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The Orphanages and other Charitable Homes (Supervision and Control) Act, 1960

(ACT NO. 10 OF 1960)

[*As on the* 15*th July*, 2026)

LIST OF ABBREVIATIONS USED

Notifn.	„	Notification.
S., ss.	„	Section, sections.

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THE ORPHANAGES AND OTHER CHARITABLE HOMES (SUPERVISION AND CONTROL) ACT, 1960

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THE ORPHANAGES AND OTHER CHARITABLE HOMES (SUPERVISION AND CONTROL) ACT, 1960

ACT NO. 10 OF 1960

[9*th April*, 1960.]

An Act to provide for the supervision and control of orphanages, homes for neglected women or children and other like institutions and for matters connected therewith.

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir*.

(*3*) It shall come into force in a State on such date[1] as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Board of Control established under section 5;

(*b*) "certificate" means the certificate of recognition granted under section 15;

(*c*) "child" means a boy or girl who has not completed the age of eighteen years;

(*d*) "home" means an institution, whether called an orphanage, a home for neglected women or children, a widows' home, or by any other name, maintained or intended to be maintained for the reception, care, protection and welfare of women or children;

(*e*) "manager" means a member of the managing committee appointed as such by the committee under section 20;

(*f*) "managing committee" means the committee of management referred to in section 20;

(*g*) "recognised home" means a home in respect of which a certificate has been granted;

(*h*) "prescribed" means prescribed by rules made under this Act;

(*i*) "woman" means a female who has completed the age of eighteen years.

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1. **Enforced on 2-10-1963 in the whole of Rajasthan**—*vide* Rajasthan Government Gazette, dated 30-9-1963, Part IV(*Ga*), Extraordinary, p. 529,
In Kerala, on 1-7-1962—*vide* Kerala Gazette, dated 3-7-1962, Part I.
In Andhra Pradesh, w.e.f. 20-2-1992 *vide* Andhra Gazette, dated 19-2-1992, Part I, Extraordinary, p. 1.
In Manipur, on 1-8-1983—*vide* Manipur Gazette, dated 5-8-1983, Extraordinary, p. 1, No. 172.
In Goa, w.e.f. 4-8-1994—*vide* Goa Government Gazette, dated 4-8-1994, p. 339, Sl. No. 1.
In Karnataka, w.e.f. 1-4-1992—*vide* Karnataka Gazette, dated 22-11-1992, Part II, 2-C(*ii*), p. 1.
In Maharashtra, w.r.e.f. 31-10-1991—*vide* Maharashtra Government Gazette, dated 2-1-1992, Part 4-A, p. 3.
In Orissa, w.e.f. 2-10-1991 *vide* Orissa Gazette, dated 5-10-1991, Extraordinary, p. 1.
In Punjab w.e.f. 28-11-1991—*vide* Punjab Government Gazette, dated 28-11-1991.
In Tripura, w.e.f. 11-10-1991, *vide* Tripura Gazette, dated 11-10-1991.

*. *Vide* notifn. No. S.O. 3912(E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

3. Act not to apply to certain institutions.—Nothing in this Act shall apply to—

(*a*) any hostel or boarding house attached to, or controlled or recognised by, an educational institution; or

(*b*) any protective home established under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956); or

(*c*) any reformatory, certified or other school, or any home or workhouse, governed by any enactment for the time being in force.

4. Effect of Act on instruments governing recognised homes.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any instrument governing a recognised home.

CHAPTER II

THE BOARD OF CONTROL AND ITS POWERS AND FUNCTIONS

5. Board of Control, its constitution, etc.—(*1*) The State Government may, by notification in the Official Gazette, establish a Board of Control for the supervision and control of homes in the State.

(*2*) The Board shall consist of the following members, namely:—

(*a*) three members of the State Legislature to be elected by the members thereof; provided that where the State Legislature consist of two Houses, two members shall be elected by the members of the Legislative Assembly from among themselves and one member shall be elected by the members of the Legislative Council from among themselves;

(*b*) five members of the managing committees in the State, to be elected by such committees from among themselves, each such committee having one vote only for this purpose;

(*c*) the officer in charge of social welfare work in the State, to be nominated by the State Government;

(*d*) six members to be nominated by the State Government, of whom not more than one shall be a member of Parliament from the State and not less than three shall be women.

(*3*) If for any reason the officer referred to in clause (*c*) of sub-section (*2*) is unable to attend any meeting of the Board, he may depute any officer subordinate to him to attend such meeting.

(*4*) The Chairman of the Board shall be elected by the members of the Board from among themselves:

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 Chairman.

