

The M.P. Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata (Setting up of Homes and Constitution of Advisory Committee) Rules, 1984

MADHYA PRADESH

India

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- Published on 15 October 1984
- Commenced on 15 October 1984
- [This is the version of this document from 15 October 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata (Setting up of Homes and Constitution of Advisory Committee) Rules, 1984 Published vide Notification No. D-4416-2023-26-2-84, M.P. Rajpatra (Asadharan), dated 15-10-1984 at page 2498 In exercise of the powers conferred by clause (b-1) of sub-section (2) of Section 9 of the Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata Adhiniyam, 1970 (No. 12 of 1970), the State Government hereby makes the following rules for the purposes of setting up of Home for destitutes and indigent persons and their management, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata (Setting up of Homes and Constitution of Advisory Committee) Rules, 1984.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata Adhiniyam, 1970 (No. 12 of 1970); (b) the words and expressions used shall have the same meanings as are assigned to them in the Act and the rules made thereunder-(1) Madhya Pradesh Nirashriton Ki Sahayata (regulation of Assessment and Collection of Cess) Rules, 1971; and (2) Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata Niyam 1972.

3. Setting up of Homes.

(1) Under Section 4 of the Act, a local authority or voluntary organization which is registered with the Registrar of Firms and Societies and recognised by the Director of Social Welfare, M.P. (to be hereinafter referred to as voluntary organisation in these rules) may set up one or more Homes in its jurisdiction, for the purpose of clauses (b) and (c) of Section 3, to house 50 to 100 destitute and indigent persons. (2) The Homes set up under sub-rule (1) may be in a rented building or in a building constructed for this purpose. (3) In case of a rented building, the rent shall be fixed by the Collector.

4. Grant-in-aid to Voluntary Organisation/ Local Body.

(1) All grants or moneys sanctioned to a Voluntary Organisation or a Local Body under these rules shall be paid from the funds collected under the Act. (2) For the acquisition of land for such Homes, the voluntary Organisation or the local body may get grants-in-aid which can be up to ninety per cent of the cost of the land. Such grant can be sanctioned by the Collector. (3) For the construction or renting of building for such Homes, the voluntary Organisation or the local body may get grant-in-aid which can be up to ninety per cent of the total cost or rent of the building. (4) In case of a rented building, the rent shall be sanctioned by the Collector.

5. Construction of Building.

(1) A Home shall be, generally, constructed on a land which either may be the property of the local body or voluntary Organisation or State Government. (2) Blue print design and specification of the building to be constructed under sub-rule (1) shall be approved by the Director, Social Welfare, Madhya Pradesh. (3) No changes shall be made in the design and specifications already approved by the Director, Social Welfare under sub-rule (2) without obtaining his written permission. (4) Administrative approval for the construction of building shall be given by the competent authority specified in sub-rule (1) of Rule 7, on the basis of the recommendations made by the District Advisory Committee. (5) The construction of the building shall be carried on by the local body or the voluntary organisation. (6) The cost of construction of the building shall be certified by the Executive Engineer (Public Works Department) or an approved valuer. (7) Grants for construction of the building will be released in 3 instalments. Before release of each instalment, the local body or the voluntary organisation will submit a certificate from a valuer that the amount of previous instalment has been fully utilised.

6. Right to take over the Home.

- The State Government shall have the right to take over any Home set up under Rule 2 temporarily or permanently in case it is not managed properly, or misused. Under such circumstances, the building and the land on which it has been constructed, along with its compound walls shall come under the possession of the State Government and the State Government shall make necessary arrangement for running the same.

