

# **Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 2001**

ANDHRA PRADESH

India

## **Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 2001**

### **Rule**

### **ANDHRA-PRADESH-ORPHANAGES-AND-OTHER-CHARITABLE-HOMES of 2001**

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Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 2001Published vide Notification No. G.O. Ms. No. 16, Women's Development, Child Welfare & Disabled Welfare (Prog), dated 18.04.2001Last Updated 28th August, 2019No. G.O. Ms. No. 16. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 29 of the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 (Central Act 10 of 1960) and in supersession of the Andhra Pradesh Orphanages and other Charitable Home (Supervision and Control) Rules, 1999 issued in G.O.Ms.No. 67, Women's Development, Child Welfare and Disabled Welfare (Prog.) Department dated the 6th October, 1999 the Governor of Andhra Pradesh hereby makes following rules: -

### **1. Short tile and Application.**

(1)These rules may be called the Andhra Pradesh Orphanages and other Charitable Homes (Supervision and Control) Rules, 2001.(2)These rules shall be applicable to any Institution Homes or hostel what so ever name they may be called which is maintained or intended to be maintained for the reception, care, protection and welfare of Women and Children by any person or Organisation within 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 (Central Act 10 of 1960).(b)'Board' means

the Board of control established under the rules.(c)'Certificate' means the Certificate of recognition granted under the rules.(d)'Cell' means a separate Cell created in the office of the Director, Women's Development and Child Welfare, Andhra Pradesh, Hyderabad for the purpose of issuing licence and recognition to orphanages/ Institutions.(e)'Child' means a boy or girl who has not completed the age of eighteen, years.(f)'Home' means an institution, whether called an Orphanage, a home for neglected women or children, a Widow's home, or by any other name, maintained or intended to be maintained for the reception, care, protection and welfare of women and children.(g)'Manager' means a member of the Managing Committee appointed as such by the Committee.(h)'Managing Committee' means the Committee of Management formed under the rules.(i)'Nodal Officer' means the Project Director, District Women and Child Development Agency of District of Women Development and Child Welfare Department.(j)'Officer' means the Director of Women's Development and Child Welfare, Hyderabad.(k)'Prescribed' means prescribed by rules made under the Act.(l)'Recognized Home' means a home in respect of which a certificate has been granted.(m)'Women' means a female who has completed the age of eighteen years.

### **3. Election to the Board of members from the Managing Committee.**

(1)The Director, Women's Development and Child Welfare shall convene a meeting of representatives of the Managing Committee of the Institutions for electing the members of the Board and each managing Committee of an Institution shall be represented at the meeting by one of its members.(2)The quorum for the meeting shall be not less than 2/3 members of the managing committees.(3)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 and the names of the persons finally elected will be published by the State Government in the Official Gazette. Upon such publication they shall be deemed to have been elected as members.(4)The same procedure shall be followed for election to fill the casual vacancies.(5)The Managing Committees shall be constituted with five (5) members to be elected from among themselves and each such committee shall have one vote only for this purpose.(6)The Director, Women's Development and Child Welfare shall be the Officer-in-Charge.(7)The Chairman of the Board shall be elected by the members of the Board from among themselves.Provided that at the time of the first constitution of the Board one of the members of the Board shall be nominated by the State Government to be its Chairman.(8)(a)No representative of a recognised home shall be a member of the Board if he;(i)is not ordinarily resident in the' State of Andhra Pradesh;(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 or profit under the control of the State or Central Government;(v)is of unsound mind and so declared by a competent Court.(vi)is an insolvent or declared by a competent Court.(b)Any question or controversy about the qualification for standing for election to the office of the member of the Board shall be referred to the Officer whose decision shall be final unless and until it is revoked on appeal.(c)An appeal against the decision of the Officer shall lie to the Government within a fortnight. The decision of the Government shall be final in the matter.

#### **4. Election of the Chairman.**

(1)The Director of Women Development and Child Welfare shall convene a meeting of the members of the Board to elect the Chairman from among the members.(2)The election shall be by secret ballot and the Candidate who secures the majority of the votes shall be declared elected as the Chairman of the Board.(3)In the event of equality of votes between two candidates the officer conducting the elections shall decide the result by lottery.

#### **5. Funds.**

- The funds of the Board shall consist of:(a)Contributions, subscriptions, donations or bequests made to it by any person;(b)Grants made by the State Government or any local or other public body; and(c)the funds of the Board shall be deposited in any one of the Scheduled Banks approved by the Government.

#### **6. Administration of funds and remuneration and allowance of the Chairman and Members of the Board.**

(1)The Board shall utilise the funds for meeting the establishment charges of the staff of the Board and for expenses towards the travelling allowance and other remunerations 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 member.

