

The Orissa (State) Council for Child Welfare Rules, 1996

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Rule

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The Orissa (State) Council for Child Welfare Rules, 1996Published vide Notification No.9336-2-CW-141/95-W. & CD., dated 27th September 1996, Published vide O. G. E. No. 40 dated 18.10.1996Women & Child Development DepartmentNo.9336-II-CW-141/95-W. & CD. - The Governor of Orissa is hereby pleased to frame the following rules, namely :-Preliminary

1. Short Title.

- These rules shall be called the Orissa State Council for Child Welfare Rules, hereinafter referred to as the Rules.

2. Definitions.

- In these rules, unless the context signifies otherwise :-(a)"Chairman" means the Chairman of the District Council;(b)"District Council" means the District Council for the Child Welfare;(c)"Executive Council" means the Executive Council of the State Council;(d)"General Body" means the General Body of the District Council;(e)"General Council" means the General Council of the State Council;(f)"Managing Committee" means the Managing Committee of the District Council;(g)"Chairperson" means the Chairperson of the State Council;(h)"State Council" means the State Council for Child Welfare; and(i)"Year" means the financial year.(j)"Government" means the Government in the Department of Women and Child Development.

3. Merger of Utkal Balashrams Central Committee and Orissa State Council for Child Welfare.

(1)The Utkal Balashrams Central Committee shall be merged with the Orissa State Council for Child Welfare and accordingly, the Utkal Balashrams Central Committee shall be deemed to have been renamed as the Orissa State Council for Child Welfare, for all purposes, both legal and functional.(2)The Orissa State Council for Child Welfare reconstituted under these rules, shall administer the "Endowment Fund" mentioned in the notification of the Government of Orissa, Education Department No.2179-E., dated the 24th March, 1950.(3)The rules contained in the scheme for administration of Utkal Balashrams provided in the second Schedule to the notification referred to in sub-rule (2) shall be deemed to have been substituted by the rules.State Council

4. State Councils Position and Headquarters.

(1)The State Council, registered under the Societies. Registration Act, 1860, is a body corporate having perpetual succession and common seal, with power to hold, acquire and dispose of movable and immovable property.(2)The headquarters of the State Council shall be Bhubaneswar.

5. Affiliation, Collaboration and Takenover of Utkal Balashrams.

(1)The State Council is affiliated to the Indian Council.for Child Welfare.(2)The State Council shall also take up schemes and programmes of its own and may collaborate, from time to time, with various organisations to further its objects.(3)The State Council shall takeover, manage, maintain and develop Utkal Balashrams and may establish such other Balashrams and institutions as may be decided from time to time.

6.

The objects of the State Council shall be as follows :-(a)To under take welfare work for children, adolescents and expectant and nursing mothers without any discrimination;(b)To arrange proper education of children for their moral, spiritual, cultural and social development;(c)To encourage aesthetic appreciation, artistic taste, constructive imagination and creativity amongst the children;(d)To initiate, undertake and promote either directly or indirectly various schemes and projects for furtherance of child welfare;(e)To organise and maintain institution for rehabilitation or orphan, abandoned and destitute children and for the training of child welfare worker, volunteers and organiser;(f)To publish and propagate the literature relating to Child Welfare;(g)To co-operate and or collaborate with national and international organisations having similar objectives and to depute or receive representative to and from such organisations;(h)To co-operate with other agencies, both Governmental and non-Governmental, in the organisation and administration of schemes and fund for furtherance of child welfare;(i)To fulfil the objectives and implement the policies and programmes of the Indian Council for Child Welfare; and(j)For fulfilment of the main objectives specified hereinbefore :(i)to hold and acquire land, building and other movable and immovable properties;(ii)to acquire, maintain and develop all places of interest for the purpose of

child welfare;(iii)to receive grants, donations, fees, subscriptions, and to manage and administer the funds of the society;(iv)to manage otherwise dispose of or deal with property of any kind which may be at the disposal of the society;(v)to enter into agreements, contracts and such other arrangements in connection with and for the purpose of the society;(vi)to raise and acquire fund and other assets for and on behalf of the society;(vii)to create and establish trusts and special funds for child welfare;(viii)to maintain the Utkal Balashramas as home for the orphan, abandoned and destitute children;(ix)to implement the plans and programmes that may be funded by the Indian Council for Child Welfare;(x)to do all such things for fulfilment of the objects of the United Nations Declaration of the Rights of Child; and(xi)to generally take whatever steps necessary and proper or conducive or incidental to the attainment of these objects and purposes stated hereinbefore. Authorities of State Council

7. Authorities of State Council.

(1)The State Council shall have the following authorities, namely(a)General Council;(b)Executive Council;(c)District Council; and(d)Such other authorities as may be constituted, from time to time, by the Executive Council.(2)No act or proceeding of any of the authorities of the State Council shall be invalid merely by reason of the existence of any vacancies or any defect in the constitution of the said authorities.General Council

8.

