

# **Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 1999**

ANDHRA PRADESH

India

## **Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 1999**

### **Rule**

### **ANDHRA-PRADESH-ORPHANAGES-AND-OTHER-CHARITABLE-HOMES of 1999**

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Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 1999Published vide Notification No. G.O. Ms. No. 67, Women's Development, Child Welfare & Disabled Welfare (PROG), dated 06.10.1999Last Updated 27 August, 2019No. G.O. Ms. No. 67. - In exercise of the powers conferred by sub-section (1) and sub-section (2) of Section 29 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 (Central Act 10 of 1960) the Governor of Andhra Pradesh hereby makes the Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules.Chapter-I

### **1. Short title and application.**

(1)These Rules may be called the Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 1999.(2)These rules shall be applicable to any institution Home or Hostel whatsoever name they may be called which is maintained or intended to be maintained for the reception, care, protection and welfare of women or children by any person or Organisation within the territory of the State of Andhra Pradesh.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires:(a)"Act" means the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960:(b)"Cell" means a cell established by Government to assist the Board of Control in discharging its duties by rendering the duties and functions prescribed by the Board of Control subject to overall supervision of

Government;(c)"Destitute Women" means a female who has completed the age of 18 years and who was divorced, abandoned or separated from her husband or the whereabouts of her husband are not known to her for the last seven years.(d)"Educational institution" means an institution established or controlled by Government or University or any Organisation recognised by Government;(e)"Government" means the Government of Andhra Pradesh or any other officer delegated with the powers by a General or Special order in writing.(f)"Inmate" means a boy or a girl or a woman who is admitted in any recognised home under these rules;(g)"orphan" means a boy or a girl whose parents were died or abandoned the child or whose parentage is not known;(2)All words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960.CHAPTER-II  
Constitution of Members of the Board and its Powers and Functions

### **3. Members of the Board.**

(1)Election of Members. - Three members of the State Legislature may be elected by the members thereof by voice of vote or by secret ballot or by any other method as the Speaker of the House may decide.(2)Nomination of the Members. - The State Government may nominate any officer not below the rank of the Deputy director who is working in Women Development and Child Welfare Department and Social Welfare Department as a member of the Board of Control under Clause (c) of subsection (2) of Section 5 of the Act.

### **4. Qualifications.**

(1)The members elected or nominated to the Board shall have completed the age of 35 years.(2)The Member must be a woman and in case no eligible woman is not available, a male who has crossed the age of 45 years may be considered.(3)The member shall not have a Home in his name or his spouse name while he is holding the office. The word Home shall have the same meaning as defined in Clause (d) of Section 2 of the Act.

### **5. Functions of the Board.**

(1)The Board shall review the functioning of the recognised Homes at least once in three months and ensure that the management of each recognised Home is functioning in accordance with the provisions of the Act and these rules.(2)The Board shall obtain and keep record of status of each recognised Home for every quarter and submit a report on the overall functioning of the Homes to the Government.(3)The Board shall inspect or shall cause to be inspected by the officials working in its control all the recognised Homes at least once in a year and satisfy that the funds of the Homes were utilised for which it was obtained, properly accounted for and recommend the amount of grant to be released to the Home for that year, in case the Home is receiving any grant from Government.(4)The Board shall ensure that there shall be, neither bonded labour nor child labour in any Home by the instigation of the Manager or the members of the Managing Committee of the Home.(5)The Board shall also ensure that the human rights of the inmates are protected in all the recognised homes and in case of any violation, steps should be taken to protect the rights of the inmates in accordance with the provisions of the law.(6)The Board shall furnish the accounts of the

year to the Government at the end of March of every year and also furnish the Budgetary requirements as called for by the Government from time to time.

## **6. Powers.**

(1)The Board shall have the power of a Civil Court of the District under the provisions of the Code of Civil Procedure, 1908 to call for records, summon the manager or any member of the Managing Committee of a Home, search of records of the Home, administering the witnesses on oath etc., and also have the powers of contempt also.(2)The Board is empowered to regulate its own procedure in conducting review meetings place of each sitting, establishment of an office to receive applications for recognition of Homes and any other matters with prior intimation to Government. Provided that the Government shall have power to alter or modify or annual any of the procedures adopted by the Board for good and sufficient reasons to be recorded in writing and any such modifications may be made only after informing its intention to do so, to the Board at least one week well in advance.

