

**GOVERNMENT OF MEGHALAYA  
SOCIAL WELFARE DEPARTMENT**

**NOTIFICATION**

*Dated Shillong, the 4<sup>th</sup> January, 2005.*

*No.* \_\_\_\_\_ - In exercise of the powers conferred by sub-section (1) and (2) of section 29 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 (Central Act 10 of 1960) the Governor of Meghalaya hereby makes the following Rules :-

1. **Short title, extend and application** – (1) These rules may be called the Meghalaya Orphanages and other Charitable Homes (Supervision and Control) Rules, 2004.

(2) They extend to the whole State of Meghalaya.

(3) These rules shall be made applicable to all Institutions, Homes, Hostels or 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.

2. **Definition** – 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 Orphanage and other Charitable Homes (Supervision and Control) Act, 1960 (Act 10 of 1960);
- (c) “Certificate” means the certificate of recognition granted under the orphanage and other Charitable Homes (Supervision and Control) Act, 1960 (Act 10 of 1960);
- (d) “Cell” means a separate cell created in the office of the Directorate of Social Welfare, Meghalaya for the purpose of issuing license of recognition/registration to Orphanages/Institutions;
- (e) “Child” means a boy or girl who has not completed the age of eighteen years and means a helpless, orphaned child in need of care and protection.
- (f) “Home” means an institution, like orphanage, Home for neglected women or children, widow’s Home etc., maintained or intended to be maintained for the reception, care, protection and welfare of women and children;

- (g) "Managing Committee" means the Committee of Management constituted under the rules;
- (h) "Nodal Officer" means Director/Deputy Director of Social Welfare ;
- (i) "Officer" means the Director/Deputy Director of Social Welfare, Meghalaya.
- (j) "Recognised Home" means a home in which a certificate of recognition/registration has been granted.
- (k) "Rules" means rules framed and prescribed under this Act; and
- (l) "Woman" means a female who has completed the age of eighteen years and signifies a helpless/destitute woman in need of care and protection.

3. **Procedure for election of members of the Board** - (1) The Director of Social Welfare shall convene a meeting of representatives of the Managing Committee of the duly registered/recognised Institution for electing members of the Board and each Managing Committee of an institution shall have one representative as its member.

(2) The quorum for the meeting shall be two third of the total strength of members of the Board.

(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 persons finally elected shall be published by the State Government in the Official Gazette. Upon such publication, they shall deem to have been elected as members.

(4) The same procedure shall be followed for election while filling up the resultant vacancies.

(5) The Director, Social Welfare shall be the Officer-in-charge for conduct of election of the Board of Control.

4. **Procedure for election of the Chairman of the Board** - (1) The Director of Social Welfare shall supervise the election of the Chairman from among the members of the Board;

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 pro-term Chairman.

(2) The election shall be made 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 election shall decide the result by draw of lottery.

5. **Disqualification from membership of the Board** - (1) No person shall be a member of the Board if :-

- (i) he is not ordinarily residing in the State of Meghalaya;
- (ii) he has not completed the age of 35 years;
- (iii) he is a member of State Assembly or a Member of Parliament;
- (iv) he holds any office of profit under the control of the State or Central Government; and
- (v) he is of unsound mind as declared so by a competent court;

(2) If any question or controversy arising out on the qualification for contesting the election to the office of the member of the Board shall be referred to the Director of Social Welfare, whose decision shall be final.

(3) An appeal against the decision of the Director of Social Welfare shall be submitted to the Government within fifteen days. The decision of the Government shall be final.

6. **Administration of funds/Remuneration and allowance of the Member of the Board** -

(1) Fund of the Board shall be deposited in any Nationalised Bank approved by Government.

(2) Fund shall be utilised :-

- (a) for meeting the establishment charges of the staff of the Board and,
- (b) for expenses towards remuneration and travelling allowance for members of the Board.

(3) Travelling allowance for attending meeting of the Board shall be of the same rate for both official and non official.

(4) Travelling allowance/ remuneration for the members of the Board including Chairman shall be fixed by Government.

7. **Recruitment of staff of the Board and their service conditions** - (1) The establishment staff of the Board shall be on the strength of posts sanctioned by the State Government. The Deputy Director of Social Welfare, Meghalaya shall function as ex-officio Secretary of the Board.

(2) Appointment to other sanctioned posts in the Board shall be made through deputation from the Department of Social Welfare or other Departments of Government.

8. **Maintenance of forms and Registers** – Forms and registers for establishment and accounts of the 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 Accountant General or Local Audit Officer authorized by the State Government for the purpose.
10. **Annual Reports** – The Secretary of the Board shall submit the annual report before 30<sup>th</sup> June of the following year for discussion and acceptance in the Board Meeting.
11. **Procedure for issuing of a Certificate of recognition** – (1) Any NGO, Religious Organisation/Individual desiring to maintain or run a Home shall make an application in the Form – I for the grant of Certificate of recognition, by the Board.

(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 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) Accommodation facilities and sanitary conditions;
- (v) Names of such Institutions functioning in the Taluk with full details regarding their working;
- (vi) Relinquishment of child by biological parents on grounds of family 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.

