

Kerala Gazette No. 27 dated 3rd July 1962
PART - I.

GOVERNMENT OF KERALA

Home (B) Department

NOTIFICATION

No. 46658/B4/61/Home. Dated, Trivandrum, 21st June 1962.

In exercise of the powers conferred by Sections 1 (3) and 29 (1) of the Orphanages and other Charitable Homes (Supervision and Control) Act 1960 (Central Act 10 of 1960) the Government of Kerala hereby order that the said Act shall come into force in the State of Kerala from 1.7.1962 and also issue the Rules published herewith for carrying out the purposes of the Act.

By order of the Governor,

P. I. JACOB,
Secretary.

ANNEXURE

RULES UNDER THE ORPHANAGES AND OTHER CHARITABLE HOMES
(SUPERVISION AND CONTROL) ACT 1960.

1. Short title and Commencement:—(a) These rules shall be called the Kerala State (Orphanages and other Charitable Homes) Board of Control Rules, 1961.

(b) They shall come into force at once.

2. Definition:— In these rules unless the context otherwise requires:—

(a) 'ACT' means the orphanages and other Charitable Homes (Supervision and Control) Act, 1960.

(b) 'BOARD' means 'BOARD OF CONTROL' constituted by Government under Section 5 (c) of the Act.

(c) 'HOME' includes Orphanages, Charitable Homes or any other institutions contemplated under the Act.

(d) 'OFFICER' means the officer in charge of the Social Welfare work in the State.

3. Election to the Board of Members from the Managing Committee Members:— (a) The officer shall convene a meeting of representatives of the Managing Committees for electing the members of the Board under Clause (b) of Sub Section (2) of Section 5 and each Managing Committee shall be represented at the meeting by one of its members only. The quorum for the meeting shall be not less than two third of the number of members of the Managing Committees.

(b) The election of the 5 members shall be by preferential voting and the voting shall be by secret ballot.

4. No representative of a Home shall be a member of the Board if he/she:-

- (a) (i) is not ordinarily resident in the State of Kerala.
- (ii) has not completed the age of 35.
- (iii) is a member of State Assembly or a member of either House of Parliament.
- (iv) holds any office of profit under control of State or Central Government.
- (v) is of unsound mind and so declared by a competent court.
- (vi) is an insolvent.

(b) Any question or controversy about the disqualification for standing for election as a member to the Board shall be referred to the Officer whose decision shall be final unless and until it is revoked on appeal.

(c) An appeal on the decision of the officer shall lie to Government, if such appeal is made within a fortnight by the aggrieved person. The decision of Government shall be final in the matter.

5. Election of the Chairman. (a) The officer shall convene a meeting of the members of the Board under the chairmanship of one of the members nominated by Government and at this meeting a Chairman shall be elected for the Board from among the members.

(b) The election shall be by secret ballot and the candidate who secures the majority of the votes shall be declared elected as the 'CHAIRMAN'.

(c) If after counting equality of votes is found between two candidates, the officer conducting the election shall decide forthwith the result by lot and proved as if the candidate on whom the lot falls has received an additional vote.

6. Funds. - The funds of the Board shall be deposited in the Government Treasury, in a P.D. account opened for the purpose. The P.D. Account shall be operated jointly by the Chairman of the Board and the Officer in charge of Social Welfare work in the State to be nominated by the State Government under section 5 (c) of the Act.

7. Forms and Registers. - For establishments and account matters, forms and registers should be maintained by the Board Office as provided in the Account Code.

8. Audit of Accounts. - The accounts of the office shall be open to audit by the Accountant General and the examiner of Local Fund Accounts or any other officer authorised by Government for the purpose.

9. Administration of Funds. - The Board shall utilize the funds for meeting the establishment charges of the staff of the Board and towards T.A. and other remunerations to the members of the Board.

10. Remuneration and allowances to the Chairman and Member of the Board. - (a) Travelling allowances to the non-official members of the Board for attending the meeting of the Board will be payable by the Board at the rate admissible to Class I Officers of the State. The official member will be allowed to draw T.A at the rate applicable to him under the rule.

11. Recruitment to the staff of the Board and their service conditions. - (a) The Board shall constitute with the approval of Government a Recruitment Committee from among themselves for the recruitment of staff to assist the Board.

(b) Appointment may be made with the previous approval of the Government, from the list of candidates sent by the Employment Exchange and in making such appointments rules 14 to 17 of the General Rules in Part 1 of the Kerala State and Subordinate Service Rules, 1958, shall apply.