## **7. Funds.**

(1)The Board shall maintain or cause to be maintained books of accounts for all the monies received by it and furnish annual statement of accounts at the end of each financial year to Government. If the Board is in receipt of any aid from Government, the Board has to furnish separate account and utilisation certificate for such grant as directed by the Government from time to time.(2)The Board shall be competent to incur the expenditure of its funds by following its own procedure and it can render any financial assistance to any recognised orphanage Home at its discretion.

## **8. Salaries and Allowances of the Members.**

- The members of the Board are not eligible for any salary or honorarium during their tenure in the office. But, they are eligible for first class T.A. and D .A. at the rate of Rs. 250/- for every day for attending any meeting or visit to any Home or institution. Provided that, the Nominated official members of the Board shall not eligible T.A. or D.A. as per the above rates, but they are eligible for the same as per the rates applicable to their cadre under relevant T.A. Rules.

## **9. Seal of the Board.**

- The Board may formulate a Common Seal and emblem and any instrument or Certificate issued on behalf of the Board shall be in the name of the Chairman and contain the signature of the authority specifically authorised by the Board in this regard and the seal of the Board.

## **10. Suits by or Against the Board.**

(1)No suit or other legal proceeding shall lie against any member of the Board for the acts done in discharging of his duties and functions as a member of the Board.(2)Any suit or legal proceeding against the Board shall be in the name of the Chairman and any suit or legal proceeding instituted

by the Board shall be in the name of the Chairman of the Board. Provided that no suit shall lie against the Board unless the aggrieved person has availed the opportunity of Appeal to Government under the Act or where an appeal has been preferred to Government, it has not been disposed within six months from the date of appeal.

## **11. Staff of the Board.**

(1) The Board may create a separate Cell in the office to receive applications for recognition of the Homes from the Managing Committees or Managers and to keep record of the disposal of the said applications. The Board may formulate the cadre and number of posts, pay and allowances and other conditions of service of the persons holding such posts, with the approval of the Government. (2) The Board shall be competent to exercise the powers of appointment of all the above posts and to delegate its powers to any other authority under its control. Provided that in case of officers and staff whose services are lent to the Board, the Board shall be competent to impose any minor penalties viz., ensure, withholding of increments, Fine not exceeding Rs. 200/- in respect of Last grade servants. In case the allegations levelled against the delinquent officer warrants major punishment in the opinion of the Board. The Board may send the material on record along with its opinion to the competent authority under the relevant rules of the leading Department and also repatriate the delinquent officer to the parent department. Chapter-III

## **12. Recognition of Homes.**

(1) Any person for a Voluntary Organisation desiring to maintain or conduct a Home shall make an application for a Certificate of Recognition in the prescribed format of Appendix appended to these rules. Provided that any person or Voluntary Organisation maintaining a Home or institution at the time of commencement of these Rules, shall make an application for a Certificate of Recognition in the prescribed format within a period of 90 days from the date of commencement of these rules. (2) Any person or organisation maintaining or conducting a Home at the time of commencement of these rules, failed to make an application for a Certificate of Recognition to the Board, within 90 days from the date of commencement of these rules, shall be deemed to have violated the provisions of the Act and these rules and the Board may take action to impose penalties as provided under Section 24 of the Act.

## **13. Issue of Certificate of Recognition.**

(1) On receipt of an application from the Manager or the Managing Committee of a Home, the Board may make such an inquiry as it consider necessary, either grant a certificate or refuse to grant it and intimate the same to the applicant within 90 days from the date of receipt of application by the Board. The certificate of Recognition issued by the Board shall contain the details enumerated under sub-section (1) of Section 16 of the Act and in the Form II appended to these rules. (2) The Board may reject any application made under these rules for grant of certification of recognition, if it felt that the application is not in order, or the proper amenities are not provided for the reception, care, protection to the inmates of the Home and the intention of the Board to reject the application shall be communicated to the applicant shall be communicated to the applicant within two months from

the date of receipt of such application by the Board. Provided that no order rejecting the application for grant of recognition of a Home shall be made unless the applicant has been given an opportunity of defence on the grounds of refusal and a copy of the final order rejecting the application shall be communicated by the Board, in writing, to the address of the applicant given in his application, by registered post.

