THE BALOCHISTAN CHARITIES (REGISTRATION, REGULATION AND FACILITATION) ACT, 2019

(Baln. Act XI of 2019)

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[1]THE BALOCHISTAN CHARITIES (REGISTRATION, REGULATION AND FACILITATION) ACT, 2019

(Balochistan Act No. XI of 2019)

[*25th October, 2019*]

An Act to provide legal cover, substitute and consolidate the Laws for registration, regulation and facilitation of Charities in Balochistan.

Preamble. WHEREAS, it is expedient to provide legal cover, substitute and consolidate the Laws for registration, regulation and facilitation of Charities in Balochistan; and for the matter ancillary thereto or connected therewith;

It is hereby enacted as follows: –

Short title, extent and commencement. 1. (1) This Act may be called "The Balochistan Charities (Registration, Regulation and Facilitation) Act, 2019".

(2) It shall come into force at once.

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

(a) "Authority" means the Charities Registration and Regulation Authority headed by the Director General and established under Section 3;

(b) "Board or Policy Board" means the Policy Board as established under Section 15;

(c) "Charter" means the Charter of an Organization/Charity having such description as provided in Section 6 (2), submitted or registered with the Authority, including the amendments (if any) made therein under Section 7;

(d) "Charity" means a society, an agency, an NGO, NPO, a Trust, Madrasa, a religious Seminary or

[1] This Act was passed by the Provincial Assembly of Balochistan on 12th October, 2019; assented to by the Governor of Balochistan on 24th October, 2019; and first published in the Balochistan Gazette (Extraordinary) No. 148, dated 25th October, 2019.

any other organization by any other name that is a nonprofit, voluntary association of persons, natural or juristic, not controlled by any Government and set up for one or more public benefit purposes mentioned in the Schedule and includes local branches of foreign non-profit organization(s) but excludes such foreign organizations operating in Pakistan to whose charter Pakistan is a signatory or where a protocol exists between the Government of Pakistan and an organization and depending for its resources on public subscription, donations or Government aid;

(e) "Director General" means the Director General of the Authority, as appointed by Government under Section 3, as well as the Secretary of the Board;

(f) "Donation" includes cash, kind, land, building, furniture, computer, computer-software, animal, animal hides or anything of monetary value;

(g) "Financial Irregularity" means but no limited to a fraud, an array of irregularities which includes illegal acts, misstatement of fact, deliberate concealment of information related to financial issues concerning the respective Charity or its funding sources as mentioned in its report of documents. It also includes any embezzlement, internal thefts, payoffs, kickbacks and skimming of funds. Spending, using or disposing of funds for non-intending purposes will also be treated as a financial irregularity under this Act; and

(h) "Fund" means money, valuables, land or any contribution having monetary value solicited for funding the project(s) or any activity of a Charity or organization;

(i) "Governing Body" means the council, committee, trustees, executive body or any other body by whatever name called, to whom by the constitution of the Charity, its executive functions and the management of its affairs are entrusted;

(j) “Government” means the Government of Balochistan;

(k) “Government Funds” means any grant in cash or in kind or land allotted on concessional rates by any Government in Pakistan and also includes any funds saved or gained from tax concessions or reduced utility tariffs specific to the Charity;

(l) “notification” means a notification published in the Official Gazette;

(m) “Organization” means the organization or association of persons that constitute or may constitute a Charity as defined hereinabove clause (d), and includes all the persons applied for registration as Charity under this Act;

(n) “Persons” means both natural and legal person, including an individual or group of persons or an organization in the private sector or of a civil society, a partnership or a company in the civil society, a partnership or a company in the private sector incorporate or otherwise;

(o) “Prescribed” means prescribed by rules or regulations made under this Act;

(p) “Private Member” means a member of the Policy Board appointed under sub-section (4) of Section 15;

(q) “Register” means the register maintained under Section 14;

(r) “Registered” means registered under this Act;

(s) “Registration Certificate” means the registration certificate issued to a Charity under Section 4, which includes its renewal from time to time;

(t) “Regulations” means the regulations made under this Act;

(u) “Rules” means the rules made under this Act;

(v) “Schedule” means a Schedule appended to this Act;

and

(w) "Section" means a section of this Act.

