

**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, extent 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 authorized by the Provincial Government, by notification in the official Gazette, to exercise all or any of the powers of the Registration Authority under this Ordinance;

(f) "voluntary social welfare agency" means an organization, 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 subscription, 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, make an application to the Registration Authority, accompanied by a copy of the constitution of the agency, and such other documents may be prescribed.

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

(2) The Registration Authority, or any officer duly authorized 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 approved 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 there under, 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 registered agency has been responsible for any irregularity in respect of its funds or for any miss administration in the conduct of its affairs or has failed to comply with the provisions of this Ordinance or the rules made there under, 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 under 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 the 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 is 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 this Ordinance or the rules made there under, 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 manner as may be prescribed, for making an order for the dissolution of such agency.
- (3) The Provincial Government, if 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 there under shall stand cancelled on and from the date of the order of dissolution takes effect, and the Provincial Government may-
 - (a) order any bank or other person who hold moneys, securities or other assets on behalf of the agency not to part with such moneys, securities and assets without the previous permission in writing of the Provincial Government:
 - (b) Appoint a competent person to wind up the affairs of the agency, with power to institute and defend suits and other legal proceedings on behalf of the agency, and to make such orders and taken such action as may appear to him to be necessary for the purpose; and order any moneys, securities and assets remaining after the satisfaction of all debts and liabilities of the agency to be paid or transferred to such other agency, having objects similar to the objects of the agency, as may be specified in the order.
- (2) Order made by the person appointed under clause (b) of subsection (1) shall, on application, be enforceable by any Civil Court having local jurisdiction in the same manner 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 there under; 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 there under, make 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 cognizance of an offence under this ordinance except upon complaint in writing made by the Registration Authority, or by an officer authorized 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 emend Schedule.* The Provincial Government may, by notification in the official Gazette, amend the Schedule so as to include therein or exclude there from 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 provisions 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 destitute.
- (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.

**THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION
AND CONTROL) RULES, 1962.**

S.R.O. 356 (K) 62, dated the 29th March, 1962. – In exercise of the powers conferred by section 19 of the Voluntary Social Welfare Agencies (Registration and

Control) Ordinance, 1961 (XLVI of 1961), the Central Government is pleased to make the following rules namely: -

**THE VOLUNTARY SOCIAL WELFARE AGENCIES (REGISTRATION
AND CONTROL) RULES, 1962**

1. Short title and commencement. –

- (1) These rules may be called the Voluntary Social Welfare Agencies (Registration and Control) Rules, 1962.
- (2) They shall come into force at once.

2. Definitions. – In these rules, unless there is anything repugnant in the subject or context,

- (a) "Financial Year" has the same meaning as assigned to in the General Clauses Act, 1897 (*X of 1897*).
- (b) "Form" means a form in Schedule II.
- (c) "Ordinance" means the Voluntary Social Welfare Agencies (Registration and Control) Ordinance 1961 (*XLVI of 1961*).
- (d) "Schedule" means a schedule appended to these rules.
- (e) "Section" means section of the Ordinance.

3. Constitution of an Agency. – The constitution of an agency shall not be repugnant to any of the provisions of the Ordinance or these rules and shall, inter alia, make provision for the matters specified in Schedule I:

Provision that the Registration Authority may, for sufficient reason, approve the constitution of an agency, which does not make provision for any of the matters aforesaid.

4. Application for Registration. –

- (1) An application for the registration of an agency existing immediately before the coming into force of the Ordinance shall be in Form A, and an application for the registration of an agency established thereafter shall be in Form B.
- (2) In either case, an application for registration shall be accompanied by: -

- (i) A copy of treasury challan for Rs. 25/- paid in the Head of Account "XXXVI – Misc. Departments – Misc. (13) – Fees of Reg. Of Voluntary Social Welfare Agencies (Provincial)";
- (ii) A copy of the constitution of the agency; and
- (iii) In the case of an application in Form A, by the other documents mentioned in that Form.

5. Enquiry prior registration. – The enquiries to be made by the Registration Authority under section 4 may include enquiries in respect of the necessity and feasibility of the programmes of the agency, its financial status, state of affairs and standard of service.