STATE AMENDMENTS

Maharashtra

Amendment of section 5 of 10 of 1960.—In section 5 of the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 (10 of 1960), in its application to the State of Maharashtra (hereinafter referred to as "the Orphanages and Charitable Homes Act"), in sub-section (*2*), for clause (*a*), the following clause shall be substituted, namely:—

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"(*a*) two members of the State Legislative Assembly nominated by the Speaker of the State Legislative Assembly from amongst the members of the State Legislative Assembly and one member of the State Legislative Council nominated by the Chairman of the State Legislative Council from amongst the members of the State Legislative Council;".

[*Vide* Maharashtra Act 4 of 2016, s. 2].

6. Term of office and casual vacancies.—(*1*) Save as otherwise provided in this section, the term of office of a member of the Board shall be five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer:

Provided that the term of office of a member elected under clause (*a*) or clause (*b*) of sub-section (*2*) of section 5, or of a member of Parliament nominated under clause (*d*) of sub-section (*2*) of section 5, shall come to an end as soon as he ceases to be a member of the House of the State Legislature which elected him, the managing committee or Parliament, as the case may be.

(*2*) A member may at any time resign his office by giving notice in writing to the State Government and on such resignation being notified in the Official Gazette by that Government, the seat of such member shall become vacant.

(*3*) A casual vacancy in the Board shall be filled by fresh election or nomination, as the case may be; and the term of office of a member elected or nominated to fill such vacancy shall be the remainder of the term of the member in whose place he is elected or nominated.

(*4*) Members of the Board shall be eligible for re-election or re-nomination.

(*5*) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

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STATE AMENDMENTS

Maharashtra

Amendment of section 6 of 10 of 1960.—In section 6 of the Orphanages and Charitable Homes Act, in sub-section (*1*), in the proviso, for the words, brackets and letters "elected under clause (*a*) or clause (*b*)" the words, brackets and letters "nominated under clause (*a*) or elected under clause (*b*)" shall be substituted.

[*Vide* Maharashtra Act 4 of 2016, s. 3].

7. Functions of the Board.—(*1*) It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act; and exercise such other powers and perform such other functions as may be prescribed by or under this Act.

(*2*) In the performance of its functions under this Act, the Board shall be found by such directions as the State Government may give to it.

8. Power of the Board to give directions to manager of a recognised home.—Subject to the directions, if any, given under sub-section (*2*) of section 7, the Board may, from time to time, give such general or special directions to the manager of a recognised home as it thinks fit for the efficient management of the home and the manager shall comply with such directions.

9. Power of inspection.—Any member of the Board, or any officer of the Board authorised in writing by it in this behalf, by general or special order, may enter at all reasonable times any home for the purpose of ascertaining whether the provisions of this Act or of any rules, regulations, directions or orders thereunder are being complied with and may require the production, for his inspection, of any document, book, register or record kept therein and ask for any information relating to the working of the home:

Provided that no such member or officer shall enter any home or part thereof where there are females, except in the presence of two respectable women of the locality.

10. Funds of the Board.—The funds of the Board shall consist of—

(*a*) contributions, subscriptions, donations or bequests made to it by any person; and

(*b*) grants made to it by the State Government or any local or other public body.

11. Staff of the Board.—Subject to such rules as may be made by the State Government in this behalf, the Board may, for the purpose of enabling it to perform efficiently its functions or exercise its powers under this Act, appoint such officers or other employees as it may think fit and determine their functions and conditions of service.

12. Delegation of powers.—Subject to the control of the State Government, the Board may, by general or special order in writing and subject to such conditions and limitations, if any, as may be specified therein, delegate to the Chairman or any other member or any officer thereof such of its powers and functions under this Act, as it may deem necessary, for the efficient carrying on of its administration.

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CHAPTER III

RECOGNITION OF HOMES

13. Homes not to be run without certificate.—After the commencement of this Act, no person shall maintain or conduct any home except under, and in accordance with, the conditions of a certificate of recognition granted under this Act.

14. Application for certificate.—Every person desiring to maintain or conduct a home shall make an application for a certificate of recognition to the Board in such form and containing such particulars as may be prescribed:

Provided that a person maintaining or conducting a home at the commencement of this Act shall be allowed a period of three months from such commencement to make an application for such certificate.

15. Grant or refusal of certificate.—(*1*) On receipt of an application under section 14, the Board after making such inquiry as it considers necessary, may, by order in writing, either grant a certificate or refuse to grant it.

(*2*) No order refusing to grant a certificate shall be made until an opportunity is given to the applicant to be heard in the matter and where a certificate is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner.

(*3*) No fee shall be charged for the grant of a certificate.

(*4*) A certificate shall not be transferable.