#### **14. Revocation or Cancellation of Certificate of Recognition.**

- The Board may at any time revoke or cancel the Certificate of Recognition granted to any Home, if the Home is not being maintained in accordance with the conditions stipulated in the certificate of Recognition or for any other cause, in accordance with the provisions of sub-section (1) of Section 17 of the Act.

#### **15. Appeals.**

(1) Any person or organisation aggrieved by an order of the Board rejecting or refusing to grant a certificate or recognition or revoking a certificate, may within a period of sixty (60) days from the date of receipt of such order, prefer an appeal to Government in the name of the Secretary to Government, Women Development Child Welfare and Disabled Welfare Department and the appeal so preferred shall contain the grounds of appeal, material papers like, copy of the application of the person or organisation for grant of recognition, certificate of recognition, if already granted, notice if any issued by the Board, final order of the Board etc., and the appeal so received by the Government may be referred to a Panel Committee for consideration, which consists of the following officials namely:-

(i) Chief Secretary to Government	...Chair-person
(ii) Principal Secretary to Government Social Welfare Department	...Member
(iii) Secretary to Government Law Department	... Member
(iv) Secretary to Government G.A. (Services) Department	... Member
(v) Secretary to Government Women Development, Child Welfare and Disabled Welfare Department	...Member and Convenor

(2) The quorum for hearing of appeal and disposal of the appeal shall be three members and the appeal shall be decided within ninety (90) days from the date of receipt of the same by Government. (3) The appeal allowed or rejected by the State Panel Committee shall be communicated to the person or organisation appealed, the Chairman of the Board, at free of cost, indicating the reasons or grounds for allowing or rejecting such appeal. (4) Any person or organisation who is aggrieved by the decision of the State Panel Committee may file a suit in a Civil Court not below the rank of a District Judge or Chief judge at the place of offices of the respondents are located, within sixty (60) days from the date of receipt of the order rejecting the appeal. Chapter-IV

## **16. Management of the Recognised Homes.**

(1)The affairs of every recognised Home shall be managed by a Managing Committee consisting of not less than five members and the Managing Committee shall appoint a member thereof or any other person to be the Manager of the Home to run day to day administration of the Home.(2)The quorum for passing a resolution of the Managing Committee shall be not less than three members and the resolutions of the Managing Committee shall be recorded in writing and communicated to all its members.

## **17. Qualifications of the Members of the Managing Committee.**

(a)No person shall be a member of the Managing Committee unless he/she has completed the age of 25 years on the date of becoming a member.(b)No person who is not a citizen of India shall be eligible to be a member of the Managing Committee.(c)No person who is declared as insolvent by any Court shall be a member of the Managing Committee.(d)No person who is of unsound mind or suffering with insanity or convicted by a Court of law with a sentence of simple imprisonment or rigorous imprisonment for a period exceeding one month, under any law, shall be eligible to become a member of the Managing Committee.(e)No person who has been convicted for any offence under the Act shall be eligible to be a member of the Managing Committee or Manager.

## **18. Duties of the Manager.**

(1)The Manager should be incharge of the Home and inmates, and she/he shall be responsible for all the activities and well being of the inmates.(2)The Manager should ensure that the Managing Committee should meet at least once in three months and decide the steps to be taken for maintaining the Home and approve the expenditure for the next quarter.(3)The Manager is responsible for providing basic amenities to the inmates such as health check-ups and their educational and training programmes.(4)It is the duty of the Manager to furnish the periodical reports to the Board, as stipulated by the Board, and also furnish annual accounts and Utilisation Certificate with the approval of the Managing Committee to the appropriate authority, if the Home is in receipt of any financial assistance from Government Departments.(5)He shall be responsible for reporting the death of any inmate alongwith the causes of death to the Board. He shall also responsible for reporting any untoward incident happened in the Home to the Board as well as to the appropriate authority within 24 hours from the time of occurrence.