Establishment of the Charities Registration Authority and its functions.

3. (1) There shall be an authority to be known as "the Charities Registration Authority" headed by a Director General and established through a notification by the Government, which shall have such powers and functions as conferred on it by this Act and as may be assigned hereinafter by Government through a notification.

(2) All the Charities registered under this Act, shall follow the specific advisory issued by the Registration Authority with regard to any matter related to the Charity in cases specific to a Charity, a group of Charities or the whole Charity sector.

(3) The Charities Registration Authority shall have and perform the following functions: —

(a) register, regulate, monitor, control and perform such functions as entrusted under this Act; and such other function as may be assigned to it subsequently by the Government, from time to time;

(b) promoting philanthropic, public welfare and charitable activities which are in accordance with law and international obligations aimed at ensuring safer charities and donations;

(c) ensure purposeful use of resources coming to Charities through effective regulations, methods of administration and by supporting the Charities, their governing bodies ad staff by providing them training, information or any other technical and professional advice and information on any matter that could enhance their effectiveness as well as avert any potential threat of misuse of registered Charities;

(d) devise and issue minimum standards to be adopted by each charity to protect the general public interest and that of the

beneficiaries of the charities registered under this Act;

(e) prepare and provide help and guidance material and other policy documents for general awareness and adoption by Charities;

(f) prepare and present its quarterly report before the Policy Board; *and*

(g) place all the appeals filed against the decisions of the Registration Authority before the Policy Board within thirty days of the receipt of any such appeal.

(4) The Director General of the Authority shall be appointed by the Government from amongst the civil servants not below the rank of a BPS-20 officer, who shall be the head and chief executive of the Authority; and exercises all the powers of the Authority as provided in this Act, rules or regulations.

(5) Besides the Director General, there shall be such officers and staff in the Authority for the smooth function of the authority and assistance of the Director General, as the Government may deem fit from time to time, who shall be deem to be civil servants appointed and governed by the provisions of the Balochistan Civil Servant Act, 1974 (Act IX of 1974) as in force for the time being or amended hereinafter, as well as the rules made there under or made applicable to the civil servants.

Registration of Charity, conditions and Procedure for Registration.

4. (1) Registration for the purposes for establishment of a Charity or its functioning in Balochistan for anyone or more of the public benefit purposes mentioned in the Schedule, shall be mandatory.

(2) All the Charities or organizations working for the welfare or charitable purposes and already registered under any of the laws, other than the laws mentioned in sub-section (3) of Section 4 and rendering services in any or multiple activities mentioned in the Schedule shall have to seek fresh registration in accordance with the provisions of this law and on the production of such documents as deemed and required by the Registration Authority.

(3) Henceforth, registration of a Charity or organization for charitable and welfare purposes under any law, other than this law, shall cease to be performed. However, Organizations registered and regulated under Section 42 of the Companies Ordinance 1984 (Ordinance XLVII of 1984) or the Companies Act, 2017 (Act XIX of 2017), as the case may be, shall continue to be registered and regulated in a manner prescribed there under.

(4) Any person or group of persons intending to establish a Charity, and any person intending that an agency etc already in existence shall continue as such in the prescribed form, shall on payment of the prescribed fee, make an application to the Authority, accompanied by a copy of the constitution of the agency, and such other documents as may be prescribed to the designated office of Registration Authority.

(5) No Charity shall be registered by a name that in the opinion of the Authority is designed to ethnically exploit or offend the people through sectarian biases.

(6) No Charity shall, except for reasons to be recorded in writing by the Registration Authority, be registered by a name that contains any words indicating, —

(a) any connections with the Federal Government or a Provincial Government or any authority or corporation of such Government or that of Armed forces, judiciary, media; or

(b) any linkage or re-naming of proscribed organization or having linkage with a proscribed individual; and

(c) the patronage of, or any connection with, any foreign Government or any international Government or multilateral organization.