7. Financial sanction.

(1)The following officers shall be competent to accord sanction for the construction of the Home :-
(a)Up to the cost of Rs. 10 (Ten) Lakhs - Collector;
(b)Above Rs. Ten Lakhs but up to the cost of Rs. 20 (Twenty) Lakhs - Commissioner;
(c)Above Rs. 20 (Twenty) Lakhs - Director, Social Welfare, Madhya Pradesh.
(2)The Collector may sanction an expenditure for maintenance of, additions and alterations to the building up to one per cent of the total construction cost of the building for the first three years and there after at two per cent per annum.
(3)At the time of setting up of a Home, the Collector may sanction up to Rs. 1000 (One Thousand) per bed for furniture and equipment, cooking utensils, linen, etc.
(4)On the recommendation of the Chief Medical Officer, the Collector may sanction, equipment like wheel chairs, hearing aid machine, spectacles, artificial limbs, baisakhi etc. to the inmates of the Home according to their- need and essentiality.
(5)The Collector may sanction an expenditure up to ninety per cent of the recurring cost of electricity, water and cooking gas, etc. subject to a maximum of Rs. five thousand per year.
(6)On the recommendations of the District Panchayat and Welfare Officer, the Collector may sanction an amount up to Rs. two thousand initially and Rs. five hundred per annum subsequently for purchase, repair and replacement of recreational equipment like carrom/ chess boards, table tennis, radio, gardening tools, books and reading material, etc.
(7)The Collector, on the recommendations of the District Advisory Committee may sanction a grant up to Rs. three thousand per annum to a local body or voluntary Organisation for purchase of special equipments like TV, artificial limbs etc. Such sanction will be subject to the condition that at least ten per cent of the expenditure on such purchase would be paid by the local body or the voluntary Organisation.

8. Eligibility of admission in the Home.

(1)Destitute as defined under Section 2 of the Act, who fulfills the conditions laid down in Rule 3 of the Madhya Pradesh Nirashriton Avam Nirdhan Vyaktiyon Ki Sahayata Niyam, 1972. shall be eligible to be admitted in the Home.
(2)Destitute receiving pension under Social Security Pension Rules, 1981, may also be admitted in the Home :Provided that such destitute gives an authority letter to the District Panchayat and Welfare Officer to deposit the monthly pension in full in the home. If the expenditure on food and upkeep exceeds Rs. 60 per month, 50% of the additional amount limited to Rs. 40 per month can be paid to the voluntary organization/ local body on the sanction by the Collector.
(3)In case any person more than 60 years of age, applies with the intention of seeking admission in the Home and agrees to bear the expenditure to be incurred on his upkeep in the Home personally and to deposit the amount in advance, such person may also be admitted in the home.
(4)Persons suffering from infectious disease or insanity or habit of alcoholic drinking or who indulge in vices shall not be admitted in the Home.
(5)Selection of the destitute to be admitted in the Home shall be made by the local body/voluntary organization in consultation with the District Panchayat and Welfare Officer and the Medical Officer.
(6)The Collector may order the discharge of any undisciplined destitute or who violates the rules and regulations of the Home.
(7)Destitutes admitted in the Home is bound to stay at the Home for a minimum period of six months. The Collector, in special cases, may relax this condition.

9. Facilities in the Home.

(1) It shall be the obligatory duty of a local authority or voluntary Organisation to make adequate provision for accommodation, food, clothing, bedding, medical and recreational facilities for the destitutes admitted in the Home according to the standard fixed by the Collector on the recommendation of the District Advisory Committee. (2) A minimum of ten percent of the annual recurring expenditure on items like rent of building, electricity, water, staff salaries etc. shall be borne by the local authority or voluntary Organisation. (3) Adequate facilities for water, light, fans and sanitation in the Home and in its surrounding shall be provided. (4) Home shall have a library and reading room for the inmates. (5) Inmates of the Home shall be provided suitable occupations according to their physical, mental and intellectual capacities. (6) Every inmate will be provided adequate medical facilities. In special cases on the recommendations of the District Advisory Committee, the Collector may sanction an expenditure upto fifty percent of the medical treatment of an inmate subject to a maximum of Rs. hundred per annum. (7) Every inmate shall take active part in daily routines of the home and the work assigned to him shall be done with interest and loyalty. (8) Any earning of the inmates in the Home shall be deposited in a joint savings bank account in the name of the inmate and the Manager. It can be spent in any manner as the local body or the voluntary Organisation may decide.

10. Funeral Ceremony.

- In the event of the death of any inmate, his dead body shall be handed over to his family members or to his nearest relative, provided that if no person comes to take over the dead body in due time after receiving the intimation or there be no family member or relative of the destitute, his funeral may be performed according to his religion at the cost of the Home.

