

The Odisha Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1418 CUTTACK, TUESDAY, JULY 30, 2019/SRAVANA 8, 1941

Department of Social Security & Empowerment of Persons with Disabilities

NOTIFICATION

The 17th July 2019

No. 6319—SSEPD-SS-I-SCHM-0066/2018-SSEPD.--In exercise of the powers conferred by section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007), the State Government do hereby make the following rules, to amend the Odisha Maintenance of Parents and Senior Citizens Rules, 2009, namely :-

1. Short title and commencement. - (1) The rules may be called the Odisha Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2019.
(2) They shall come into force on the date of their publication in the Odisha Gazette.
2. In the Odisha Maintenance of Parents and Senior Citizens Rules, 2009, (hereinafter referred to as the said rules) in rule 1, for the words "Maintenance of Parents", the words "Maintenance and Welfare of Parents" shall be substituted.
3. In the said rules, in rule 2,
 - (a) after clause (c), the following clause shall be inserted, namely:-
“(c-1) Competent Authority” means the Director of the Department of Social Security and Empowerment of Persons with Disabilities or any other officer as the State Government may, by notification, appoint in this behalf;”
 - (b) after clause (e), the following clause shall be inserted, namely:-
“(e-1) Institutions” means the institutions working for senior citizens and operating different services namely old age homes, day care centres, mobile medicare units, therapeutic centres, rehabilitation centres and such other programmes for welfare of senior citizens.”
4. In the said rules, after rule 18, the following rules shall be inserted, namely:-
“**18A. Application for grant of certificate of registration** .- (1) A person desirous of establishing or maintaining Institution for senior citizens may make an application in **Form-L** to the Competent Authority appointed under these rules through the Collector of the concerned district.

(2) Every application made under sub-rule (1) shall be accompanied with,-

- (a) documentary evidence of work or capability to work in the area of senior citizens;
- (b) the constitution or bye-laws governing the institutions;
- (c) audited statement and details of the grant received in the last three years, if any;
- (d) a statement regarding total number of persons employed or to be employed in the institution along with their respective duties;
- (e) a statement regarding qualifications of professionals employed in the institution; and
- (f) the proof of residence of the applicant;

(3) Every application made under sub- rule (1) shall also comply with the following requirements namely:-

- (a) the Institution had been working in the field of senior citizens for not less than two years immediately before the date on which application is made;
- (b) the Institution is registered under the Indian Societies Registration Act, 1860 (XXI of 1860) or under any other law for the time being in force (certificate along with bye-laws and memorandum of association of the society shall be attached to the application);
- (c) the Institution has not been running for profit to any individual or a body of individuals;
- (d) the Institution has employed trained staff;
- (e) the Institution has adequate infrastructure and equipment for running programmes for senior citizens;
- (f) the Institution has submitted its audited accounts and annual reports for the last three years.

(4) On receipt of an application, the concerned Collector of the district shall make an inquiry of the Institution through District Social Security Officer (DSSO) and give his findings including the recommendation or reasons for rejection to the Competent Authority within 30 days of receipt of the application.

18B. Grant of Certificate of Registration and validity .- (1) If the Competent Authority is satisfied that all the requirements for grant of certificate of registration have been complied with, he shall grant such certificate.

(2) The certificate of registration shall be issued in **Form-M** within a period of seven working days from the date of receipt of application with all documents and, unless revoked under rule 18D, shall remain in force for a period of five years with effect from the date it is granted or renewed.

18C. Renewal of Registration .- (1) An application for renewal of certificate of registration shall be made in **Form-N** at least one month before its expiry.

(2) The Competent Authority if satisfied that the requirements for grant of renewal of certificate of registration have been complied with, he shall allow renewal of registration within a period of seven days of submission of application for renewal and grant certificate of renewal of registration in **Form-O**.

18D. Revocation of registration .- (1) The Competent Authority may, if it has reason to believe that the holder of a certificate of registration has,—

- (a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or
- (b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration has been revoked under sub-rule (1) such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under rule 18E against the order of revocation, such institution shall cease to function,—

- (a) if no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or
- (b) if such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the Competent Authority may direct that any senior citizen who is an inmate of such institution on the date of such revocation, shall be—

- (a) restored to the custody of his or her lawful guardian; or
- (b) transferred to any other institution specified by the Competent Authority

(4) Every institution which holds a certificate of registration which is revoked under these rules shall, immediately after such revocation, surrender such certificate to the Competent Authority.