(7) An organization which, through inadvertence or otherwise, is registered by a name in contravention of the provisions of sub sections (5) and (6) shall, —

(a) with the approval of the Registration

Authority, change its name; and

(b) if the Registration Authority so directs, within thirty days of the receipt of such direction, change its name with the approval of the Registration Authority.

(8) Any person or organization prejudicially affected by the decision of the Registration Authority under sub-section (5), (6) and (7) may prefer an appeal to the Board through the Director General, within thirty days of the receipt of the orders of rejection and the Board shall decide the matter within sixty days, the decision of which shall be final and not challengeable in any court of law.

(9) The Registration Authority shall, within ninety days from the receipt of the application for registration, —

(a) issue a certificate of registration; *or*

(b) intimate to the organization applying for registration the flaw(s) in the application for registration submitted by it, on account of which the organization cannot be registered; or reject the application with an order containing the written reasons for such rejection.

(10) Where intimation of flaw(s) in its application is provided to an organization that has applied for registration, —

(a) the organization may within thirty days redress the deficiencies and resubmit its application, without the payment of fresh registration fee; *and*

(b) if the above said time of thirty days elapsed, a fresh application along with prescribed fee for registration shall have to be submitted by the intending organization.

(11) If the Registration Authority has not advised an organization about the flaw(s) in its application and intimation about the rejection of the application along with reasons having been recorded in writing within ninety days, the application shall be deemed to have been accepted and the organization shall be

issued a certificate of registration.

(12) In the event of rejection of the application for registration, an appeal may be preferred to the Board through the Director General, within thirty days of the receipt of the orders of rejection and the Board shall decide the matter within sixty days, the decision of which shall be final and not challengeable in any court of law.

(13) The Registration Authority may, from time to time by notification in the official Gazette specify the registration fee, with prior approval of the Government.

Validity Period of Registration Certificate.

5. (1) All the Certificates of registration issued by the Registration Authority shall be valid for three years from the date of issuance which shall be renewable after every three year on submission of annual progress report, audited accounts for the preceding year, application form, annual fee and other documents as may be prescribed in Rules or Regulations.

(2) An application for renewal of certificate of registration shall be submitted to the Authority thirty days in advance before the date of expiry.

(3) Conditions specified in Section 4 shall also be applicable on the application for renewal of registration certificate along with any other condition(s) that may be specified by the Registration Authority/Policy Board.

Charter of a Charity.

6. (1) Every Charity shall, along with the application for registration under this Act, file with the Registration Authority a written documents, to be referred to as the charter of the organization.

(2) The charter of a Charity seeking registration shall state the, —

(a) name of the organization;

(b) purposes, aim and objectives of the organization;

(c) names and addresses of the initial three signatories of the charter as well as the names and addresses of the members of the governing body of the Charity at the time

that application for registration is made;

(d) manner in which membership of the Charity be acquired and lost;

(e) manner in which the governing body, by whatever name described, shall come into existence and function; *and*

(f) qualifications and disqualifications of any person continuing as a member of the governing body of the Charity.

(3) Nothing in the Charter of a registered Charity shall prevail over and above the provision of this Act or any rules/regulations made there under.

Amendments in the charter of a registered Charity.

7. (1) No amendment in the Charter of a registered Charity, shall be valid unless it has been approved by two third majority of its general body members and thereafter 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 in the charter is not contrary to any of the provisions of this Act or the rules made there under, it may, approve the amendment(s).

(3) Where the Registration Authority approves an amendment in the Charter, it shall issue to the Charity a certified copy of the amendment.

(4) On receipt of the certified copy, the Charity shall submit an updated copy of its Charter containing the amendments approved by the Authority for authentication, which shall be returned to the Charity by the Authority within seven days of the receipt, after due authentication with its signature, stamp and date on each page.