(1)The Governor of Orissa and the Chief Minister, Orissa shall be the Chief patron and the Vice-Chief patron respectively of the General Council, Minister/Minister of State, Women and Child Development, Orissa and Minister, Finance, Orissa shall be patrons of the General Council.(2)The General Council shall comprise the following members, namely :-

- | | |
|---|----------------|
| (a) Chairperson | .. Chairperson |
| Secretary, Government of India, Department of Women and | |
| (b) ChildDevelopment (or his representative not below the rank of | .. Member |
| JointSecretary, Government of India) | |
| 6 Eminent experts and social workers in the field of ChildWelfare [2 each | |
| (c) to be nominated by the Chairperson from eachRevenue Division for a | .. Do. |
| term of three(3) years] | |
| (d) Secretary to Governor, Orissa | .. Member |
| (e) Divisional Commissioners | .. Do. |
| Secretaries to Government of Orissa, Department of H. & F.W., Orissa, | |
| (f) Department of School and Mass Education, Departmentof Labour & | .. Do. |
| Employment Department of I. & P. R. | |
| (g) Secretary-General, Indian Council for Child Welfare | .. Do. |
| (h) Secretary, Indian Red Cross Society, State Branch | .. Do. |
| (i) Chairperson, State Social Welfare,Advisory Board | .. Do. |

- (j) Director, Social Welfare .. Do.
 - (k) Director, Elementary Education .. Do.
 - (l) Director, Health Services, Orissa .. Do.
 - (m) Chief of UNICEF, Bhubaneswar Office .. Do.
 - (n) Member-Director .. Do.
 - (o) Member-Secretary .. Member-Secretary
- (3) Organisations which contribute Rs.5.00 lakhs or more to the State Council for patronage of Child Welfare shall be corporate members and shall be represented in the General Council by the Chairman or the Managing Director of that Organisation.
- (4) Institutional members
- (a) District council;
 - (b) Utkal Balashrams Branches;
 - (c) Such non-Governmental Organisations working in the field of Child Welfare which contribute rupees five thousands or more to the State Council.
- Note- Persons who were honourary Vice-President patrons, Vice-Patrons and Life Members of the State Council, prior to the amendment of the Rules shall continue as such for their lifetime.
- (1) Each institutional member shall be represented through one of its office bearers.
- (5) Life members
- (a) Any person contributing at least a sum of Rs.1,000 to the funds of the State Council and having requisite experience in the field of social work covering the areas of maternal and child welfare shall be eligible to apply for life membership of the State Council;
 - (b) The Executive Council shall take a decision considering all such applications for life membership for enrollment of the said applicants as life members;
 - (c) The Executive Council shall have the power to cancel the life membership of any person if the activities of such person shall be judged to be detrimental with the objects of the State Council.

9. Annual meeting of the General Council.

(1) The general council meeting shall be held once in a year convened by the Secretary on a date fixed by the Chairperson.

(2) The business at the said annual General Council meeting shall be : (a) presentation of the annual report of the preceeding year, (b) presentation of the audited statement of accounts, and (c) such other business of formal future.

(3) The decision in the meeting shall ordinarily be made by consensus. If voting is necessary & there is equality of votes on any occasion, the person presiding over the meeting shall have a casting vote.

10.

The Executive Council of the State Council shall comprise the following, namely :-

- (a) Chairperson .. Chairperson
- (b) Secretary to Government, Women & Child Development Department .. Member-Director
- (c) Divisional Commissioner .. Members
- (d) Director, Social Welfare .. Member
- (e) Representative of the Indian Council for Child Welfare .. Do.
- (f) Three of the eminent Social Workers specified at clause (c) of sub-rule (2) of Rule 8 to be nominated by the Chairperson (One each from each .. Do.

Revenue Division)

(g) Member-Secretary, State Council

.. Member-Secretary

11. Powers of the Executive Council.

- The General management and control of the business and affairs of the State Council shall be vested in the Executive Council, which shall be the Supreme Governing and Managing Body and shall exercise all powers of the State Council.

12. Meeting of the Executive Council.

(1) Executive Council, shall meet twice a year ordinarily to transact its business. (2) At least seven days' notice shall ordinarily be given to the members to attend the meeting. Emergency meetings may however be convened at shorter notice. (3) Transaction of business of the Executive Council may also be made, at the direction of the Chairperson by circulation amongst the members. (4) The decisions of the Executive Council shall be made by consensus. If voting is necessary and there is equality of votes on any occasion, the person presiding over the meeting shall have a casting vote.