16. Contents of certificate.—(*1*) The certificate shall specify—

(*a*) the name and location of the recognised home;

(*b*) the name of the manager thereof;

(*c*) the nature of the home, whether for women generally or for widows or for children generally or for orphans or for one or more of these classes;

(*d*) the number of inmates to be taken by the home;

(*e*) the minimum standards regarding boarding, lodging, clothing, sanitation, health and hygiene which, having regard to the conditions of the locality in which the recognised home is situated and its resources, should be complied with in the home;

(*f*) the standard of education or training to be provided for the inmates of the home, in case the education or training of its inmates is undertaken; and

(*g*) such other conditions and particulars as may be prescribed:

Provided that there shall be deemed to be included in the certificate granted in respect of a home for females a condition to the effect that the person incharge thereof, whether called superintendent or by any other name, shall ordinarily be a woman.

(*2*) The Board shall not, ordinarily, permit any recognised home to admit as inmates, persons of different sexes, but may do so for reasons to be recorded and subject to such conditions and limitations as may appear to it to be in the public interest.

(*3*) Without the previous written consent of the Board, no recognised home shall—

(*a*) change its name or location as specified in the certificate in respect of it; or

(*b*) alter the purpose of any service specified therein.

17. Revocation of certificate.— (*1*) The Board may, without prejudice to any other penalty to which a person to whom a certificate has been granted may be liable under this Act, revoke the certificate—

(*a*) if it is satisfied that the home is not being conducted in accordance with the conditions laid down in the certificate; or

(*b*) the management of the home is being persistently carried on in an unsatisfactory manner or is being carried on in a manner highly prejudicial to the moral and physical well-being of the inmates; or

(*c*) the home has, in the opinion of the Board, otherwise rendered itself unsuitable for that purpose:

Provided that no order of revocation shall be made under this sub-section until an opportunity is given to the person to show cause why the certificate should not be revoked;

and in every case of revocation, the grounds therefor shall be communicated to the person in the prescribed manner.

(*2*) Where a certificate in respect of a home is revoked under sub-section (*1*), such home shall cease to function—

(*a*) where an appeal has not been preferred under section 18 against the order of revocation, immediately on the expiration of the period prescribed for such appeal;

(*b*) where such appeal has been preferred, but the order of revocation is upheld, from the date of the appellate order.

(*3*) On any home ceasing to function under sub-section (*2*), the Board may direct that any woman or child who is an inmate of such home shall be—

(*a*) restored to the custody of her or his parent, husband or lawful guardian, as the case may be, or

(*b*) transferred to another recognised home, or

(*c*) entrusted to the care of any other fit person:

Provided that no woman shall be entrusted to the care of any person other than a woman.

18. Appeals.—Any person aggrieved by an order of the Board refusing to grant a certificate or revoking a certificate may, in such manner and within such period as may be prescribed, prefer an appeal to the State Government or to such authority as may be specified by it against such refusal or revocation:

Provided that the State Government or the authority so specified, as the case may be, may admit an appeal after the expiry of the period so prescribed, if it is satisfied that the applicant was prevented by sufficient cause from preferring the appeal in time.

19. Surrender of certificate and its effect.—(*1*) The manager of a home, if specially authorised in this behalf by resolution of the managing committee, may, on giving six months' notice in writing to the Board of his intention so to do, apply for the withdrawal of the certificate granted in respect of that home and on the expiration of the said period from the date of notice, the certificate shall, unless before that time the notice is withdrawn, cease to have effect; and the home shall cease to function.

(*2*) No woman or child shall be received into any such home after the date of such notice; but nothing in this section shall be construed to affect the obligation of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder until the certificate ceases to take effect under sub-section (*1*).

CHAPTER IV

MANAGEMENT OF RECOGNISED HOMES

20. Managing committee.—(*1*) There shall be a managing committee in charge of the management of every recognised home and the members of the managing committee shall appoint a member thereof to be the manager of such home for the purposes of this Act.

(*2*) The constitution, powers and functions of the managing committee and the term of office of the members thereof shall be such as may be provided in the constitution pertaining to such home.

21. Duty of manager.—It shall be the duty of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder in respect of every woman or child admitted into the recognised home until the woman is rehabilitated or the child completes the age of eighteen years or until the certificate ceases to have effect.

22. Discharge of inmates of home.—(*1*) Subject to the regulations, if any, made by the Board, if the managing committee of a home is satisfied that an inmate of the home has become fit

to earn his or her livelihood or is otherwise fit to be discharged from the home, the manager may discharge such inmate.

(*2*) Notwithstanding anything contained in sub-section (*1*), no female inmate of a home shall be discharged or given in marriage or entrusted to the care of any other person unless such female has made a declaration before the Board or an officer specified by it in this behalf that she consents to such discharge, marriage or entrustment, as the case may be, and, if the inmate to be given in marriage is a minor, unless the Board or officer, as the case may be, has, after recording the reasons in writing, given its or his approval thereto.

23. Reports regarding deaths of inmates.—The manager shall, immediately after the occurrence of any death among the inmates of the home, send a written report thereof to the Board explaining the cause of death to the best of his knowledge.