18E. Appeal against the order of Competent Authority .- (1) Any person aggrieved by the order passed by the Competent Authority refusing to grant a certificate of registration or revoking a certificate of registration may, within three months from the date of the order, prefer an appeal against that order in **Form-P** to the Appellate Authority, as may be notified by the State Government.

(2) The Appellate Authority may, after making such enquiry into the matter as it considers necessary and after giving the appellant an opportunity of hearing, make such order as it thinks fit within three months from the date of appeal.

(3) The order of the Appellate Authority on such appeal shall be final.

18F. Applicability- Nothing contained in these rules shall apply to an institutions working for Senior Citizens established or maintained by the Central Government or Government of Odisha.

FORM - L
[See rule 18A]
APPLICATION FOR REGISTRATION OF INSTITUTION
WORKING FOR SENIOR CITIZENS
(To be submitted in duplicate)

1. Name of Applicant Organization :
2. Complete Postal Address with Website, E Mail ID, Contact Telephone Number :
3. Registration Details (Act under which registered with number and date) (enclose copies of Certificates and Byelaws) :
- a) An Organization registered under the Societies Registration Act, 1860 (Act XXI of 1860) :
- b) A public trust registered under any law for the time being in force. :
- c) Indian Red Cross Society or its branches :
- d) Company registered under Section 25 of the Companies Act, 1956;
- e) Any other organization (Details of registration with the name of the Act) which may be recognized by the Ministry for the purpose of this Scheme (Details of registration with the name of the Act.) :
4. Date of establishment of the Organization :
5. If Registration under the Income Tax Act, 1961 (PAN number, 12 AA, 80G etc.) give details thereof :
6. If registered under the Foreign Contribution Regulation Act (FCRA) 2010, registration number, date and validity period :
7. Nature of the Organization. :
8. Brief history of the organization and of its objects and activities. :
9. Whether recognized by the State Government. :
10. Whether the organization is of an All India Character. If so, give the nature of its All India Activities :
11. Whether located in its own/ rented building :
12. Present number of Senior Citizen beneficiaries :
13. Likely dates of commencement and completion of project. :
14. Whether the project is likely to be assisted by some other official or non-official source :
15. Whether necessary land for the proposed building is available. If so, give details. (Please indicate the location of the plot and enclose permission certification for construction from the competent authority etc.) :
16. (a) Whether trained staff and other suitable facilities for undertaking the project are available. If so, give details. :
- (b) In case new staff is to be appointed, give details of the qualification, academic, professional and experience prescribed for the purpose. :
- (c) Number of the employees working in the Organization :
17. List of papers/statements to be attached:

- (a) Prospectus or a brief descriptive note giving aims and objects/ activities of the Organization; :
 - (b) Constitution of the Organization: :
 - (c) Constitution of the Board of Management with particulars of each Member; :
 - (d) PAN Card, Registration Certificate under Section 12 AA and 80G of Income Tax Act 1961; :
 - (e) FCRA Registration Certificate; :
 - (f) Latest available annual report :
 - (g) Income and Expenditure accounts and Receipt and Payment accounts duly audited by a Chartered Accountant or a Government Auditor for the last two years for the Organization as a whole (Along with a copy of the certified balance sheet from the previous financial year for the Organization as a whole): :
 - (h) A statement giving details (year, purpose, amounts, etc.) of assistance received during the last five years from the Central/ State Government, Central Social Welfare Board, Local Bodies or any other quasi-Government institution including requests made thereof to any one of those or any other Organization for the projects under considerations or for any other project :
 - (i) A statement giving item wise and year wise details of estimated recurring and non-recurring expenditure on the project :
 - (j) A copy each of the plan of the proposed building (Rough sketch giving broad indication of the building to be constructed and area to be covered) and estimated cost of construction; and :
 - (k) A statement indicating the equipment, apparatus, furniture library books, etc. (By number of details whichever is possible) already available; and separately a statement indicating the above items purchased year wise with financial assistance from the Ministry of Socials Justice and Empowerment; and :
 - (l) Details budget estimated of the Organization as a whole exhibiting the estimated receipts and expenditure during the year for which grant sought for. :
16. List of additional papers, if any :
17. List of additional information, if any :

DECLARATION

I have read the provisions of the Maintenance and Welfare of Senior Citizen Act, 2007 and Rules there under and undertake to abide by all the conditions of the Act/Rules. My Organization will be responsible to provide such facilities and maintain such standard as may be prescribed by the State Government from time to time. The Competent Authority declared by the State Government for the purpose may de-recognize and cancel certificate of registration of my institution in case of any deviation of provisions of the Act and Rules there under.