(5) Any change in the charter of an organization that has been disapproved by the Registration Authority will cease to be effective immediately from the date of disapproval communicated to the organization concerned.

(6) An appeal against an order of the Registration Authority, disapproving a change in the Charter of an

organization may be preferred to the Board through Director General within thirty days of the receipt of the orders of rejection and the Board shall decided the matter within sixty days, the decision of which shall be final and not challengeable in any court of law.

Conditions to be complied with by registered Charity.

8. (1) Every registered Charity shall: —

(a) maintain books of accounts in a manner laid down by the Authority;

(b) at such time and in such manner as may be prescribed, submit its Annual Report and annual audited accounts to the Authority and publish the same and place it on its website for general information;

(c) pay all moneys, received by it, into a separate account kept in its name in a branch of any scheduled bank;

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

(e) specifically mention financial contributors for each of the activity of the Charity; *and*

(f) must have its own website within ninety days from the date of issuance of registration certificate to be linked with "the Database of Charities" of the Authority. The website shall contain all information regarding constitution of the Charity, names and brief introduction of executive members, year wise financial quantum and details of its branches, institution and the projects undertaken by the Charity during the preceding three years of reporting and list of its funding partners.

(2) The Authority, or any officer duly authorized by it in this behalf, may at all reasonable times, visit the office or any

of the facility or project run by the Charity to ascertain the working progress of Charity and examine its books of account and other records, the securities, cash and other properties held by the Charity, and all documents relating thereto. Any refusal by the Charity to authorize such visit(s); or any breach of the conditions laid down in sub-section (1), may result in deregistration of the Charity.

(3) Where this section applies to a registered Charity, the fact that it is a registered Charity shall be stated in Urdu and English in legible characters along with its registration number, —

(a) in all notices, advertisements, correspondences and other documents issued by or on behalf of the Charity and soliciting money or other property for fulfillment of aims and objectives of the Charity;

(b) in all Acts of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed on behalf of the Charity; *and*

(c) in all Acts rendered by it and in all its invoices, receipts and letters of credit.

(4) Any person who issues or authorizes the issuance of any documents falling hereinabove clauses (a), (b) or (c) of sub-section (3), if failed to mention the fact that the Charity is a registered body as required by that sub-section, that person(s) shall be liable to a fine not exceeding Rs. 100,000/- by the Authority.

Suspension or dissolution of executive bodies of registered Charities.

9. (1) If after making such inquiries as he may deem appropriate, the Director General is satisfied that a registered Charity has been responsible for any irregularity in respect of its funds or for any mal-administration in the conduct of its affairs or has failed to comply with the conduct of its affairs or has failed to comply with the provisions of this law or the rules made there under, he may, by order in writing, suspend the governing body of that charity.

(2) Where a governing body is suspended under sub-section (1), the Authority shall appoint an administrator or a caretaker body consisting of not more than five persons, two from the Government and three from the general body of the Charity, who shall not be eligible for any appointment in the governing body for the next term.

(3) The administrator or caretaker body appointed under sub-section (2) shall have all the authority and powers of the governing body under the charter and carry out the day to day activities of the Charity without any major change in its function or policy.

(4) The governing body against whom an order of dissolution and reconstitution is made under sub-section (1), may appeal to the Board through Director General within thirty days of the orders; and every such appeal shall be placed by the Director General before the Board for decision thereon, which shall have the powers to make such orders as to the re-instatement or the dissolution and reconstitution of the executive body as it may think fit, within thirty days from the date of appeal, and the decision of the Board shall be final and shall not be called in question in any court.

De-registration of a registered Charity.

10. (1) If at any time, the Registration Authority has reason to believe that a registered Charity is acting in contravention of its Charter, or contrary to any of the provision of this Act or rules and regulations made thereunder, or in a manner prejudicial to the interest of the public, the State or its institutions, it may order that the Charity shall stand de-registered on and from such date as may be specified in the order.