CHAPTER V

MISCELLANEOUS

24. Penalties.—Any person who fails to comply with any of the provisions of this Act or of any rule, regulation, direction or order thereunder or any of the conditions of a certificate shall be punishable in the case of a first offence with imprisonment which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both, and in the case of a second or subsequent offence, with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

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25. Sanction for prosecutions.—No prosecution under this Act shall be instituted except with the previous sanction of the District Magistrate or the Chief Presidency Magistrate, as the case may be.

26. Persons performing functions under Act to be public servants.—The members of the Board and every person empowered by the Board to exercise any of its powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

27. Protection of acts done in good faith.—No suit, prosecution or other legal proceeding shall lie against any person who performs any function under this Act for anything done or intended to be done in good faith under this Act or any rule, regulation direction or order thereunder.

28. Power of State Government to exempt homes.—(*1*) If, after consultation with the Board, the State Government is satisfied that the circumstances in relation to any class of homes or any home are such that it is necessary or expedient so to do, it may, by notification in the Official Gazette, and for reasons to be specified therein, exempt, subject to such conditions, restrictions or limitations, if any, as it may think fit to impose, such class of homes or home, as the case may be, from the operation of all or any of the provisions of this Act or of any rule or regulation made thereunder.

(*2*) Every notification issued under this section granting an exemption shall be reviewed in consultation with the Board at intervals not exceeding two years, but nothing herein contained shall affect the power of the State Government to amend, vary or rescind any such notification at any time in consultation with the Board.

29. Power of State Government to make rules.—(*1*) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this 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*) all matters relating to, or in connection with, elections, to the Board under clause (*b*) of sub-section (*2*) of section 5 and the election of the Chairman;

(*b*) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(*c*) the funds of the Board;

(*d*) the travelling and other allowances to be drawn by members of the Board;

(*e*) the appointment of staff for enabling the Board to perform its functions efficiently under this Act and their recruitment and conditions of service;

(*f*) the calling of returns and other information by the State Government from the Board and the managing committees;

(*g*) the form in which an application for certificate of recognition may be made, the particulars to be contained in such application and the form in which, and the conditions subject to which, such certificate may be granted;

(*h*) the maintenance of registers and accounts by the Board and the audit of its accounts;

(*i*) any other matter which is to be, or may be, prescribed.

(*3*) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature.

30. Power of the Board to make regulations.—(*1*) The Board may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

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

(*a*) the time and place of the meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at such meetings;

(*b*) the maintenance of the minutes of meetings of the Board and the transmission of copies thereof to the State Government;

(*c*) the appointment of sub-committees and local committees and of persons by the Board for the purpose of assisting it in performing its functions under this Act;

(*d*) the supervision and control of the management of recognised homes;

(*e*) the inspection of homes;

(*f*) the calling of returns and other information by the Board from managing committees;

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(*g*) the reception, care, treatment, maintenance, protection, training, welfare, instruction, control and discipline of inmates in recognised homes;

(*h*) visits to, and communication with, inmates of recognised homes and the grant of permission to such inmates to absent themselves for short periods;

(*i*) the discharge of inmates from recognised homes, their transfer from one recognised home to another and the reports to be sent by managers to the Board;

(*j*) any other matter in respect of which provision is, in the opinion of the Board, necessary for the efficient supervision and control of homes.

(*3*) The State Government may, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-section (*1*).

31. Repeals and savings.—(*1*) As from the date of the coming into force in any State of this Act, the Women's and Children's Institutions (Licensing) Act, 1956 (105 of 1956), or any other Act corresponding to this Act in force in that State immediately before such commencement, shall stand repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken (including any direction given, any register or rule or order made or any restriction imposed) under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

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STATEMENT OF OBJECTS AND REASONS

There are hundreds of orphanages and other charitable homes in the country whose pitiable conditions of existence do not appear to have been taken into consideration in any legislation so far undertaken in any State Legislature or in Parliament.

The Bills hitherto introduced either in the State Legislatures or in Parliament have sought to penalise criminal activities commonly presumed to be indulged in by orphanages and widows' homes and to vest in the executive powers to deal with such activities. But very little attention has been given to the constructive side of these institutions.

It must be admitted on all hands that orphanages and other charitable homes are necessary for the society for diverse reasons. Besides giving protection to the unprotected and unhappy members of the society and affording an outlet for laudable charity for charitably minded persons, these institutions, if run on proper national lines, can help the building of the nation.

Thus every State Government in India is required under this Bill to establish a Board of control for orphanages and charitable homes in the State.

So far as the constructive side is concerned, no existing orphanage or charitable home is to be disturbed, but only its management is sought to be regularised through a managing committee to be elected as prescribed.

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KAILASH BIHARI LALL.