- (vii) 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 registered by any civil, hospital authority, police official or any person, in the register maintained with the concerned District Social Welfare Officers in the respective District and obtain a certificate and also letter of direction to admit the child in the Homes or Orphanages, specified thereof;
  - (b) in case of Hospitals and Nursing Homes, they shall have to record the details of each child in a separate register and recommend the child to the District Social Welfare Officers concerned;
  - (c) the Hospitals, Nursing Homes and District Social Welfare Officers concerned shall in turn, send the details of such children to the office of the Director, Social Welfare, Meghalaya for recording the same in the Master Register.
- (ix) The Homes or Orphanages shall have a medical doctor for the care of Children;
- (x) The Homes or Orphanages shall have at least one qualified Social Worker as its staff. The Name, Address, Phone Number etc., of the Social Worker shall be registered with Director of Social Welfare, Meghalaya, Shillong;
- (xi) The Institution shall maintain Growth Monitoring Charts, Immunization details, periodical health check up details fully attested by the Doctor;
- (xii) No Institution/home is permitted to procure, detain and adopt children without a 'license' and 'recognition' being made by the Board failing which, the Director or Deputy Commissioner shall have the power to take the children into possession, seal the premises and file proceeding against such institution in a court of law.
- (xiii) Upon receiving a child in the institution the responsibility to trace out the biological parents and restore the child to them, lies with the concerned institution, failing which as far as possible place the child in 'Adoption' with Indian families following the procedures laid down for 'In Country Adoptions' and Inter Country Adoptions, application shall be processed as per rules available with the institution and after a valid approval from Central Adoption Resource Agency (Central Adoption Resource Agency) New Delhi has been obtained;
- (xiv) There shall be 'FOLLOW UP' procedure of children given for 'Adoption' up to six years and also up to the stage of Primary School Education. In case negligence of child or otherwise is noticed, the respective institution shall take back the child and take action for prosecution against the 'Adopted Parents'; and

(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 of Social Welfare, Meghalaya.

(3) Certificate of 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 institution, may apply to the Board for grant of a Duplicate Certificate. The Board on being satisfied with the reasons furnished by the applicant, issues a duplicate certificate.
13. **Refusal and Revocation of Certificate** – The ground for refusal to grant 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. **Appeal** – Any person aggrieved by an order of the Board refusing the grant of a certificate or revoking a certificate or suspending or cancelling a license may like to 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 – I**

*See Rule 11 (1)*

**Application for Grant of Certificate of Recognition to Adoption 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 inmates :
9. Provision of funds and balance of funds available  
with the Home or Institution. (copies of audited  
statements for last three years should be  
accompanied) :
10. Whether the Home or Institution is in receipt of  
financial assistance from Government or any  
other organisation, 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 woman only.

OFFICIAL SEAL  
OF  
THE HOME

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

**Form – II**

*See Rule 11 (3)*

**Certification of Recognition Granted to a Home Institution**

In exercise of the powers conferred under sub section (I) of section 15 of the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 and the rules made there under by the Government of Meghalaya, the Board of Control is pleased to grant a Certificate of Recognition to ..... 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. 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 :

OFFICIAL SEAL  
OF  
THE BOARD

Signature of the Chairman  
or any Authorised Signatory  
of the Board



**Form – III**

**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 No. :
6. Any other particulars :

SIGNATURE (S)

**The Annual Budget estimate for running the administration of the Board of Control  
under the Orphanages and Other Charitable Homes  
(Supervision & Control) Act, 1960.**

<u>Recurring Expenditure</u>	<u>Monthly</u>	<u>Annually</u>
<b>Salaries for Establishment</b>		
1. UDA –cum- Accountant 1 No. Rs.4500-120-5220-EB-130-6260-140-7660pm	8385/-	100,620/-
2. LDA having knowledge of computer 1 No. Rs.3450-80-3930-EB-90-4650-100-5650pm	6566/-	78,792/-
3. Office Peon – 1 No. Rs.2440-40-2680-EB-50-3080-60-3680/-pm	4960/-	59,520/-
4. Office Chowkidar 1 No. Rs.2440-40-2680-EB-50-3080-60-3680/-pm	4960/-	59,520/-
5. Fixed Honorarium for 1 (one) Sweeper/Cleaner	1800/-	21,600/-
<b>Other Charges</b>		
5. (i) Honorarium of Chairman @Rs.5000 per month	5000/-	60,000.00
(ii) Sitting fee for members = 14 nos. @ Rs.200 per sitting (200×14×24)		33,600.00
(iii) TA/DA for member of the Board including chairman		100,000.00
(iv) House rent for office accommodation @ Rs.10000/- per month		120,000.00
(v) Office Expenses (Electricity/Telephone Bills including connecting charges/ purchase of papers/stationery/files etc.)		100,000.00
		<b>733,652.00</b>
<b><u>Non Recurring</u></b>		
6. (i) Purchase of office furniture/ furnishing chairs/tables/almirah/ racks/computer/and type writer		120000.00
<b>Total</b>	<b>31371</b>	<b>853652</b>

**(Rupees eight lakhs fifty three thousand six hundred and fifty two) only.**

