Keywords: non-government organisations, guidelines, regulations, Pakistan.

"Bad laws are the worst sort of tyranny." Burke

Background

By gone the days, when providing amenities to people was the sole responsibility of governments. A time came when in third world countries including Pakistan people realised that the services being provided by government or its various departments either do not exist or of an inferior quality. Eventually people realised to work on self-help basis by establishing local groups, initially at Mohalla (street) and then at the National level. Most of the development work they carried out was with the orientation of welfare and through indigenous available human, natural and financial resources. However, thanks to foreign aid for development which came through various channels and was helpful for these groups to grown up and to bank upon. The available funds those initially were siphoned through the government and now shared by another, the non-governmental organisations (NGOs).

Existing Rules & Regulations for NGOs and NGO Bill

The environment within which NGOs operate varies significantly from country to country and region to region. Legal frame work is the first step for an NGO before initiating a dialogue with any donor either local or foreign.

In Pakistan, there exist several rules and regulations under which NGOs may legally register themselves. Some of these rules were prepared before the independence of Pakistan by the then British government. The registration rules and regulations are six and these are: The Societies Registration Act (XXI), 1860, The Trust Act, 1882, The Charitable Endowment Act 1890, The Cooperative Societies Act, 1925, The Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 (XLVI of 1961), and The Companies Ordinance under Section 42 of 1984.

The outlined Acts and Ordinances provide liberties to NGOs for working within a given frame work and area. An NGO, if registered under the Societies Act 1860, Trust Act, 1882 or Cooperative Societies Act, 1925 can operate within a
provincial boundary. Before moving to any other province it needs to get permission from the concerned provincial authority to commence work. However, it is unclear that how government decided these provincial boundaries as at the time of British, present Provinces of Pakistan did not exist. The NGOs registered under Voluntary Social Welfare Registration and Control Ordinance, 1961 can expand their work to a district level under which they are registered. The Companies Ordinance, 1984 gives provision an NGO to operate at national level. The Charitable Endowment Act 1890 under which organisations like Trust for Voluntary Organisations (TVO) and National Trust for Population Welfare (NATPOW) are registered.

An increasing interest amongst international and multilateral agencies to involve the non-governmental organisations (NGOs) to implement their agenda generated mushroom growth of NGOs in early 90s and alarmed the government functionaries. Consequently, steps to curb them were highly under discussion by the government and first it created own NGOs in the name of Rural Support Programmes (RSPs) and then it introduced NGO-Bill (as most of the donors preferred to fund grassroots NGOs).

**NGO-bill 1996**

In 1994, Government of Pakistan (GOP) has decided to introduce a new act for the registration of NGOs. It was introduced in the Senate of Pakistan as Social Welfare Agencies (Registration and Regulation) Act, 1996 on January 25, 1996. The prime purpose of this bill was to unified various existing rules and regulation. One of the reasons perhaps was whenever any registration authority visits to an NGO, it refuses to cooperate with them on the basis that the organisation is not registered with that particular department.

The NGOs in Pakistan held a number of meetings throughout the country to discuss the issue of NGO-bill. A series of meetings was also held between NGOs representatives and the concerned minister and government officials. These meetings developed a basic understanding between the two concerns. However, any concrete result has not been come out as the Bill is still under consideration in the upper house.

The NGOs term the introduction of new registration & regulation NGO-bill by the government for increasing its control on the NGOs and interfere in their internal matters. Whereas government sees the new registration bill to ensure that donor funds are used for their intended purpose. The GOP claims that her efforts are aimed at stopping political interference by various international funding agencies in Pakistan's internal affairs through religious NGOs.
Problems with Registration

The registration process is quite complex and NGOs face problems under the outlined registration rules (whether act or ordinance). Most NGOs are unaware of the different laws under which they seek registration. They generally sought registration under a particular law because one or more of their members know it. The registration authorities either do not provide information required for the registration or use unnecessary delaying tactics due to unknown reasons. Corruption and links within the registration authorities are other factors that help in getting the registration of any NGO.

For instance, in 1995, Netherlands Organisation for International Development Cooperation (Novib) requested its principal consultant for Pakistan for the establishment of a local consultancy office and to get a legal entity. The Consultant with the facilitation of a legal adviser prepared necessary documents and applied for registration to the Corporate Law Authority under the Companies Ordinance Section 42 of 1984 (non-profit companies ordinance) as it was necessary to operate at the national level. Various agencies from law enforcement departments or registration authority visited the office premises. Since long, the registration process has not been completed. However, DevFound has failed to know the reason why the registration has not allowed to it. The Principal Consultant got registration under the partnership Act 1932 nevertheless, which does not allow it to function as a proper NGO.

This is not the only case, Thar Rural Development Programme (TRDP), one of Novib’s partners in Sindh also faced similar problems in getting registration under the Companies Ordinance 1984. In 1997, TRDP submitted registration application to the concerned authority and could not get registration from the CLA. They have submitted another application under the Societies Act 1860 and succeeded in getting the registration.

