

The Orissa Orphanages and Other Charitable Homes (Supervision and Control) Rules, 2002

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Rule

THE-ORISSA-ORPHANAGES-AND-OTHER-CHARITABLE-HOMES-SUP of 2002

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The Orissa Orphanages and Other Charitable Homes (Supervision and Control) Rules, 2002Published vide Notification S.R.O. No.734/200, dated 1st August 2002, Orissa Gazette Extraordinary No. 2146 dated 22.11.2002S.R.O. No.734/200. - In exercise of the powers conferred by Section 29 of the Orissa Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 (10 of 1960), the State Government do hereby make the following rules, namely:

1. Short title and commencement.

(1)These rules may be called the Orissa Orphanages and Other Charitable Homes (Supervision and Control) Rules, 2002.(2)They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Orissa Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 (10 of 1960);(b)"Director" means the Director, Social Welfare, Women & Child Development Department, Government of Orissa;(c)"Form" means the Form appended to these rules; and(d)"Nodal Officer" means Officer-in-charge of district in respect of Women & Child Development Department.(2)All words and expressions used but not defined in these rules, unless the context otherwise requires, shall have the same meaning as are respectively assigned to them in the Act.

3. Election to the Board of Members from Managing Committee.

(1)The Director shall convene a meeting of representative of the Managing Committees of the Institutions/Homes for the purpose of electing five number of members of the Boards.(2)Each such Committee shall be represented by one of its members at the meeting.(3)The quorum for the meeting shall be not less than $\frac{1}{3}$ rd of the representatives of the Managing Committees.(4)The election shall be held in accordance with the system of proportional representation by single transferable vote and the voting shall be by secret ballot.(5)The names of the persons finally elected will be published by the State Government in the Orissa Gazette and till the publication, the members who are elected shall be deemed to be elected members and function as such.(6)(a)No representative of a recognised home shall be a member of the Board if he/she :-(i)is not ordinarily a resident in the State of Orissa;(ii)has not completed the age of 35 years;(iii)is a member of State Assembly or a member of Parliament;(iv)holds any office of profit under the control of the State or Central Government;(v)is of unsound mind declared by a competent Court; and(vi)is an insolvent declared by a competent Court.(b)Any doubt or controversy about the qualification for contesting election to the office of the member of the Board shall be final unless and until it is revoked in appeal.(c)An appeal against the decision of the Director shall be made to the Government within fifteen days from the date of the decision taken by the Director.

4. Election of the Chairman.

(1)The Director shall convene a meeting of the members of the Board to elect the Chairman from among themselves.(2)The election shall be held by secret ballot and the candidate who secures the majority of the votes shall be declared as the Chairman of the Board.(3)In the event of equality of votes between two candidates the Director shall decide the result by lottery.

5. Funds.

(1)The funds of the Board shall consists of :-(a)contribution, subscription, donations or bequests made to it by any person; and(b)grants made by the State Government, Central Government or any local or other public body.(2)The funds of the Board shall be deposited in any Scheduled Bank approved by Government.

6. Salary and allowances.

(1)The Board shall utilise the funds for meeting the establishment charges like salary and allowances etc. dues of the staff of the Board and for expenses towards the travelling allowances and other allowance payable to the members of the Board.(2)Travelling allowance to the non-official members of the Board for attending the meeting of the Board shall be payable at the rate admissible to the official members.

7. Maintenance and forms and registers.

- Forms and Registers for establishment and accounts shall be maintained by the Board Office as prescribed for offices under State Government.

8. Audit of accounts.

- The accounts of the Board shall be audited by the Accountant-General, Orissa as well as by the Auditors of this Department.

9. Annual report.

- The Board shall submit its annual report to the Government in the Women & Child Development Department for every financial year before 1st July of the following year.

10. Officers and staff of the Board.

(1)The staff of the Board shall be sanctioned by the State Government. The Deputy Secretary/Under-Secretary to Government, Women & Child Development Department in charge of Child Welfare shall be ex officio Secretary to Board.(2)Appointment to other sanctioned posts in the Board shall be made by deputation from Women & Child Development Department.