#### **7. Recruitment of the staff of the Board and their service conditions.**

(1)The staff of the Board shall be as sanctioned by the State Government. The Deputy Director (Correctional Administration Headquarters) in the Office of the Director of Women's Development and Child Welfare, Hyderabad shall be ex-officio Secretary of the Board.(2)Appointment to other sanctioned posts in the Board shall be made deputation from the Department of Women's Development and Child Welfare.

#### **8. Maintenance of Forms and Registers.**

- Forms and Registers for establishment and accounts of Board shall be maintained by the Board Office as Prescribed from time to time.

#### **9. Audit of Accounts.**

- The Accounts of the Board shall be audited by the Comptroller of State Accounts (Accountant General) or any other officer authorised by the State Government for the purpose.

## 10. Annual Reports.

- The Board shall submit its annual report for every financial year before first July of the following year.

## 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 an association, the office bearers of the Managing Committee; (ii) suitability of the applicant or association for running such an institution; (iii) Reputation of any 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. (vi) Names of such institutions functioning in the Taluk with full details regarding their working. (vii) 'Relinquishment' of child by 'Biological parents' on family grounds of poverty, number of children, unwanted girl child will not be permitted. Such children should not be admitted in Homes or 'Orphanages and if admitted the license and recognition of Home or Orphanage shall be cancelled or withdrawn. (viii) It is mandatory that (a) if a child is found abandoned or picked up as a destitute, or abandoned by un-wed mother or children whose parents have expired in accident should get the child by registered by any civil, hospital authorities, police officials or any persons thereof, in the registers maintained with the Project Director, District Women and Child Development Agency of Women's Development and Child Welfare Department (Nodal Officer) in the respective districts and obtain a certificate and also letter of direction to admit the child in the Homes or Orphanage specified. (b) In case of Hospitals and Nursing Homes, they shall have to record details in a separate registers and refer the child to the Project Director, District Women and Child Development Agency as indicated above. Deviation of procedure will attract legal provisions as per the directives of Supreme Court. (c) The Hospitals or Nursing Homes and Project Director, District Women and Child Development Agency shall send the details of such children to the office of the Director, Women Development and Child Welfare, Department 8-3-222, Vengalrao Nagar, Hyderabad - 500 038 for recording the details in the Master Register. (ix) The Homes or Orphanages shall have a regular Paediatrician or specialised Doctor for the care of children. (x) The Home or Orphanages shall have at least one qualified Social worker on its staff. The name, Address, Phone number, etc., of the Social Worker shall be got registered with the Project Director, District Women and Child Development Agency of concerned District and also with the Director. Women Development and Child Welfare Department. (xi) The institution shall maintain 'Growth Monitoring Charts, Immunization details, periodical health checkup details fully attested by the Doctor. (xii) No institution registered under 'Societies Registration Act, 1860' is permitted to produce, detain adopt children lend if it is noticed, the Director or Project Director, District Women and Child Development Agency of Women Development and Child Welfare Department shall have the power to take the children into possession seal the premises and prosecute such institutions in a Court of law. Provided that the institutions who have been issued 'License' given and 'Recognition' accorded shall alone be permitted to keep the children subject to condition and rules specified. (xiii) When the institution received a 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', the applications of Inter-Country Adoption shall be proposed as per rules subject to the institution having a valid approval from Central Adoption Resources Agency (CARA), New Delhi.(xiv)There shall be 'Follow up' of children given for 'Adoption' up to 6 years and also up to the stage of Primary School Education. In case of neglect of child or otherwise is noticed, the respective institution shall take back the child and take action for prosecution against the 'Adoptive parents'.(xv)In case of unsatisfactory care of children, the 'license' given and recognition accorded to the institution shall be withdrawn and the children shall be transferred to other institution at the direction of the Director Women Development and Child Welfare Department, Hyderabad.(3)Certificate for recognition to be granted by the Board shall be in Form II.

## **12. Loss of Certificate.**

- If the certificate of recognition granted by the Board is lost, destroyed or 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.

## **13. 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 case may be duly obtaining his acknowledgement in person or by registered post with acknowledgement due.

## **14. Appeals.**

- Any person aggrieved by an order of the Board refusing to grant of a certificate of revoking a certificate or suspending or cancelling at licence may prefer an appeal to the State Government within one month from the date of receipt of the order and the order issued by the State Government on such appeal shall be final.

Form - IApplication 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 theManaging Committee.
4. Name and address of the Manager of the Homeor Institution.
5. Objections 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 details.
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.

Official Seal of the Home

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

#### Form - II Certificate 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..... and the details of the Home are:

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. Names 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 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.

Form - III From 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. Certificate No.
6. Any other particulars.

Signature/Signatures