(2) The executive body of the Charity against whom an order of de-registration is made under sub-section (1), on behalf of the Charity may appeal to the Board through Director General, and every such appeal shall be placed by the Director General before the Board, which shall have the powers to make such orders as to the de-registration of the decision of the Authority as it may think fit, within forty five days from the date of receipt of such appeal, and the decision of the Board shall be final and shall not be called in question in any court.

Voluntary

11. (1) No registered Charity shall be dissolved by the

dissolution of registered Charity.

executive body or members thereof, on their own.

(2) If it is proposed to dissolve any registered Charity by its governing body, not less than three-fifths of its members may apply to the Registration Authority in such manner as may be prescribed, for making an order for the dissolution of such Charity.

(3) The Registration Authority, may allow deregistration after examination of the Charter, accounts and other prescribed documents of the organization and remove that Charity from the register, on and from such date as may be specified in the order.

(4) In the event of a delay of more than one hundred and eighty days in the determination of the application for deregistration moved by an organization, the application shall be deemed to have been accepted unless reasons for the delay are recorded in writhing by the Registration Authority. Such delay shall in non case be more than ninety days beyond the specified original period of one hundred and eighty days.

(5) Appeal against an order to deregister or an order refusing to deregister, passed by the Registration Authority may be preferred to the Board, through Director General, within thirty days of receipt of the order from the Registration Authority. Where on the Director General shall place the appeal before the Board for its decision, which shall be final and shall not be called in question in any court.

Consequences of de-registration/ voluntary dissolution.

12. (1) Where any Charity is voluntary dissolved or de-registered under Section 10 or 11 of this Act, its registration there under shall stand cancelled on and from the date of the order of dissolution takes effect, and the authority with approval of 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 prior permission in writing of the Authority;

(b) appoint a competent person to wind up the affairs of the Charity, with power to institute

and defend suits and other legal proceedings on behalf of the Charity, and to make such orders and take such action(s) as may appear to him to be necessary for the purpose; *and*

(c) order any moneys, securities and assets remaining after the satisfaction of all debts and liabilities of the Charity to be paid or transferred to such other Charity, having objects similar to the objects of the Charity, as may be specified in the order.

Rights of registered Charity.

13. (1) The property, movable and immovable, belonging to a Charity registered under this Act shall be vested in the governing body in existence from time to time. In all proceedings, civil and criminal, such property may be described as the property of the Charity.

(2) Every Charity registered under this Act may sue or be sued in the name of the person or persons authorized and designated, for this purpose by the Charter or the rules and regulations of the Charity and in default of such authorization in the name of such person as shall be appointed by the governing body for the occasion.

(3) Every Charity registered under this Act may, —

(a) solicit public donations subject to the fulfillment of conditions and parameters defined in the Rules;

(b) may apply for tax exemptions in the manner prescribed by Federal Board of Revenue or the Balochistan Revenue Authority, as the case may be; *and*

(c) may enter into agreements with the State and private parties for the realization of aims and objectives specified in its charter.

The Register of Charities.

14. (1) The Registration Authority shall, in respect of certificate of registration issued under this Act, maintain a register containing such particulars as it may deems fit.

(2) The Registration Authority shall keep a manual

register of Charities, as well as a Database of all registered Charities in an electronic form, which shall be kept by them in such manner as they think appropriate.

(3) Any Charity which ceases to exist or operate shall be removed from the register; provided a one month notice is served to such a Charity, to provide it an opportunity to produce documentary evidence of its existence for the purpose for which it was created.

(4) Any Charity which does not obtain its renewal certificate after three years as required under sub section (1) of Section 5 shall deem to be considered an unregistered and illegal entity and therefore its name from the official register will be removed.

Policy Board.

15. (1) The Government shall constituted a Policy Board to monitor the working of the Authority and suggest improvements in the working of Registration Authority as well as Charities Sector.