13. Transaction in the meetings of the Executive Council.

- In its meetings, the Executive Council shall inter alia :-(a) Finalise the budget estimates of the State Council and the District Councils (b) Approve the audit report (c) Approve the annual report (d) Rectify the actions already taken in pursuance of the objects of the State Council; and (e) Consider any other proposal that may be placed for its consideration.

14. Day-to-Day Management of the State Council.

(1) The Chairperson shall have the authority in case of emergency of which he/she shall be judge, to sanction expenditure without reference to the Executive Council. (2) The day-to-day management and administration of the affairs of the State Council shall be handled by the Member-Secretary, State Council under the direction and control of the Member-Director and the Chairperson. The Member-Secretary shall sue or be sued, on behalf of the State Council, in matters of litigation. (3) The Chairperson may nominate/appoint a person to act as the Joint Secretary of the State Council. The Joint Secretary shall perform such functions as may be assigned or delegated to him from time to time by the Member-Director. Office Bearers of the State Council

15.

(1) A chairperson shall be nominated by the Government for a term of three years ordinarily from amongst the nominated social workers having experience in the field of Child Welfare provided that the Office of the Chairpersons may also be held by the Ministers/Minister of State, Women & Child Development, Orissa ex officio. (2) The Chairperson shall administer, direct and supervise the affairs of the State Council, with the assistance of the members. (3) In the exigencies of circumstances, the Chairperson may take such actions as may be required for the furtherance of the objects of the State

Council and place the matter before the Executive Council in its next meeting for rectification.(4)Member-Director-Secretary to Government of Orissa, Department of Women & Child Development Department shall function as the Member-Director of the State Council, ex officio.(5)Member-Secretary-(a) Member-Secretary shall be nominated or appointed by the Chairperson from time to time.(b)The Member-Secretary shall:(i)Subject to the overall supervision of the Chairperson and the Member-Director, act the Executive Officer of the State Council for the purpose of administration, direction and management of all its affairs;(ii)represent the State Council in all matters sue or be sued on its behalf in the matters of litigation;(iii)be in charge of the funds and other assets of the State Council;(iv)act as the appointing authority in respect of the employees of the State Council;(v)Convene the meetings of the various bodies of the State Council and record the minutes thereof; and(vi)perform such other functions as may be assigned to him/her from time to time, by the Member-Director.(6)Joint Secretary-(a)The Chairperson may nominate/appoint a person to act as the Joint Secretary of the State Council from time to time.(b)The Joint Secretary of the State Council shall;(i)assist the members and the Member-Secretary in all matters(ii)be in charge of the funds, accounts, records and documents of the State Council(iii)exercise such powers and perform such functions as may be delegated to him/her by the Member-Secretary.(iv)shall discharge his duties in the affairs of the State Council under the direction control and supervision of the Member-Secretary.Funds of the State Council

16. Funds of the State Council.

(1)The funds of the State Council shall consist of the following :-(a)The existing funds of the erstwhile Utkal Balashrams Central Committee and of the State Council.(b)grants that may be sanctioned by Government of India or State Government(c)grants sanctioned by the Indian Council for child welfare(d)donations or contributions from Organisations or individuals(e)contributions amounting to twenty-five per cent of the amounts collected by the District Councils on account of membership subscriptions and public donations; and(f)income from investments and from any other source;(2)The Secretary, State Council or any other functionary authorised by the Chairperson shall operate the accounts of the State Council with the State Bank of India and any other nationalised Banks. The funds may also be invested in long-term deposits.Authorities of the District Councils

17. Authorities of the District Councils.

(1)The District Council of each District shall have the following authorities namely :-(a)The General Body.(b)The Managing Committee, and(c)Such other authorities as may be constituted from time to time by the Executive Council of the State Council.(2)No act or proceeding of any of the authorities of the District Council shall be invalid merely by reason of the existence of any vacancies or any defect in the constitution of the said authorities.General Body

18. Composition of the General Body of the District Council.

(1)The General Body of the Districts Council shall comprise the following namely :-Patron-in-Chief-(a)Divisional Commissioner of the Revenue DivisionOffice

