the Registration Authority rejects an application for registration, the applicant may, within thirty days from the date of the order of the Registration Authority, prefer an appeal to the Provincial Government, and the order passed by the Provincial Government shall be final and given effect to by the Registration Authority.

7. Conditions to be complied with by registered agencies. (1) Every Registered Agency shall-

- (a) maintain audited accounts in the manner laid down by the Registration Authority.
- (b) at such time and in such manner as may be prescribed, submit its Annual Report and audited accounts to the Registration Authority and publish the same for general information;
- (c) pay all moneys received by it into a separate account kept in its name at such bank or banks as may be approved by the Registration Authority; and

(d) furnish to the Registration Authority such particulars with regard to accounts and other records as the Registration Authority may from time require.

(2) The Registration Authority, or any officer duly authorised by it in this behalf, may at all reasonable times inspect the books of account and other records of the agency, the securities, cash and other properties held by the agency, and all documents relating thereto.

8. Amendment of the constitution of registered agency

(1) NO amendment of the constitution of a registered agency shall be valid unless it has been proved by the Registration Authority, for which purpose a copy of the amendment shall be forwarded to the Registration Authority.

(2) If the Registration Authority is satisfied that any amendment of the constitution is not contrary to any of the provisions of this Ordinance or the rules made thereunder, it may, if it thinks fit, approve the amendment.

(3) Where the Registration Authority approves an amendment of the constitution, it shall issue to the agency a copy of the amendment certified by it, which shall be conclusive evidence that the same is duly approved.

9. Suspension or dissolution of governing bodies of registered agencies.

(1) If, after making such enquiries as it may think fit the Registration Authority is satisfied that a registration agency has been responsible for any irregularity in respect of its funds or for an maladministration in the conduct of its affairs or has failed to comply with the provisions of the Ordinance or the rules made thereunder, it may, by order in writing, suspend the governing body.

(2) Where a governing body is suspended under sub-section (1), the Registration authority shall appoint an administrator, or a caretaker body consisting of not more than five persons, who shall have all the authority and powers of the governing body under the constitution of the agency.

(3) Every order of suspension order sub-Section (1) shall be placed by the Registration Authority before a Board, consisting of not more than five persons, constituted by the Provincial Government for the purpose, which shall have the

power to make such order as to re-instatement, or the dissolution and reconstitution, of the governing body, as it may think fit.

- (4) The governing body against whom an order of dissolution and reconstitution made under sub-section (3) may appeal to the Provincial Government, within thirty days from the date of such order, and the decision of the Provincial Government shall be final and shall not be called in question in any court.

10. Dissolution of registered agency. -(1) If at any time the Registration Authority has reason to believe that a registered agency is acting in contravention of its constitution, or contrary to any of the provisions of these Ordinance or the rules made thereunder, or in a manner prejudicial to the interests of the public, it may after giving such opportunity to the agency of being heard as it thinks fit, make a report thereon to the Provincial Government.

(2) The Provincial Government, if satisfied after considering the report that it is necessary or proper to do so, may order that the agency shall stand dissolved on and from such date as may be specified in the order.

11. Voluntary dissolution of registered agency.-(1) No registered agency shall be dissolved by the governing body or members thereof.

(2) If it is proposed to dissolve any registered agency not less than three-fifths of its members may apply to the Provincial Government in such manners as may be prescribed, for making an order for the dissolution of such agency.

(3) The provincial Government is satisfied after considering the application that it is proper to do so may order that the agency shall stand dissolved on and from such date as may be specified in the order.

12. Consequences of dissolution.-(1) Where any agency is dissolved under this Ordinance, its registration thereunder shall stand cancelled on and from the date of the order of dissolution takes effect, and the Provincial Government may-

- (a) order bank or other person who holds moneys securities or other assists on behalf of the agency not to part with such moneys, securities and assists without the previous permission in writing of the Provincial Government.
 - (b) appointment a competent person to wind up the affairs of the agency, with power to institute and defend suits and other legal proceeding on behalf of the agency and to make such orders and take such action as may appear to him to be necessary for the purpose; and
 - (c) order any moneys, securities and assists remaining after the satisfaction of all debts and liabilities of the agency to be paid or transferred to such other agency, having objects similar toe the objects of the agency, as may be specified in the order.
- (2) Order made by the person appointed under clause (b) of sub-section (1) shall, on application, be enforceable by any Civil Court having local jurisdiction in the same manners as a decree of such Court.

13. Inspection of documents, etc.- Any person may on payment of the prescribed fee inspect at the office of the Registration Authority any document relating to a registered agency, or obtain a copy of or an extract from any such document.

14. Penalties and procedure. -(1) Any person who-

- (a) contravenes any of the provisions of this Ordinance, or any rule or order made thereunder; or
 - (b) in any application for registration under this Ordinance, or in any report or statement submitted to the Registration Authority or published for general information thereunder, makes any false statement or false representation;
- shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

(2) Where the person committing an offence under this Ordinance, is a company, or other body corporate, or an association of persons, every director, manager, secretary

and other officer thereof shall, unless he proves that the offence was committed without his knowledge or consent be deemed to be guilty of such offence.

- (3) No Court shall take cognisance of an offence under this Ordinance except upon complaint in writing made by the Registration Authority, or by an officer authorised by it in this behalf.

15. Indemnity-No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this ordinance.

16. Power to amend Schedule. The Provincial Government may, by notification in the official Gazette, amend the Schedule so as to include therein or exclude therefrom any field of social welfare service.

17. Power to exempt. - The Provincial Government may, by notification in the official Gazette, exempt any agency or class of agencies from the operation of all or any of the provisions of this ordinance.

18. Delegation of powers. The Provincial Government may by notification in the official Gazette delegate, all or any of its powers under this Ordinance, either generally, or in respect of such agency or class of agencies as may be specified in the notification, to any of its officers.

19. Rules. The Provincial government may, by notification in the official Gazette, make rules for carrying into effect the provision of this Ordinance.

THE SCHEDULE

See Section 2(f)

- i. Child welfare.
- ii. Youth welfare.
- iii. Women's welfare.
- iv. Welfare of the physically and mentally handicapped.
- v. Family planning.

- vi. Recreational programmes intended to keep people away from anti-social activities.
- vii. Social education, that is, education of adults aimed at developing sense of civic responsibility.
- viii. Welfare and rehabilitation of released prisoners.
- ix. Welfare of juvenile delinquents.
- x. Welfare of the socially handicapped.
- xi. Welfare of the beggars and destitutes.
- xii. Welfare and rehabilitation of patients.
- xiii. Welfare of the aged and infirm.
- xiv. Training in social work.
- xv. Co-ordination of social welfare agencies.