(2) The Board shall comprise of ten members including Chairperson, having three private members from Civil Society and five ex-officio members not below the rank of an Additional Secretary, from the following Departments: ―

1. Home Department.
2. Social Welfare Department.
3. Industries Department.
4. Agriculture and Cooperative Department.
5. Religious Affairs Department.
6. Finance Department.
7. Law and Parliamentary Affairs Department.

(3) The Secretary Social Welfare Department shall be the Chairperson of the Board.

(4) The Government shall appoint private members from civil society amongst the persons having established credentials of working in the Sector, who shall be nominated for a period of three years which shall not be extendable fr a second consecutive term.

(5) The Board shall have the powers to co-opt any expert for a specific purpose to be recorded in the Minutes of the meeting of the Board who shall not have any voting power.

(6) The Director General of the Authority shall act as Member/Secretary of the Policy Board.

(7) In particular and without the generality of the power prescribed hereinabove sub-section (1), the Policy Board shall perform the following functions: —

(i) review the quarterly report presented by Registration Authority and suggest measures (if any) for the improvement of the working of the Authority or the Charity Sector;

(ii) hear and decide the appeals filed against eh decisions of Registration Authority, who shall either maintain the decision of the Registration Authority or reverse it along with the reasons to be recorded in writing and that decision shall be final which shall not be challenged in any court of law by any of the parties consider.

(8) The decision of the Policy Board shall be based on the principle of simple majority and in case of a tie the decision of the Chairman thereon shall be final.

Removal of Private Member of the Board.

16. (1) Any private member of the Board may be removed from the office if he is, —

(a) found guilty of misconduct;

(b) adjudged an insolvent;

(c) unfit to continue in office by reason of being mentally or physically challenged and stands so declared by a competent medical authority;

(d) on conviction of any offence involving moral turpitude been sentences to imprisonment;

(e) remains absent from three consecutive

meetings of the Board without any leave of absence; *and*

(f) resigns from the office.

Financial irregularity.

17. (1) On receipt of a complaint in writing alleging financial irregularities supported by one-third of the members or one-third of the members of the governing body of registered Charity or from a person or body that had contributed more than five percent of the total funds received by the organization in the last year for which final accounts are available, the Authority, after giving the organization an opportunity of being head, authorize an eternal auditor to carry out within sixty days an audit of the Charity.

(2) Upon authorization of an external audit in terms of sub-section (1) above, the Authority may direct immediate possession of the books of account, ledgers or the relevant electronically or manually preserved date of the Charity by an officer of the Authority.

(3) The external auditor shall, upon authorization in writing, complete the audit and submit the audit report within sixty days:

Provided that Registration Authority may extend the period of sixty days for another thirty days on the basis of a request in writing from the external auditor clearly stating the grounds therein.

(4) In the event of a complaint being found by the Registration Authority to be vexatious or frivolous, the Authority may impose a fine of up to twenty five thousand rupees on each one of the complaints. In the case of a member of the governing body or other member or an official of an organization being fined under this sub-section, he shall stand removed from the office held by him as well as the membership of the organization. Appeal against an order imposing a fine in terms of this sub-section may be preferred within thirty days of such order to the Board through Director General within thirty days of the receipt of the order and the Board shall decide the matter within sixty days, the decision of which shall be final and not challengeable in any court of law.

(5) In the event of the external auditor's report indicating serious financial irregularity or irregularities, the Registration Authority shall provide with the auditor's report and the issues required to be addressed by the organization or any of its office bearers or members, who shall be provided due opportunity of being heard. The Registration Authority, if not convinced with the reply, may initiate an inquiry. If upon completion of its inquiry, the Registration Authority is satisfied that serious financial irregularity has been committed with respect to the affairs of a registered Charity, it may: —

(i) suspend or remove, after recording reasons in writing one or more members of the governing body or such other members or office bearers thereof as appear to be responsible for the irregularities detected; and

(ii) initiate civil as well as criminal proceedings against such office bearer or member, including proceedings for the recovery of the misappropriated assets.

