

GOVERNMENT OF ORISSA  
WOMEN & CHILD DEVELOPMENT DEPARTMENT

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No.ISD-10/2004 17795/WCD

Bhubaneswar, dated 22<sup>nd</sup> August, 2005.

From:

**Dr. S.B. Agnihotri, IAS**  
**Commissioner-Cum-Secretary to Govt.**

To

**All Collectors**

**Sub: Support to senior citizen/women/children in difficult circumstances abandoned by their children/ spouse/ parents – Claim for maintenance through the supporting old age/short stay/other types of shelter homes.**

Sir,

I am directed to state that the State Government has taken a number of welfare steps to support senior citizen/women in difficult circumstances and children requiring care and protection. One of the steps is provision of temporary shelter homes. However, the capacity of such temporary shelter homes is often less than the number of persons who need help. It is, therefore, of utmost importance that the more needy or more difficult cases should get priority. It has come to the notice of the Government that there are persons staying in these shelter homes who are actually entitled to get maintenance from their children/ spouse/parents. However, for one reason or other, they do not get such maintenance and yet they continue to stay in such homes. While it is difficult to turn away such persons from the shelter homes, it also means that the State and the NGOs put together are subsidizing the erring individual who is legally bound to provide maintenance to his/her parents or spouse as the case may be.

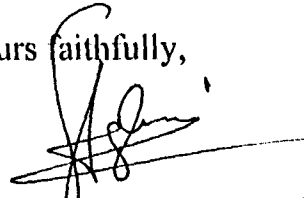
This issue has been examined in consultation with the Law Department. It appears that the provision u/s 125 (i)(d) of Cr.P.C. **does allow** the concerned Magistrate (1<sup>st</sup> Class) to direct the erring person to pay such monthly maintenance allowance as the Magistrate thinks fit to such person, as the Magistrate may from time to time direct. Such directive can be given 'upon proof of such neglect or refusal' by a person who 'having sufficient means, neglect or refuses to maintain his father or mother.....' This means that the Magistrate is not mandatorily required to receive a written complaint from the neglected person necessarily. The only ingredient is the availability of proof of

such neglect or refusal. Such proof can be furnished by the DSWO or any other designated officer of the Department or by the NGO maintaining the concerned neglected person.

You are, therefore, directed to get such cases examined within your district and direct the concerned DSWO to obtain necessary records and file a petition before the appropriate Magistrate on behalf of the neglected person to obtain relief. Before doing so, the DSWO may give the erring person a chance to be heard by serving show cause notice as to why a petition should not be filed against him/her and as to why the expenses incurred on the neglected person should not be recovered from him/her. You may kindly take one or two test cases immediately, so that the State does not subsidize a wrong doer who neglect or refuses to maintain a person whom he/she is duty bound to look after. This will also help the shelter homes/NGOs in providing support to more needy cases.

This may kindly be given due priority.

Yours faithfully,



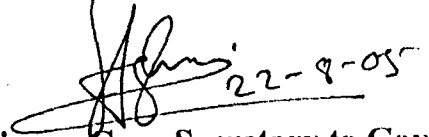
of Commissioner-Cum-Secretary to Govt.

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Bhubaneswar, dated 22<sup>nd</sup> August, 2005.

Copy forwarded to all Dist. Social Welfare Officers for information. They are directed to contact the concerned NGOs to obtain necessary record and file one or two cases on a trial basis before the concerned Magistrate after giving the concerned person a chance to be heard. DSWOs should monitor the progress of the case from time to time and inform the Department about the same.



of Commissioner-Cum-Secretary to Govt.