

**Delhi Orphanages and Women's Homes (Supervision and Control) Act, 1956**

**12 of 1956**

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**Delhi Orphanages and Women's Homes (Supervision and Control) Act, 1956**

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[ ]

An Act to provide for the better control and supervision of orphanages and women's homes in the State of Delhi. Be it enacted by the Delhi State Legislative Assembly in the Seventh Year of the

Republic of India as follows :

**1. Short title, extent and commencement :-**

(1) This Act may be called the Delhi Orphanages and Women's Homes (Supervision and Control) Act, 1956

.

(2) It extends to the whole of the Union Territory of Delhi

.

(3) It shall come into force on such date and in such areas as the Chief Commissioner may, by notification in the Official Gazette appoint

**2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context, -

(a) "Committee of Management" includes any officer empowered in this behalf by the Chief Commissioner to discharge all or any of the functions of the District Magistrate under this Act;

(b) "District Magistrate" includes any officer empowered in this behalf by the Chief Commissioner to discharge all or any of the functions of the District Magistrate under this Act;

(c) "licence" means a licence granted under this Act;

(d) "licensee" means a person to whom a licence has been granted under Section 5;

(e) "orphan" means a boy or girl, under eighteen years of age and who has lost his or her father or has been abandoned or is not claimed by his or her parents or guardians;

(f) "orphanage" means a house, by whatever name it may be called, where orphans are kept, or intended to be kept, for care;

(g) "prescribed" means prescribed by rule made under this Act; and

(h) "women's home" means an institution, by whatever name it may be called, where widows or women of any age are kept or are intended to be kept for care

**3. Act not to apply to certain institution :-**

Nothing in this Act shall apply to any institution established,

maintained or certified by Government under any law for the time being in force

**4. Prohibition to open or maintain a orphanage or womens home without a licence :-**

No person shall, without or otherwise than in conformity with the conditions of, a licence granted under Section 5, open or maintain an orphanage or a women's home.

Provided that a person maintaining any orphanage or women's home at the commencement of this Act shall be allowed a period of six months from such commencement to obtain such a licence

**5. Licence to open or to maintain an orphanage or womens home :-**

(1) Subject to the provisions of this Act and the rules made thereunder, the District Magistrate may, on receipt of an application from any person in the prescribed form containing the prescribed particulars, grant to such person a licence in the prescribed form for opening and maintaining or, as the case may be, for maintaining, an orphanage or women's home on such conditions as may be specified in the licence

.

(2) Subject to the provisions of Section 6 and 7, a licence shall remain in force for a period of three years from the date of its issue or renewal

.

(3) A licence may be renewed, if an application for its renewal is made at least thirty days before the date of its expiration. Such renewal may be made for three years at a time

.

(4) Every application for the grant of renewal of a licence shall be accompanied by such fee as may be prescribed

.

(5) No licence shall be transferable

**6. Cancellation of Licence :-**

(1) The District Magistrate may, at any time by an order served on a licence, cancel his licence with effect from a date specified in the

notice, if -

(i) there is contravention of any provisions of this Act or of any rules made thereunder or of any condition subject to which the licence was granted or renewed, or

(ii) he is dissatisfied with the condition, management or superintendence of the orphanage or women's home; and the orphanage or women's home shall cease to function from the date specified in the order;

Provided that the District Magistrate may, instead of taking any action under this sub-section make an order prohibiting the admission of any person into an orphanage or women's home for such period as may be specified in the order

.

(2) No action shall be taken under sub-section (1) without giving a reasonable opportunity to the licensee to show cause why the licence should not be cancelled or admission to the orphanage or women's home prohibited:

Provided that in case a licensee is asked to show cause why the licence should not be cancelled, no person shall be admitted into such orphanage or women's home until final orders are passed by the District Magistrate under sub-section (1)

## **7. Notice by licensee for closing orphanages and womens homes :-**

(1) A licensee shall give at least three month's notice to the District Magistrate of his intention to close the orphanage or women's home in respect of which the licensee has been granted and, unless such notice is withdrawn by the licensee the District Magistrate shall cancel the licence on the expiry of six months from the date of the notice, whereupon the orphanage or women's home shall cease to function

.

(2) No person shall be received into such orphanage or women's home after the date of the notice referred to in sub-section (1) and, if such notice is withdrawn, before the date of the withdrawal of such notice

## **8. Orders regarding custody of inmates on cancellation of a**

## **licence :-**

(1) While passing any order for cancellation of a licence under Section 6 or 7 the District Magistrate may pass such orders as he thinks fit for the proper custody, including lodging and boarding of the inmates of the orphanage or women's home concerned or for the transfer of such inmates to any other orphanage or women's home in consultation with the Committee of Management of that orphanage or women's home

## **9. Committee of management :-**

(1) For the control and management of every orphanage or women's home, there shall be constituted a Committee of Management:

Provided that, in case there is a Committee of Management by whatever name it may be called, for an orphanage or women's home at the date of the commencement of this Act, such Committee of Management shall be deemed to be the Committee of Management for such orphanage or women's home for a period of one year from such date and before the expiry of that period a Committee of Management, which shall function immediately after such expiry, shall be constituted under this section for such orphanage or women's home

.

(2) The composition of the Committee of Management appointed under sub-Section (1), the manner of its constitution and the term of office of members thereof shall be such as may be prescribed

.