(6) The vacancies caused by removing of the members of the governing body of an organization in terms of sub-section (5) shall be filled in accordance with the charter of the organization, but in no case later than sixty days from the date of removal of the members of the governing body found responsible for financial irregularities.

(7) The vacancies created as a result of such suspensions shall be filled up in accordance with the Charter or bye-laws of the Charity.

(8) Any member of the governing or office bearer body or any other member the Charity suspended under sub-section (5) shall not act as office-bearer of the organization during the period of his suspension.

Funds Raising and Public Solicitation.

18. (1) Any Charity registered under this Act shall have the authority to indulge into fund-raising activities and seek public solicitation (both local and foreign).

(2) Any Charity registered under this Act and undergoing an activity to collect funds shall ensure that, —

(a) solicitations for donations have accurately and transparently informs donors the

purpose for which donations are being collected;

(b) the projects have actually been carried out for which funds were collected;

(c) the beneficiaries are real; *and*

(d) that the intended beneficiaries are the ones for whom funds were actually received.

(3) Any person or group of persons, whether the office bearer, employee or the third party, found involved in an unregistered, illegal or prescribed entity, shall be liable to a punishment of one year imprisonment or fine of two million rupees or both.

(4) No individual, organization, society, charity, Trust, NGO or NPO etc can collect or raise funds/donations for charitable purposes as mentioned in Schedule-I from public through any campaign using mass media including electronic, social, digital or print media or through banners, placards, hoardings, public gathering etc until such society, charity, NGO or NPO etc is registered in terms of Section 4 and any violation of this provision will attract an action as mentioned hereunder in Section 20.

Opportunity of being heard.

19. (1) No administrative order or action adversely affecting any person or Charity shall be passed or taken under this Act unless such person or Charity is afforded an opportunity of being heard.

(2) After receiving any complaint in writing from any quarter or the Registration Authority itself has information that any of the provisions of this Act has been violated by any person or Charity, shall be served with a notice for explanation and of personal hearing by allowing 15 days to respond to that notice. In case of no response a second notice shall be served. In case that notice also not responded within ten days of its issuance, it shall be presumed that the person or organization has nothing to say in its defense and the decision shall be made ex-parte.

(3) In case of ex-parte decision as mentioned in subsection (2), such person or Charity shall have no right to appeal before the Board or in any Court of law against the

decision of the Registration Authority.

Penalties and Procedure.

20. (1) Any person —

(a) contravenes any of the provisions of this Act, or any rule or order made there under, shall be liable to a fine by the Authority, which ma be extended to an amount of five hundred thousand rupees; and if the offence committed is the one for which he has been previously convicted, a fine which may be double the amount lastly fined by the Authority; *or*

(b) commits an offence which falls under Pakistan Panel Code, 1860 (Act XLV of 1860), Anti-Terrorism Act 1997 (Act XXVII of 1997), Anti Money Laundering Act 2010, Prevention of Corruption Act, 1947 (II of 1947), Foreign Exchange Regulation Act, 1947 (VII of 1947), the Copyright Ordinance, 1962 (XXXIV of 1962), the Pakistan Arms Ordinance, 1965 (Ordinance XX of 1965), the Emigration Ordinance 1979 (Act XVII of 1979), the Control of Narcotic Substances Act, 1997 (XXV of 1997), the Balochistan Environmental Protection Act 2012 (Act VIII of 2012), National Accountability Ordinance, 1999 (XVIII of 1999), The Registered Designs Ordinance, 2000 (XLV of 2000), the Trade Marks Ordinance, 2001 (XIX of 2001), the Prevention and Control of Human Trafficking Ordinance, 2002 (LIX of 2002), The Federal Excise Act, 2005, or any other relevant law(s) in force, for the time being, shall be punished in accordance to that Law by a Court of competent jurisdiction as per nature of offence; in addition to the fine mentioned hereinabove clause (a) for contravention of

any provision of this Act.