During the whole exercise, over the period experience and discussions with NGOs it was learned that in Pakistan most NGOs are registered with the District Social Welfare Department under Social Welfare Ordinance 1961, thus are restricted to operate in a specific project area. Some of the NGOs (mostly urban based) are registered with the Joint Registrar under Societies Act 1860 and have opportunity to work at the provincial level. All the RSPs and few urban based or NGOs run by influential are registered with CLA under the Companies Ordinance 1984.

The registration authorities require proper functional office be in place with the maintenance of all office records, accounts and initiation of activities before the registration. In a situation like this if an organisation is not registered how the accountability process can be initiated and who will be responsible for any misconduct, if happens. Various law enforcement agencies, beside the registration authority, are involved in the registration process and
they lack inter departmental communication. This creates problems for the actors of civil society building and an atmosphere to promote bribery or corruption.

**Role of NGOs**

But another debate started within people and through print media about the way NGOs work and advantages they take from funds available to them. According to a news reports, "Most of these NGOs are headed by influential, politician, bureaucrats and rich people/elite. These are the people who plunder in the name of "NGOs" and deprive the deserving people of their rights. There are NGO people who were riding on bicycles in the past, now own more than one vehicle such as Honda Accord and Pajero/Land Cruiser at their home. Those had pennies in their pocket until yesterday now having accounts in millions of dollar, what to say accounts in rupees. The ill-mannered people now have their meals in five star hotels."

Another statement given by a government official that published says: "The deserving people get a very small amount after a thorough probe. While on the other hand, NGOs get huge amounts on the recommendations of Ministers or influential. The proverb for such NGOs is “gold attracts the gold.” What these NGOs are doing? Nothing! But plundering money. The amount which is plundered in the name of women’s welfare has no comparison in the history. In most of the cases, the head or patrons of these NGOs are women. These are not the ordinary women rather, the wives of rich or elite. The question is, what is the purpose of these NGOs? And, what is the use of funds being received by these NGOs? If these NGOs had implemented the programmes according to their constitutions then unlike today, condition of the poor women was different. The poor women's condition was not so miserable. The society might not be desperate . . .

A higher number of NGOs, besides enjoying the foreign funds, also tap funds from the sources which basically are for the welfare of poor, orphans and widows such as Bait-ul-Maal. The government and public now termed such NGOs civilised thieves, looters, dacoits!

Meanwhile about Rs 4 billion had plundered from the Pakistan Bait-ul-Maal. The Public Accounts Committee (PAC) of the Senate took a serious note of irregularities and financial indiscipline in Pakistan Bait-ul-Maal and National Zakat Foundation. While scrutinising, the PAC found that these funds were released to such NGOs which either existed on papers only or did nothing for the upliftment and welfare of the poor and needy persons. The PAC decided to constitute a sub-committee to probe into the irregularities and to suggest viable mechanism for disbursement of funds from these sources to the deserving people.
The failure of non-governmental organisations and misappropriation of funds by them is not a new phenomenon in Pakistan. During the decade of 80s, a large number NGOs registered under the Cooperative Societies Act 1925 plundered Billions of rupees and deprived of the common people including poor and women. Cases had been registered against them by the government. In 1992, most of the owners (influential) of these NGOs have been fled away from the country. However, the victims are looking forward for the justice since last 8 years and after a hectic judiciary process only a handful victims have received compensation or money back from them.

**Survey of the Punjab University**

Just after the crackdown of NGOs, a survey of the Punjab University published in Newspapers entailing 80% of NGOs of the country gets millions of dollars without doing any welfare work. Their only aim is plundering money. Only 20% NGOs are relatively functional. In Punjab 4000, Sindh 3301, NWFP 309, Balochistan 286 and Azad Kashmir 92 NGOs were reported not working according to their constitutions and promises.

**The Donors Attitude**

In Pakistan, donors' attitude toward working style of NGOs is also very complex. They respond quite slow on reports and news such as corruption and misappropriation of funds within their partners' organisations. Continuation of higher funding on recommendations of "consultants" (most of the time friends of NGO owners) and without assessing the capacity of an organisation or evaluation of the previous progress are major causes. Weak monitoring by the donors is another factor that promotes corruption within NGOs. The NGOs take shelter by using western jargon such as autonomy to an organisation, participatory decisions or consensus etc. Likeness and dislikeness to fund NGOs and reluctancy to work with rural-based NGOs are other reasons that have bring the NGO-sector of Pakistan at this situation.

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**Notes to readers**

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For more information go to:

Ekrar Haroon
Ecotourism Club Pakistan
Flat 9-Block 6-A
Street-1-Sector I-8/1
Islamabad
Pakistan
Tel: 92-51-440928.
Email: eco.tourism@isb.comsats.net.pk
http://www.ecotourism.org.pk