11. Appointment of Staff.

- For proper supervision, control and management of the Home, the Collector may sanction an expenditure upto ninety percent on the following category of staff on monthly emoluments as given below :-

S. No.	Designation	No. of post	Emoluments per month
(1)	(2)	(3)	(4)
1.	Manager	One	Rs. 600
2.	Part time accountant-cum-store keeper	One	Rs. 300
3.	Peon-cum-choukidar	One	Rs. 300
4.	Aya/Attendant	1 for 25 inmates	Rs. 300
5.	Cook	1 for 25 inmates	Rs. 300
6.	Helper to Cook	1 for 25 inmates	Rs. 200
7.	Part time Doctor	One	Rs. 300
8.	Sweeper	(One for 50 inmates)	Rs. 300

12. Constitution of State Level Advisory Committee.

- The State Level Advisory Committee shall consist of the following members :-

Ex Officio

- | | | |
|----|---|--------------------|
| 1. | Minister in charge of Social Welfare | - Chairman |
| 2. | Chairman, Madhya Pradesh Social Welfare Board | - Member |
| 3. | Secretary, Social Welfare Department | - Member |
| 4. | Director of Mandi, Agriculture Department | - Member |
| 5. | Director of Local Bodies Department | - Member |
| 6. | Director of Health Service | - Member |
| 7. | Director, Social Welfare | - Member-Secretary |

Non-Official(8) Four members who have five years experience in the field of Social Welfare to be nominated by the State Government out of which atleast two shall be women.(9)[Two members of the State Legislative Assembly nominated by the Speaker of Madhya Pradesh, Vidhan Sabha :Provided that non-official members shall be nominated for a period not exceeding two years.] [Inserted by Notification No. 2704-624-XXVI-II-88, dated 22-8-1988.]

13. Constitution of the District Level Advisory Committee.

- The District Level Advisory Committee shall consist of the following members :-

- | | | | |
|----|--|---|------------------|
| 1. | Collector | - | Chairman |
| 2. | Chief Medical Officer | - | Member |
| 3. | District Panchayat
Social Welfare Officer | - | Member-Secretary |
| | Non-Official | | |
| | One nominated
representative of the
Agriculture | - | Member |
| 4. | Produce Marketing
Committee | | |
| | One nominated
representative of the
local authority | - | Member |
| 5. | | | |
| 6. | Two members who
have five years
experience in the field
of Social Welfare to be
nominated by the
State Government out | | |

of which at least one
shall be a woman.

Two members
representing the
district in the State
Legislative Assembly
nominated by the
Speaker of Madhya
Pradesh Vidhan
Sabha:

7. [[Inserted by Notification No.
2704-624-XXVI-II-88, dated
22-8-1988.]

Provided that non-official members shall be nominated for a period not exceeding two years]
[Inserted by Notification No. 2704-624-XXVI-II-88, dated 22-8-1988.]

14. Meeting of the Advisory Committee.

(1) The meeting of the State Level Advisory Committee shall be held at least twice in a year and the meetings of the District Level Advisory Committee shall be held at least four times in a year. (2) The quorum of the meetings shall be one-third of the members. (3) In the absence of the Chairman, the meeting may be presided over by an unofficial member to be elected by the members present.

15. Functions of the Advisory Committee.

(1) The Advisory committee shall advise the State Government for the proper implementation of the Act with respect to setting up and maintaining Homes for destitutes and indigent persons. (2) Advise for the construction of the building for the setting up of Homes. (3) Advise solution for the welfare of the destitute and indigent persons. (4) Advise in the proper running of the Home.

16. Maintenance of Accounts.

(1) The account pertaining to the expenditure to be incurred on the setting up of Homes and construction of building and on the maintenance of the destitutes shall be maintained. (2) The amount collected from Agriculture Produce Marketing Committee and from other sources under the Act shall be kept in the savings bank account which shall be operated by the Collector. (3) Receipt and expenditure shall be duly maintained in the Cash Book. (4) The amount received by the local authority or voluntary Organisation for the setting up of Homes, maintenance of destitute and construction of building of home shall be deposited in the savings bank account which shall be operated by the local authority or voluntary Organisation.

17. Audit, Inspection and Returns.

(1) The accounts of the homes shall be audited periodically by the officers of the Social Welfare Department. (2) The inspection of the homes shall be made by the officers of the Social Welfare Department at any time. (3) The compliance report, pertaining to inspection or audit shall be sent to

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the Director, Social Welfare through the District Panchayat and Welfare Officer.