Bearers-(b)Chairman-District Collector(c)Vice-Chairman-Additional District Magistrate and one non-official Member nominated by the Patron-in-Chief.(d)Secretary,- District Social Welfare OfficerEx-Officio Member-(e)Project Officer, District Rural Development Agency(f)Sub-Collector of the District(g)Chief District Medical Officer(h)Inspector of Schools(i)District Development Officer(j)District Welfare Officer(k)District Information and Public Relation Officer(l)Members of Parliament(m)Chairman of Municipalities/Notified Area Council and the Head of Zilla Parishad (if constituted).(n)Secretary of the Utkal Balashram Branch (if any) in the District, who shall act as the ex officio Joint Secretary of the District Council.(o)Principal of the Anganwadi Training Centre (if any) in the DistrictNominated members-(p)Not more than five well known social workers interested in Child WelfareInstitutional Members-(q)Non-political Organisations which contribute one-time subscription of rupees one thousand and above.Individuals Members-(r)Individual members shall be designated with honorary status as per the pattern of their contribution either to the State Council or to the District Council of the concerned District, as specified infra(i)Those who contribute at least Rs.10,000 shall be Honorary Vice-Presidents(ii)Those who contribute at least Rs.5,000 shall be Honorary Patrons(iii)Those who contribute at least Rs.2,500 shall be Honorary Vice-Patrons(iv)Those who contribute at least Rs.1,000 shall be Honorary Life Members, and(v)Those who contribute at least Rs.50 per annum shall be Annual Members.Note - (I) Person (if any) who were Honorary Vice-President, Patrons, Vice-Patrons and Life Members of the District Council before the amendments of the rules, shall continue as such for their life time.(II)The Executive Council shall be competent to revise the amounts specified in clause (q) and (r) supra, from time to time.(III)Each Institutional Member shall be represented through one of its office-bearers.(2)The Patron-in-Chief of the District Council shall nominate the members specified in clause (p) of sub-rule (1) for a period of two years ordinarily.Annual Meeting

19. Annual meeting of the General Body.

(1)The General Body Meeting shall be held once a year, convened by the Secretary on a date fixed by the Chairman.(2)The business of the said annual general meeting shall be (a) presentation of the annual report of the preceding year, (b) Presentation of the audited statement of accounts and (c) such other business of formal nature.(3)The Chairman in his absence, one of the Vice-Chairman shall preside in the meeting. The Patron-in-Chief shall preside if he attends the meetings.(4)The decisions in the meeting shall be made by consensus. If voting is necessary and there is equality of votes on any occasion, the person presiding over the meeting shall have a casting vote.Managing Committee

20. Composition of Managing Committee of the District Council.

- The Managing Committee of the District Council (including the Utkal Balashram's Branch, if any) shall comprise of the following, namely :-

(a) District Collector	.. Chairman
(b) Additional District Magistrate	.. Vice-Chairman
(c) Non-official Vice-Chairman of the General Body	.. Vice-Chairman

(d) Project Officer, D.R.D.A.	.. Member
(e) Member(s) of the Parliament	.. Member(s)
(f) Chief District Medical Officer	.. Member
(g) Sub-Collector of the District	.. Member
(h) Two of the well-known social workers specified at clause (p) of sub-rule (1) of the rule 17 to be nominated by the Patron-in-Chief	.. Member
(i) District Social Welfare Officer	.. Secretary
(j) Secretary of the Utkal Balashram, Branch (if any)	.. Joint Secretary
(k) Member-Secretary of O.S. C.S.W. or representative	.. Member

21. Powers of the Managing Committee.

(1) The general management and control of the business and affairs of the District Council shall be vested in the Managing Committee, subject to the overall supervision of the State Council. (2) The Managing Committee shall also administer the affairs of (a) the Utkal Balashram Branch, (b) the Anganwadi Training Centres, and (c) such other institutions or projects as may be entrusted to the District Council by the State Council from time to time.

22. Meeting of Managing Committee.

(1) The Managing Committee shall meet once in every quarter, ordinarily, to transact the business of the District Council, including the Utkal Balashram Branch and Anganwadi Training Centres, if any. (2) At least seven days notice shall ordinarily be given to the members to attend the meeting. Emergency meeting may, however, be convened at shorter notice. (3) Transaction of business of the Managing Committee may also be made, at the direction of the Chairman, by circulation amongst the members. (4) The Chairman (in his absence one of the Vice-Chairman) shall preside in the meeting. (5) The decisions of the Managing Committee shall be made by consensus. If voting is necessary and there is equality of votes on any occasion, the person presiding over the meeting shall have a casting vote.