6. Certificate of registration. – A Certificate of registration issued under section 4 shall be in Form C.

7. Date on which the agency starts functioning. – An agency established after the coming into force of the Ordinance shall start functioning within three months of the date on which the certificate of registration is issued to it and shall inform the Registration Authority of its having done so within fifteen days thereof.

8. Register to be maintained by the Registration Authority. – The register to be maintained by the Registration Authority under sub-section (3) of section 4 shall be in Form D.

9. Maintenance of accounts and registers. -

- (1) The following books of accounts and other records shall be maintained by an agency, namely: -
 - (a) A cashbook in which shall be entered in a chronological order every amount paid or received by or on behalf of the agency and all payments shall be supported by necessary vouchers which shall be preserved;
 - (b) A ledger which shall contain all personal and impersonal accounts;
 - (c) An income and expenditure account which shall be compiled at the close of each financial year and shall be audited by a Chartered Accountant or auditor or auditors approved by the Registration Authority and shall be submitted to the said Authority within six months of the close of the financial year;
 - (d) A member's book which shall contain the names and addresses of the members;

- (e) A Minutes book which shall contain record of the minutes of the meetings of the agency;
 - (f) An inspection book in which shall be recorded the views of the persons authorized to inspect the agency;
 - (g) Such other books as the Registration Authority may be order in writing require.
- (2) Every employee of an agency responsible for the custody or handling of cash or stores shall be required to furnish a security in the form of Fidelity Bond from an insurance company of reasonable financial standing for such amount as the agency may determine and a copy of such Bond shall be furnished to the Registration Authority.

10. Annual Report. –

- (1) An agency shall at the close of each financial year publish an Annual Report containing, inter alias, the following details, namely:
- (a) General management of the agency;
 - (b) Details of the nature and extent of service rendered during the year, if possible supported by figures;
 - (c) Programme for the next year; and
 - (d) Audited accounts.
- (2) A copy of the Annual Report shall be submitted to the Registration Authority immediately on its publication.

11. Change of the address of the agency. – Any change in the address of an agency shall be communicated to the Registration Authority within seven days thereof.

12. Voluntary dissolution of agency. – Application for the dissolution of an agency under section 11 shall be in Form E and shall bear the signatures of all the members who are parties to the application.

13. Fee for inspection of documents etc. – The fee for inspection of any documents relating to a registered agency at the office of the Registration Authority, shall be two rupees and fifty paise per document and the fee for obtaining a copy of or extract from any such document shall be fifty paise for every hundred words or part thereof.

SCHEDULE (I)

(See rule 3)

ELEMENTS OF THE CONSTITUTION OF AN AGENCY

1. Name of the Agency
2. Area of operation.

(It should be indicated whether the agency is meant for the neighbourhood, or of city wide, or provincial or national character.)
3. Address of the principal office of the agency.
4. Aims and objects of the agency.
5. Membership:
 - (a) Eligibility for membership:
 - (b) Categories of membership with conditions and fees thereof, if any;
 - (c) Procedure for admission of members:
 - (d) Rights and privileges of various categories of memberships:
 - (e) Procedure of suspension, or cancellation of membership on reasonable grounds, such as: -
 - (i) Non-payment of subscription;
 - (ii) Absence from meetings;
 - (iii) Conduct being detrimental to the interest of the agency:
 - (f) Procedure for restoration of suspended or cancelled membership or re-admission:
6. Branches: (Applicable to only those agencies which have branches):
 - (a) Rights and privileges of Branch:
 - (b) Obligations on the part of the Branch:

- (c) Method of suspension or withdrawal of recognition of Branch:
7. Organizational structure:
- (a) Names of the different 'Bodies' formed from amongst the members of the agency to run the affairs of the agency properly:
 - (b) Composition, powers and functions of the General Body, Governing Body and any other 'Body'.
 - (c) Office Bearers:
 - (i) The designation of all the office bearers;
 - (ii) The method of their election, selection or nomination;
 - (iii) Their terms of office;
 - (iv) Their powers and functions, specifically for each office;
8. Meetings:
- (a) Procedure for calling different types of meetings:
 - (b) Notice period of meetings:
 - (c) Quorum for the different types of meetings:
9. Financial administration:
- (a) Procedure for withdrawal of money from bank:
 - (b) Procedure for appointment of the auditor of the agency.
10. Amendment of the constitution.

Procedure to be adopted for making recommendation to the Registration Authority regarding any amendment of the constitution of the agency