11. Certificate of recognition.

(1)Every person desiring to maintain or conduct a Home shall make an application in Form I for the grant of Certificate of Recognition.(2)The Board shall consider the following factors while granting the certificate of recognition-(i)Character, antecedents, social status and reputation of the applicant and in case of institution, that the office bearers of the Managing Committee;(ii)Suitability of the applicant or institution for running such a Home;(iii)Reputation of any other institution run by the applicant or Association;(iv)Character, antecedents, social status and reputation of the members of the proposed Managing Committee;(v)Accommodation facilities and sanitary conditions of the proposed Home;(vi)Name of such institutions functioning in the Block with full details regarding their working.(3)The Board after being fully satisfied of the conditions provided under Sub-rule (2) shall grant certificate in Form II.

12. Renewal of certificate.

(1)Any institution having valid certificate of recognition shall make application in Form III for renewal of the certificate every year.(2)The Board shall consider the application for renewal for further period by following procedure prescribed under Rule 11.

13. Procedure for admission of inmates.

(1) Relinquishment of child by biological parents on grounds of poverty, number of children, unwanted children shall not be admitted in Homes. Such children, if admitted, the licence and recognition of Homes or Orphanages shall be cancelled or withdrawn. (2) It is mandatory that if a child is found abandoned by unwed mothers, or children whose parents have expired in accidents or natural calamities, it shall be brought to the notice of Officer-in-charge of local police stations as well as to the Collector of the District at the first instance by the person interested to admit the child and obtain a written direction for such admission from the Collector on the basis of the report of the local police station. (3) In case of Hospitals and Nursing Homes, they shall have to record in detail in a separate register to be maintained by them and refer the case of the child to the Collector to obtain written permission for admission in recognised Orphanages/Homes. (4) The Hospitals or Nursing Homes and District Collector shall send the details to the Director indicating the place of rehabilitation. (5) The Homes/Orphanages shall have a regular pediatrician and shall ensure utilisation of services of other specialists whenever occasion so arises for the health care of the children. (6) The Homes/Orphanages shall have at least one social worker in its establishment. The name and address, contact phone number etc. of the social worker shall be got registered with District Collector and also with Director. (7) The institution shall maintain growth monitoring charts, immunisation details, periodical health check up details duly authenticated by the attending physician. (8) No institution registered under Socialites Registration Act, 1860 and granted a certificate of registration from the Board is permitted to procure, detain, adopt children and if it is noticed, District Collector has the power to take the children into possession, seal the premises and prosecute such institution in a Court of Law. (9) When the institution receives the child its responsibility is to trace the biological parents and restore the child to them, failing which, as far as possible, place the child in adoption with Indian families following the procedures laid down for In-country adoptions only. In-country adoption shall be processed as per rules subject to the institution having a valid licence for the same during the entire process of adoption. (10) The care and services provided to the adopted children shall be provided to ensure the development of the child. In case of neglect of the child is noticed, the concerned placement agency placing the child for adoption shall take immediate action for bringing back of the child to its possession and take action for prosecution against the adoptive parents. (11) In case of unsatisfactory care of children, the 'Licence' given and recognition accorded to the institution shall be withdrawn and children shall be transferred to other institution at the discretion of the Director.

14. Loss of certificate.

- If the certificate of recognition granted by the Board is lost, destroyed, mutilated, the Manager may apply to the Board for grant of a duplicate certificate. The Board on being satisfied with the reasons furnished by the applicant, issue a duplicate certificate.

15. Refusal and revocation of certificate.

- The ground for refusal to grant of certificate or for revocation of a certificate already granted shall be duly communicated to the applicant or the holder of a certificate, as the seek may be, duly

obtaining his/her acknowledgement in person or by registered post with acknowledgement due.

16. Appeal.

- Any person aggrieved by an order of the Board refusing to grant a certificate or revoking a certificate or cancelling a licence may prefer an appeal to the State Government within one month from the date of receipt of the order. Form I[See Rule 11]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 women only. Signature of the Manager or any authorised person by the Managing Committee Official seal of the Home Form II [See Rule 11] 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 Orissa, the Board of Control pleases to grant a Certificate of Recognition to the.....

1. Location and address of the Home :

2. Date of establishment :

3. Number of inmates enrolled on the date of application :

4. Name and address of the Manager

5. Name and address of the members of the Managing Committee :

6. The minimum standards of boarding, lodging, clothing, sanitation, health and hygiene 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 Government, Department 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.....Station.....Date.....Signature of the Chairman or any authorised signatory of
the Board
Official Seal of the Board
Form III [See Rule 12]
Form of Application for Renewal of
Certificate of Recognition

1. Full name of the Applicant or Association:

2. Religion :

3. Full address :

4. Name of the Institution

5. Certification No. :

6. Any other particulars :

Signature/Signatures