## **19. Admission of Inmates and their Qualification.**

(1)(a)The Manager shall admit the inmates if he/she satisfy that the boy or girl or women deserves for admission and furnish the list of inmates admitted to the Managing Committee at the end of each quarter.(b)The Manager shall furnish the list of inmates admitted into the Home along with the full details of each inmate to the Board at the end of each quarter.(2)(a)A boy or a girl who is an orphan and who is not remanded to the Juvenile Home under the Juvenile Offenders Act.(b)A destitute women who has no means for her livelihood and who has not been remanded or convicted

by the Court under the Immoral Traffic Act, 1956. Provided that the Government or the Head of the Department of Women Development and Child Welfare shall direct admission of any orphan who is Juvenile Offender or a destitute woman who is undergoing trial or punishment, as a special case in any of the Homes wholly financed and managed by the Government Department. Chapter-V

## **20. Miscellaneous.**

(1) The Chairman or any authorised officer has to submit proposals to Government for sanction of funds for every financial year well in advance and thereafter the State Government may sanction funds to the Board in consultation with the Chairman of the Board. (2) The Government is competent to call for any return or accounts from the Board from time to time. (3) It shall be lawful to withhold or cancel grant-in-aid to any Home, if the recognition is revoked by the Board or surrendered by the Managing Committee. (4) The meeting of the Board shall be conducted at such places as the Chairman may decide after giving a notice to all the members of the Board at least one week in advance and at least 2/3 of the members should present for the quorum for passing any resolution or granting or rejecting or revoking a certificate of recognition of any Home. Any resolution or decision has to be taken by majority of members present and voting. In case of equal votes on any issue, the Chairman shall have a casting vote and it shall decide the issue. (5) Without prejudice to the basic structure of these rules, the Government may by notification in the Andhra Pradesh Gazette shall modify or amend these rules in consultation with the Chairman of the Board and with the approval of the majority members of the State Panel Committee and such amendment or modification of rules shall not have retrospective effect.

## **21. Repeal and Savings.**

- From the date of commencement of these rules, all certificates of Recognition granted to any Home or Institution, by any authority including the Government under the provisions of the Women's and Children's Institutions (Licensing) Act, 1956 shall stand repealed and any person or organisation or a Committee managing or conducting any such Home or institution even after the expiry of 90 days from the date of commencement of these rules, shall be liable for prosecution under Section 24 of the Orphanages and other Charitable Home (Supervision and Control) Act, 1960. Appendix Form-I Application for Grant of Certificate of Recognition of a Home

1. Name and address of the Home or Institution.
2. Date of Establishment.
3. Name and address of the members of the Managing Committee.
4. Name and address of the Manager of the Home or Institution.
5. Objects of the Home or Institution.
6. No. of inmates sanctioned/ enrolled.
7. Education provided to the inmates.
8. Training facilities available to the inmates.

9. Provision of funds and balance of funds available with the Home or Institution (Copies of audited statements for the last three years should be accompanied)

10. Whether the Home or Institution is in receipt of financial assistance from Government or any other organisation of Government, if so, the details thereof.

11. Fixed assets of the Home or Institution in detail.

12. Whether the Home has already been granted any certificate of recognition by any authority and if so, the details thereof.

13. Whether any member of the Managing Committee or Manager of the Home has been penalised for violation of these rules earlier, and if so, the details thereof.

14. Boarding and lodging facilities available in the Home.

15. Particulars of staff employed for the maintenance of the Home or Institution.

16. If the Home is meant for women or girls whether the staff employed are female.

Note: The Manager or Superintendent or Warden or Matron should be a woman only.

Signature of the Manager or any  
authorised person by the  
Managing Committee

Official Seal of the Home

Form - II Certification of Recognition Granted to a Home Institution:

In exercise of the powers conferred under sub-section (1) of Section 15 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 and the rules made thereunder by the Government of A.P., the Board of Control pleases to grant a Certificate of recognition to the..... the details of the Home are:

1. Location and address of the Home.
2. Date of establishment
3. Number of inmates enrolled of the date of application.
4. Name and address of the Manager.
5. Name and addresses of the members of the Managing Committee.
6. The minimum standards of boarding, lodging, clothing sanitation, health, and hygienic conditions available in and to be maintained by the Home.
7. The standards of education and training available at the time of application and are to be continued by the Home.
8. Quantum of financial assistance eligible to the Home by any Govt. Dept, or Organisation.



9. Date on which the Home has applied for grant of recognition.

10. Date on which the Board has resolved to grant certificate of recognition.

11. Certificate Number and year

Given with the approval of the Board under my seal on this  
day.....of.....

Signature of the  
Chairman or any  
authorised signatory  
of the Board.

Station:

Date:

Official seal of the Board.