

Procedure for Grant of Certificate of Recognition under provisions of the Orphanages and other Charitable Homes (Supervision and control) Act, 1960

All homes maintained/managed in the State are to accord with the conditions of a certificate of recognition granted under the Act under provisions of Section 13 .

Every person desiring to maintain or conduct a home shall make an application for a certificate of recognition to the Board as per the provisions of Section 14 in following manner prescribed in Rule 2(4) (5) (6) (7) & (8) of the Orissa Maintenance of Orphanages Rules 1985.

1. The management of an orphanages interested in securing recognition shall make an application in the form set forth at Annexure-1. The application shall be in duplicate and shall be submitted to the District Social Welfare Officer who shall receive on behalf of the Collector.
2. The District Social Welfare Officer shall on receipt of the application enquire into it and submit his/her recommendation to the Collector. If in the view of the Collector , the enquiry is complete or material facts have not been ascertained, he may either direct the District Social welfare Officer to conduct a further enquiry or cause such enquiry through any other officer nominated by him.
3. The Collector shall, if satisfied that the management is capable of running the orphanages efficiently and in accordance with these Rules, recommend the application to Government.
4. **I**f in the view of Government the institution is deserving of recognition, they may grant recognition under intimation to the applicant, the Collector, the sub divisional Officer, and the Block development Officer concerned. The order of recognition shall specify the number of inmates in the orphanages.
5. Where assistance is to be provided under any scheme the cost of which is partly or wholly borne by the Government of India, no recognition shall be granted the State Government till receipt of approval of the Government of India.

ANNEXURE-1

**APPLICATION FOR ASSISTANCE FOR INSTITUTIONAL SERVICES
FOR WELFARE OF DESTITUTE CHILDREN**

1. Name of the Institution
2. Address
3. Copy of the constitution and the list of members of the Executive Committee
4. Date of registration under the Societies Registration Act.
5. present Capacity of institution services for children-
 - (a) Number of children at present served
 - (b) Number of Children proposed to be admitted now.
6. Age range of children
7. Boys or girls or mixed
8. Types of children served
 - (a) Destitute Children
 - (b) Delinquent children committed under court orders
9. Types of Accommodation –
 - (a) Types of building
 - (b) Average floor allowed to each child for sleeping
 - (c) Whether cots are used or the children sleep on floor
10. Nature of services allowed-
 - (a) Boarding
 - (b) Education
 - (c) Vocational Training
 - (d) Recreation
 - (e) Case work services
 - (f) Medical and
 - (g) Other services nature of rehabilitation services
11. Approach to organization of services
 - (a) Through dormitories
 - (b) Cottage system
12. Nature of personnel employed and their training –
 - (a) House Mothers
 - (b) Dormitory in-charge
 - (c) Cook and helper

- (d) General Education Teachers
 - (e) Vocational Instructor
 - (f) Case Worker (State qualification and experiences)
 - (g) Recreation workers
 - (h) Medical Officer (Part time)
 - (i) Superintendent (State qualification and experiences)
 - (j) Any other
13. (a) Existing level of recurring expenditure per child per month for various items like food , clothing , health check-up and medicine, education (including books, stationary, etc) vocational training, recreation, etc.
- (b) Rent for accommodations (per child per month)
14. Expenditure on salaries of personnel.
15. Nature of supervision (by paid voluntary personnel)
16. Capacity of expansion of services
- (a) Is accommodation available for taking more children
 - (b) Number of additional children that could be provided with services
17. Assistance received by the organization during last year from :
- (a) Central Government
 - (b) State Government
 - (c) Central Social welfare Board
 - (d) State Social Welfare Advisory Board
 - (e) Private Donations
 - (f) Any other source (specify)
18. Copy of the audited statement of accounts for the last financial year. Also state the average number of children present per month during the year.
19. Assistance now sought for taking care of additional children
- (a) Recurring assistance
 - (b) Initial non-recurring assistance
 - (c) Building
20. Amount to be contributed by the organization
21. Any other information

**Recognition of Children's Homes under the provisions of JJ Act 2000 and its
Amendment Act 2006.**

As per the provisions of the Act three types of Homes are recommended under section 8, 9, 34, 37 & 44 :-

Observation Home under section 8:-

- (1) Any State Government may established and maintained either by itself or under an agreement with voluntary organizations, Observation Homes in every district or a group of districts, as may be required for the temporary reception of any Juvenile Justice in conflict with law during the pendency of any inquiry regarding them under this Act.
- (2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of Juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify institution as an observation home for the purpose of this Act.
- (3) The State Government may , by rules made under this Act, provided for the management of Observation Homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.
- (4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in an reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen to eighteen years, giving due considerations to physical and mental status and degree of the offence committed, for further induction into observation home.

Special Home under section 9 :-

- (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organization, Special Home in every district or

a group of the district, as may be required for reception and rehabilitation of juvenile in conflict with law under this Act.