23. Transaction in the meeting of the Managing Committee.

- In its meetings, the Managing Committee shall, inter alia:-(a) Prepare the Plan of action, budget estimates of the District Council (including Utkal Balashram Branch and Anganwai Training Centres, if any) and annual report for submission to the State Council; (b) Review the activities of the District Council; (c) Review the functioning of the Utkal Balashram Branch, Anganwadi Training Centres and other institutions. Schemes/Projects of the State Council entrusted to the District Council; (d) Ratify the actions already taken in furtherance of the object of the District Council; and (e) Consider any other proposal that may be placed for its consideration.

24. Day-to-Day Management of the District Council.

(1)The Chairman shall have the authority, in case of emergency, to sanction expenditure without reference to the Managing Committee, subject to availability of funds and subsequent placement before the Managing Committee for ratification.(2)The Day-to-day management of the affairs of the District Council shall be handled by the Chairman, Vice-Chairman, Secretary and Joint Secretary. The Secretary shall sue and be sued, on behalf of the District Council in matters of litigations.Funds of the District Council

25. Funds of the District Council.

(1)The Funds of the District Council shall consist of the following :-(a)The existing funds of the Utkal Balashram Branch (if any) and of the District Council.(b)Grants sanctioned by Government,(c)Grants received from or through the State Council.(d)Donations or contributions from organisations or individuals (including membership subscriptions), out of which seventy-five per cent shall be retained by the District Council and twenty-five percent shall be credited to the State Council every year, and(e)Income from investments and from any other sources.(2)The Secretary, District Council or any other functionary authorised by the Chairman, shall operate the accounts of the District Council with the State Bank of India and any other Nationalised Banks. The funds may also be invested in long term deposits.(3)The accounts of the Utkal Balashram Branch (if any) in the district shall be maintained separately and operated by the Secretary, Utkal Balashram Branch, who shall be the ex Officio Joint Secretary of the District Council.Utkal Balashram Branches: Guidelines

26. General Guidelines regarding Utkal Balashram Branches.

(1)On the decision of the Management Committee, the Utkal Balashram Branch shall admit orphan, abandoned and destitute children as per the names of eligibility prescribed in the Orissa Maintenance of Orphanages Rules, 1985 (as modified from time to time) of Government of Orissa.(2)The Utkal Balashram shall, inter alia-(a)Provide reasonable accommodation to the inmates including accommodation for kitchen, dining, studying and recreation;(b)Ensure general education of the inmates up to atleast High School Certificate standard;(c)Provide reasonable facilities for vocational education and training and recreation;(d)Ensure safety of the inmates and prevent their coming under the influenced of anti-social persons;(e)Take proper health-care of the inmates;(f)Ensure that there is no discrimination whatsoever on the basis of religion, language, caste or creed;(g)Employ the superintendent and other personnel for smooth management of the Balashram.(h)Maintain the required registers,records and accounts properly and furnish the required reports and returns to appropriate quarters; and(i)Provide scope for inspection to the superior inspecting authorities of the Government from time to time.(3)As provided hereinbefore,the Managing Committee of the District Council shall be the Managing Committee of the Utkal Balashram Branch.(4)The day-to-day management of the affairs of the Utkal Balashram Branch shall be handled by one of Vice-Chairman and the Secretary, Utkal Balashram Branch as may be nominated by the Chairman of the District Council.Miscellaneous

27. Audit.

(1)The accounts of the State Council, including the District Councils, Utkal Balashram Branches, Anganwadi Training Centres and other such organisations, shall be audited every year by a reputed firm of Chartered Accountants appointed by the Executive Council.(2)The Auditors of Government of India and State Government shall be competent to audit the said accounts if they release grants to the State Council or to any of its subsidiary organisations.

28. Repeal and Savings.

- The existing rules of the erstwhile Utkal Balashrams Central Committee and Orissa State Council for Child Welfare are hereby repealed :Provided that actions already taken as per the rules so repealed shall be deemed to have been taken under these rules.

29. Amendments and Interpretation.

(1)Amendments to these rules may be made by the Executive Council by a resolution supported by not less than three-fourths of the total number of members of the said Council and the amendments so made shall be placed for the perusal of the General Council.(2)If any doubt arises on the implication of any of the provisions of these rules, the interpretation of the Executive Council shall be final.

30. Power to frame regulations.

- The Executive Council may, from time to time, issue orders or directions and frame regulations to govern the operation of any of the projects, programme or institutions of the State Council.

31. Dissolution of the Society.

(1)The State Council may be dissolved by a resolution adopted by the General Council with the support of not less than four-fifths of the total number of members of the General Council.(2)If upon the dissolution of the State Council there remains, after satisfaction of all debts and liabilities, any movable or immovable property whatsoever, the same shall be transferred to some other reputed institution having similar objects or to the Treasurer of Charitable Endowments appointed under the provisions of the Charitable Endowments Act, 1980.