(3) The Committee of Management shall have such powers and perform such functions as may be prescribed

## **10. Power of Chief Commissioner to remove a member or dissolve the Committee of Management :-**

(1) Subject to such rules as may be made in this behalf, the Chief commissioner may, by order

(a) remove any member of the Committee of Management and direct that the vacancy caused by such removal may be filled in the prescribed manner

(b) dissolve the Committee of Management as and from such date

as may be specified in the order and direct that first Committee of Management shall be constituted in the prescribed manner:

Provided that no action shall be taken under clause (a) and (b) of sub-section (1) without giving an opportunity to the member or to the Committee of Management, as the case may be, to show cause why such order should not be made

.

(2) Removal of a person from the Committee of Management under sub-section (1) shall not affect the right of that person as a trustee

**11. Licensee to arrange for training etc., of inmates :-**

Every licensee of an orphanage or women's home shall make suitable arrangements for training, lodging clothing, feeding and education of the inmates thereof

**12. Discharge of inmates :-**

(1) An inmate of an orphanage or a women's home shall be liable to be discharged from the orphanage or the home, as the case may be, if the Committee of Management is satisfied that such inmate has been rehabilitated or, in the case of a boy orphan, the inmate has attained the age of 18 years

.

(2) A girl inmate of an orphanage who has not been rehabilitated but has attained the age of eighteen years may be transferred by the District Magistrate from the orphanage to any women's home

**13. Removal of inmates from Orphanage or Womens Home :-**

If at any time the Committee of Management is satisfied that an inmate of an orphanage or women's home is undesirable or is otherwise not fit to be retained in such orphanage or women's home, it may with the previous approval of the District Magistrate remove such inmate from such orphanage or home, as the case may be

**14. Report regarding death of an inmate or change in administrative personnel :-**

Within a fortnight of the occurrence of the death of any inmate or change in the personnel in immediate charge of the administration of any orphanage or women's home the licensee or the Committee of Management shall give written notice thereof to the District

Magistrate, provided that the incident of a sudden death shall be reported immediately

**15. Inspection of orphanage or womens home :-**

(1) Every orphanage or women's home in respect of which a licence has been granted under Section 5 shall at the interval of every six months, be inspected by the District Magistrate or any other officer of the Government of gazetted rank, other than a police officer, authorised in writing in this behalf by the District Magistrate, and the Committee of Management and the person in charge thereof shall be bound to afford every facility to District Magistrate or the officer so authorised in carrying out the inspection. Such inspection shall relate to matters affecting the proper management of the orphanage or women's home including accounts, and a copy of the inspection report shall be forwarded by the District Magistrate to the Chief Commissioner for such action as he may think fit

.

(2) The District Magistrate or any other officer authorised by him in this behalf shall have the right to enter and inspect any orphanage or women's home at any time of the day or night, if he has reasons to believe that the orphanage or women's home is being maintained without a valid licence or is not being maintained in conformity with the conditions of a licence granted under the Act and the Committee of Management and the person in charge thereof shall not refuse such entry or inspection

**16. Appeals :-**

Any person aggrieved by an order of refusal to grant or renew a licence under Section 5 or by an order of a cancellation of a licence or prohibition of admission under Section 6 may, within thirty days after the date of such order, and on payment of the prescribed fees, appeal to the Chief Commissioner whose decision shall be final

**17. Penalty :-**

Whoever contravenes any of the provisions of this Act or the rules made thereunder, shall on conviction, be punished with fine which may extend to five hundred rupees and in case of continuing offence with a further fine which may extend to rupees one hundred for every day for which such offence continues after conviction for the first offence

**18. Offences by Associations and Societies :-**

(1) Where an offence under this Act has been committed by an association or society registered under the Societies Registration Act, 1955 every person who at the time the offence was committed was in charge of, and was responsible to the association or society for the conduct of the business of such an association or society, as well as the association or society shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly;

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence

.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by an association or society and it is proved that the offence has been committed with the consent and connivance of or is attributable to any neglect on the part of, any manager, secretary or other officer of such association or society, such manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly

### **19. Cognizance of Offence :-**

(1) No prosecution under this Act shall be instituted except by or with the previous sanction of the District Magistrate

.

(2) No court inferior to that of a Magistrate of First Class shall try any offence under this Act

### **20. Power to make rules :-**

(1) The Chief Commissioner, may, after previous publication, make rules, not inconsistent with the provisions of this Act, for carrying out the purposes of the Act

.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -



- (a) the form in which a return shall be submitted at the commencement of every half year to the District Magistrate by the person licensed to maintain an orphanage or women's home;
- (b) the form in which an application for a licence may be made and the particulars to be contained in such application;
- (C) the form Of licence and the conditions to be specified therein;
- (d) the composition of the Committee of Management, the manner of its constitution and the term of office of the members of such Committee;
- (e) the powers and functions of the Committee of Management;
- (f) the manner in which the accounts of an orphanage or women's home shall be maintained and audited;
- (g) the constitution of a reserve fund for an orphanage or women's home;
- (h) the maintenance of registers and statements by a licensee and the form of such registers and statements;
- (i) 'any other matter that may be, or is required to be prescribed;

**21. Power of local authorities to prescribe standards of sanitation, etc., for orphanage and womens homes :-**

Notwithstanding anything contained in this Act, a local authority may frame rules and bye-laws prescribing standards of sanitation, health and hygiene for orphanages, or women's homes provided that such rules and bye laws are not inconsistent with the provisions of this Act