(c) The Government Servants Conduct Rules will apply to the employees of the Board.

12. Annual Report. - (a) The Board shall submit to Government an annual report on its administration for every financial year not later than 1st July of the following year.

(b) The Board and the Managing Committees shall furnish to Government or to the Officer any other returns or information prescribed by them or called for from time to time.

13. Certificate of Recognition. - (a) The authority for issuing the Certificate of recognition shall be the Chairman of the Board.

(b) Every person or Association desiring to maintain or conduct a Home shall make an application for the grant of Certificate of recognition in from 'A' annexed to these rules.

(c) In granting the certificate of recognition, the Board shall consider the following particulars:-

- i. Character, antecedents, social status and reputation of the applicant and in case of an association, of 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 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. Name of such institutions functioning in the same Taluk (with full details).
- vii. The Board, if satisfied that the applicant(s) is/are fit person/persons to run such an institution, shall grant a Certificate of recognition in from 'B' annexed, which will remain in force for a period of

(d) No Certificate of recognition shall be granted unless the Home in respect of which an application is made, satisfies the conditions specified in the Act and Rules.

14. Refusal and Revocation of Certificate. - The grounds for refusal to grant a certificate or for revocation of a certificate already granted shall be duly communicated to the applicant or the Certificate holder as the case may be in person or by taking his acknowledgement or by registered post acknowledgement due.

15. Appeals. - Any person aggrieved by an order of the Board refusing to grant or to renew or revoking a certificate shall prefer an appeal to the State Government, through the Board within one month from the date of receipt of intimation from the Board regarding the refusal to grant or to renew or revocation of the certificate as the case may be.

16. An application for renewal of recognition shall be made in form 'C' annexed, at least two months before the date of expiry of the period of the Certificate of recognition.

17. Registers. - The Management shall maintain the following registers and any other registers prescribed by the Board from time to time.

1. Admission Register.
2. Attendance Register.
3. Visitors Register.
4. Log books for records of inspection.
5. Minute Book.
6. Cash Book.
7. Complaint Book.
8. Office Order Book.
9. Staff Register.
10. Stock Book of ration.
11. Stock Book of miscellaneous articles.

FORM - 'A'.

FORM OF APPLICATION FOR CERTIFICATE OF RECOGNITION.

- 1. Full name of the applicant or Association. :
- 2. Religion. :
- 3. Resident (town or Village) (in case of association particulars regarding items 2 and 3 mentioned in respect of each member). :
- 4. Name of institution. :
- 5. Aims and objective. :
- 6. Details about the financial condition of the institution, funds, property and source of income. :
- 7. Arrangements made or proposed to be made for boarding and lodging and also details of the building whether owned by the institution or rented. :
- 8. Arrangement in respect of General Health of inmates and facilities for their medical treatment and arrangements proposed to be made for the educational, vocational and moral training. :
- 9. Full address of the institution: :
- 10. If any such application has been made previously, if so, its results together with its date, month and year. :
- 11. If the institution exists at present the date of its commencement. :
- 12. Number of particulars of the inmates at the time of starting. :
- 13. Maximum number of accommodation: :
- 14. Any other particulars. :

I We hereby solemnly affirm that the above and annexed particulars are ~~the~~ true according to my/our best of knowledge and belief.

Signature/Signatures

FORM 'B'

1. No. of certificate of recognition.
2. Name and full address of the institution.
3. Name and full address of the Manager.
4. The nature of the Home, whether :
for women generally or for widows
or for children generally or for
Orphans or for one ore more of
these classes.
5. The maximum number of inmates :
that can be admitted.
6. The minimum standards regarding :
boarding, lodging, clothing,
sanitation, health and hyglence
etc.
7. The standard of education or :
training to be provided in the
Home.
8. Other conditions if any prescri-:
bed by the Board.

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- (1) This Certificate is granted subject to all the provisions of the Orphanage and their Charitable Home (Supervision & Control) Act and the rules thereunder.
 - (2) The certificate shall not be transferable.
 - (3) The certificate shall remain in force for 3 years from the date of issue.
 - (4) The certificate is granted on condition, that the person in charge of a Home shall be a woman may be deleted when it is not necessary to have this condition under the rules.

CHAIRMAN.

FORM 'C'

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. Certificate Number :
- 6. Any other particulars. :

Signature/Signatures.