- (2) Where the State Government is opinion that any institution other than a Home established or maintained under sub-section (1), is fit reception of juvenile in conflict with law to be sent there under this Act, it may certify such institution as a Special Home for the purpose of this Act.
- (3) The State Government may, by rules made under this Act, provided for the management of special Home, including the standards and various types of services to be provided by them which are necessary for re-socialization of a juvenile, and the circumstances under which, and the manner in which, the certificate of a Special Home may granted or withdrawn.
- (4) This rules made under sub-section (3) may also provide for the classification and separation of juvenile in conflict with law on the basis of age and the nature of offences committed by them and his mental and physical status.

Children's Home under section 34:-

- (1) The State Government may establish and maintain either by itself or in association with the voluntary organization, children's Home, in every district or group of district, as the case may be, for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation.
- (2) The State Government may, by rules made under this Act, provided for the management of children's Home including the standards and the nature of services to be provided by them, and the circumstances under which, and the manner in which, the certification of a children's Home or recognition to a voluntary organization may be granted or withdrawn.

Section 34 (3) as per provisions of Amendment Act 2006.

Without prejudice to anything contained in any other law for the time being in force; all institutions, where State Government run or those run by voluntary organization for children in need of care and protection shall, within a period of six months from the date of commencement of the Juvenile Justice (Care and

Protection of Children) Amendment Act, 2006 be registered under this Act in such manner as may be prescribed.

After- care organization under section 44:-

The state Government may, by rules made under this Act, provided:-

- a) For the establishment or recognition of after-care organization and the functions that may be performed by them under this Act;
- b) For a scheme of after-care programme to be followed by such after-care organization for the purpose of taking care of juvenile or the children after they leave special Home, Children's Home and for the purpose of enabling them to lead an honest, industries and useful life.
- c) For the preparation or submission of a report by the probation officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a Special Home, Children's Home, regarding the necessarily and nature of after care of such juvenile or of a child, the period of such after-care , supervision therefore and for the submission of reported by the probation officer or any other officer appointed for the purpose, on the progress of each juvenile of the child;
- d) For the standards and the nature of services to be maintained by such after-care organization.
- e) For such other matters as may be necessary for the purpose of carrying out the scheme for after-care programme for the juvenile or the child.

Provided that any rule made under this section shall not provided for such juvenile or child to stay in the after-care organization for more than three years.

Provided further that a juvenile or child over seventeen years of age but less than eighteen years would stay in the after-care organization till he attains the age of twenty years.

Recognition of the above Homes mentioned in the Act are to be done as per the provisions of Rules 38 & 39 of the Orissa Juvenile Justice (Care and Protection of Children) Rule 2002.

Certification/ recognition of institutions under rule 38:-

(1) (a) If the management of any organization desires that its organization may be certified or recognized under the Act, the same shall make a written application together with a copy of each of the rules, bye-laws articles of association, list of members of the society/ association running the organization, office bearers and a statement showing the status and past record of social or public service of the organization and the society running the organization to the Government who shall after verifying the provisions made in the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification / recognition under Sections 8,9,34,37, and 44 of the Act, as the case may be , on the condition that the organization comply with the standards or services as laid down under the Act and the rule framed there under from time to time and to ensure an all-round growth and development of juveniles / child placed under its charge;

(b) The Government may transfer the management of any State run institution under this Act to a voluntary organization of repute who has the capacity to run such an institution and certify that said voluntary organization as a fit institution and certify that said voluntary organization as a fit institution to own the requisite responsibilities. This should be done under a memorandum of understanding for a specified period of time.

(c) The institution and the infrastructure already available with the Government in relation to the earlier Act of 1986 shall be suitably used for implementing this Act.

(2) the Government may, if dissatisfied with the conditions, rules, management or of the organization certified or recognized under the Act, at any time by notice served on the manager of the organization declare that the certificate or recognition of the organization as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date the organization shall cease to be an organization certified or recognized under Section 8,9,34,37, or 44 of the ct, as the case may be.

(3) The decision to withdraw or to restore the certificate, or recognition of the organization may be taken on the basis of a through investigation by a specially constituted advisory board, the officer-in-charge of the home shall be asked to show cause to give an explanation within 30 days.

(4) When an organization ceases to be an organization certified or recognized under Sections 8,9,34,37 or 44 of the Act, the juvenile/ child kept therein shall be under orders of the designated officer, empowered in this behalf by the Government be either:-

(a) Discharge absolutely or on such conditions as the officer may imposed;

or

(b) Transfer to some other institution established, certified or recognized under section 8,9,34,37 & 44 of the Act, in accordance with the provisions of the Act and rules relating to discharge and transfer, intimation of such discharge or transfer shall be given to the Board or the Committee as the case may be.

GIA to certified or recognized organization :-

- (1) An organization certified or recognized under section 8, 9, 34,37 & 44 of the Act may during the period of certification or recognition is in force, may apply for grant-in-aid by the Government maintenance of juvenile/ child received by them and or the provisions of the Act and for expenses incurred in their education, treatment, vocational training, development and rehabilitation. The grant-in-aid may be admissible at such rates, which shall be able to meet the prescribed norms in such manner and subject to such conditions as may be mutually agreed both parties.
- (2) In case of transfer of management of Government run Homes under section 8, 9, 34, 37 & 44 of the Act to voluntary organization, the same budget which the Government was pending on that Home, shall be given to the voluntary organizations as grant-in-aid under the memorandum of understanding signed between both parties describing other role and obligation.