(2) When the offence is committed by a Charity, every office bearer or 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) Any person convicted under this Act shall stand disqualified for life time for becoming member of any Charity or seek employment in any Charity, had it already been registered or to be registered in future.

Indemnity.

21. No suit, prosecution, or other legal proceeding shall be instituted against any person for anything that is done in good faith or intended to be done in good faith under this Act.

Power to Amend Schedule.

22. The Government may, by notification in the official Gazette, amend the Schedule so far as to include therein or exclude there from any field of social welfare service.

Delegation of powers.

23. (1) The Government, as the case may be, by notification, delegate all or any of its powers under this Act, either generally, or in respect of such Charity or class of Charities as may be specified in the notification, to any of its officers not below the rank of an Administrative Secretary, rendering services in the Government.

(2) The Authority may with the approval of Government delegate some or all of its powers to the Commissioners and Deputy Commissioners for a extendable specified period for implementation of this Act.

Rules and Regulations.

24. (1) The Government may, by notification in the official Gazette, make rules, not inconsistent with any provision of this Act, for carrying into effect the provisions of this Act.

(2) The Registration Authority may, with the prior approval of the Board, make regulations not inconsistent with any of the provision of this Act and of the rules made there under.

Repeal and Savings.

25. (1) The Societies Registration Act, 1860 and the Voluntary Social Welfare Agencies (Registration and Control Ordinance, 1961 (Ordinance XLVI of 1961), in their application to the Province of Balochistan, are hereby repealed.

(2) Notwithstanding the repeal of the Societies Registration Act, 1860 and the Voluntary Social Welfare Agencies (Registration and Control Ordinance, 1961 (Ordinance XLVI of 1961), in their application to the Province of Balochistan, (hereinafter referred to as "the repealed Act and ordinance" respectively); and without prejudice to the provisions of sections 4 and 23 of the Balochistan General Clauses Act, 1956 (W.P. Act VI of 1956), ―

(a) every Charity existing immediately before the commencement of this Act, which was registered under the repealed ordinances shall be deemed to be registered under this Act and its constitution shall continue in force until registered afresh under section 4 of this Act;

(b) anything done, rules made, notification or order issued, officer appointed, notice given, proceedings commenced or other actions taken under the repealed Act and ordinances shall be deemed to have been done, made, issued, appointed, constituted, given, commenced or taken, as the case may be, under the corresponding provisions of this Act; *and*

(c) any documents referring to the repealed Act and ordinances relating to charity shall be construed as referring to the corresponding provisions of this Act.

Removal of difficulties.

26. In the event of any difficulty arises in given effect to the provisions of this Act during the period of transaction after the repeal of the Societies Registration Act, 1860 and the Voluntary Social Welfare Agencies (Registration and Control Ordinance, 1961 (Ordinance XLVI of 1961), the Government, as the case may be, by notification in the official Gazette, may make such provisions as may be necessary:

Provided that this power shall not be exercised beyond the period of three years from the commencement date of this Act.

SCHEDULE

See Section 2(1)(*V*)

1. Child welfare.
2. Youth welfare.
3. Women's welfare.
4. Welfare, Training and Rehabilitation of the persons with disabilities.
5. Family planning/population welfare.
6. Recreational programmes intended to keep people away from anti-social activities.
7. Civic education, aimed at developing sense of civic responsibility.
8. Welfare and rehabilitation of prisoners.
9. Welfare of juvenile delinquents.
10. Welfare of the beggars and destitute.
11. Welfare and rehabilitation of patients.
12. Welfare of the aged and infirm.
13. Training and Capacity building of personannel engaged in social services delivery.
14. Environment protection and related issues.
15. Drug abuse and Narcotics.
16. Social Research.
17. Human Rights.
18. Religious education, Interfaith and Sectarian harmony.
19. Education.
20. Health and reproductive health.
21. Poverty alleviation.
22. Cultural heritage and promoting culture of Pakistan
23. Vocational and professional training.
24. De-radicalization and counter violent extremism.