SIGNATURE OF THE APPLICANT

Name:

Address:

Date:

(SEAL OF THE ORGANISATION)

FORM - M
[See rule 18B]

CERTIFICATE OF REGISTRATION
(The Maintenance and Welfare of Senior Citizen Act, 2007)

GOVERNMENT OF ODISHA
DEPARTMENT OF SOCIAL SECURITY AND
EMPOWERMENT OF PERSONS WITH DISABILITIES

Regd. No. _____/SSEPD of _____ BBSR Dtd. _____

I hereby certify that _____

At _____

has this day been registered under the provisions of the Maintenance and Welfare of Senior Citizen Act, 2007 and rules there under. This certificate will remain valid from period

_____.

Place _____

Date _____

Competent Authority
Name _____
(Seal of the Office)

FORM - N
[See rule 18C(1)]
APPLICATION FOR RENEWAL OF REGISTRATION OF INSTITUTION
WORKING FOR SENIOR CITIZENS
(To be submitted in duplicate)

1. Name of Applicant Organization :
2. Complete Postal Address with Website, E Mail ID, Contact Telephone Number :
3. Name of the Act under which the organization is registered with registration No. and date of registration. (Photo copy to be attached) :
4. If registered under Foreign Contribution Regulation Act with registration No, and date. (Photo copy to be attached) :
5. If registered under Rule 18C of Odisha Maintenance of Parents and Senior Citizens Amendment Rules, 2018 give Registration No. and Date. (Photo copy to be attached) :
6. If the Institution is running in its own building/rented building or Govt. building. :
7. If the organization has its own memorandum and bye-laws. (Photo copy to be attached) :
8. Name, Address, Occupation and other particulars of the members of the board of management and term of the office etc. :
9. Activities in brief undertaken by the organization (separate sheet may be attached) :
10. Grant-in-Aid received from State/Central Govt. or any other source (details be given in separate sheet) if any :
11. List of documents to be furnished: :
 - (a) Annual report for previous year :
 - (b) Audited statement of accounts duly certified by the C.A. for last 3 years, (i.e. Receipt and Payment, Income and Expenditure, and Balance Sheet) :
 - (c) Utilization Certificate duly certified by departmental auditor in case of GIA from SSEPD Department :
 - (d) Utilization Certificate duly certified by C.A. in case other than grant received from SSEPD Department :
12. Details of staff employed (Separate sheet be attached) :

DECLARATION

I have read the provisions of the Maintenance and Welfare of Senior Citizen Act, 2007 and Rules there under and undertake to abide by all the conditions of the Act/Rules. My Organization will be responsible to provide such facilities and maintain such standard as may be prescribed by the State government from time to time. The Competent Authority declared by the State Government for the purpose may de-recognize and cancel certificate of registration of my institution in case of any deviation of provisions of the Act and Rules there under.

SIGNATURE OF THE APPLICANT

Name:

Address:

Date:

(SEAL OF THE ORGANISATION)

FORM - O
[See rule 18C]

CERTIFICATE OF RENEWAL OF REGISTRATION
(The Maintenance and Welfare of Senior Citizen Act, 2007)

GOVERNMENT OF ODISHA
DEPARTMENT OF SOCIAL SECURITY AND
EMPOWERMENT OF PERSONS WITH DISABILITIES

Regd. No. _____/SSEPD of _____ BBSR Dtd. _____

The above referred Registration of _____

At _____

issued under Maintenance and Welfare of Senior Citizen Act, 2007 and Rules there under is hereby renewed for the period from _____.

Competent Authority
Name _____
(Seal of the Office)

FORM - P
[See rule 18E]
FORM OF APPEAL AGAINST
ORDER OF COMPETENT AUTHORITY

From

 (Appellant's Name & Address)

Before the Appellate Authority

1	Date of Appeal	:	
2	Name of the Appellant	:	
3	Name of the Institution	:	
4	Address	:	
5	Particulars of Order Number and Date	:	
6	Refusal/ Revocation/ Cancellation of Certificate	:	
7	Reasons for which Refused/ Revoked/ Cancelled	:	
8	The Grounds of Appeal (Details of any to be enclosed in separate sheet)	:	

Verification

I, _____ (Name of the Appellant), Son/ Daughter/ Wife of _____ holding position of _____ (Designation) of the _____ (Name & Address of the Institution) hereby declare that the particulars furnished in the appeal are to the best of my knowledge and belief, true and correct and that I have not suppressed any material fact.

Signature of the Appellant

Place:

Date:

To

 (Name and Address of Appellate Authority)

By order of the Governor

N. CHANDRA

Principal Secretary to Government