

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 8th August 2014 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 16 of 2014

A Bill to provide for regulation of hostels, lodging houses, homes for women and children and other like institutions and for matters connected therewith.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014.

Short title and
commence-
ment.

(2) It shall come into force at once.

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

Definitions.

(a) “child” means a boy or girl who has not completed the age of eighteen years;

(b) “Collector” means the Collector of a district and includes any officer specially appointed by the Government to perform the functions of the Collector under this Act;

(c) “Government” means the State Government;

(d) “home for women and children” means an institution, by whatever name called, established or maintained or intended to be established or maintained for the reception, care, protection and welfare of women or children or both;

(e) “hostel” or “lodging house” means a building in which accommodation is provided for women or children or both, either with boarding or not;

(f) “licensee” means a licence holder of a hostel, lodging house or home for women and children under this Act;

(g) “manager” means a person responsible for controlling or administering a hostel or lodging house or a home for women and children;

(h) “person” includes a trust, society, association of individuals or company, whether incorporated or not;

(i) “prescribed” means prescribed by rules;

(j) “woman” means a female who has completed the age of eighteen years.

PART – II.**LICENSING OF HOSTELS, LODGING HOUSES AND HOMES FOR WOMEN AND CHILDREN.**

Provisions not to apply to certain homes.

3. Nothing in this Part shall apply to homes for neglected women and children or any reformatory or protective or other homes or schools governed by any other law for the time being in force.

Hostels and homes not to be run without licence.

4. No person shall, on and after the commencement of this Act, establish, maintain or conduct any hostel, lodging house or home for women and children except under, and in accordance with a licence granted under, this Act.

Application for licence.

5. (1) Every person desiring to establish, maintain or conduct hostel, lodging house or home for women and children shall make an application for licence to the Collector in such form and containing such particulars as may be prescribed. Every application for licence shall be accompanied by such fee not exceeding three thousand rupees as may be prescribed.

(2) On receipt of an application under sub-section (1), the Collector may, after making such enquiry as he deems necessary, either grant or refuse to grant the licence. Every licence granted shall be in such form and subject to such terms and conditions as may be prescribed and shall be valid for a period of three years from the date on which it is granted.

(3) Where the Collector refuses to grant licence under sub-section (2), he shall give reasons in writing for such refusal.

Provision in respect of existing hostels and homes.

6. (1) Notwithstanding anything contained in this Act, but subject to the provisions of sub-section (2), every person maintaining or conducting a hostel, lodging house or home for women and children immediately before the commencement of this Act may continue the hostel, lodging house or home for women and children.

(2) Every person entitled to continue the hostel, lodging house or home for women and children under sub-section (1) shall not continue the hostel, lodging house or home for women and children after the expiry of a period of two months from the date of commencement of this Act unless he obtains the licence under Section 5 in respect of such hostel, lodging house or home for women and children.

(3) Every application for a licence under sub-section (2), shall be in such form as may be prescribed and shall be accompanied by such fee not exceeding three thousand rupees as may be prescribed.

7. (1) Every application for renewal of the licence granted under this Act shall be made not less than three months before the date of the expiry of the period of such licence:

Renewal.

Provided that the Collector may allow such application after the expiry of the aforesaid period but before the expiry of the period of the licence, if he is satisfied that the applicant was prevented by sufficient cause from applying for renewal in time.

(2) The provisions of this Act shall, as far as may be, apply in relation to the renewal of the licence, as they apply in relation to the grant of licence under section 5.

8. (1) The licence shall specify—

Contents of
licence.

(a) the name and location of the hostel, lodging house or home for women and children;

(b) the name of the manager or resident manager thereof;

(c) the nature of the homes, whether for women or for children or for both;

(d) the number of inmates to be admitted by the homes;

(e) the minimum standards regarding lodging, sanitation, health and hygiene; and

(f) such other conditions and particulars as may be prescribed.

(2) Without the previous written consent of the Collector, no licensee shall,—

(a) change the name or location of a hostel, lodging house or home for women and children as specified in the licence;

(b) alter the purpose of any service specified in the licence;

(c) increase the number of inmates to be admitted by the hostel, lodging house or home for women and children.

9. (1) The Collector may, after giving the licensee an opportunity of being heard, cancel any licence, if it appears to him—

Power to
cancel or
suspend
licence.

(a) that such licence has been obtained by misrepresentation or fraud;

(b) that the licensee has contravened, or failed to comply with any of the provisions of this Act or the rules made thereunder or any of the terms and conditions of the licence;

(c) that the management of the hostel, lodging house or home for women and children 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;

(d) the hostel, lodging house or home for women and children, has in the opinion of the Collector otherwise rendered itself unsuitable for that purpose.

(2) The Collector may, if he is of the opinion that any licence granted under this Act is liable to be cancelled, pending cancellation of the licence, for reasons to be recorded in writing, suspend the licence and in such a case, no opportunity of being heard need be given.

(3) The Collector may, either *suo-motu* or on application, review any order passed under sub-section (1),—

(a) on the basis of a mistake or error apparent on the face of a record;

(b) on the basis of new facts brought to his notice after the order was made; or

(c) for any other reason, to be recorded in writing:

Provided that the Collector shall not pass an order under this sub-section prejudicially to any person unless such person has been given a reasonable opportunity of making his representation.

(4) Where the licence in respect of a hostel, lodging house or home for women and children is cancelled or suspended under sub-section (1) or sub-section (2), as the case may be, such hostel, lodging house or home for women and children shall cease to function—

(a) where an appeal has not been preferred under section 10 against the order of cancellation or suspension, immediately on the expiration of the period prescribed for such appeal;

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

(5) On any hostel, lodging house or home for women and children ceasing to function under sub-section (4), the Collector may direct that any women or children, who is an inmate of such institution shall be—

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

(b) transferred to another licenced hostel, lodging house or home for women and children.

Appeal.

10. Any person aggrieved by an order of the Collector refusing to grant a licence or cancelling or suspending a licence may, in such manner and within such period as may be prescribed, prefer an appeal to the Government or to such authority as may be specified by it in this behalf:

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

Surrender of
licence.

11. The licensee may, on giving six months notice in writing to the Collector of his intention so to do, apply for the withdrawal of the licence granted in respect of that hostel, lodging house or home for women and children, and on the expiration of the said period, the licence shall, unless before that time the notice is withdrawn, cease to have effect and the hostel, lodging house or home for women and children shall cease to function.

PART – III.

REGISTRATION OF HOMES FOR WOMEN AND CHILDREN.

12. (1) Every home for women and children, by whatever name it is called, which is established, registered or maintained under any other law on or after the date of commencement of this Act, shall be registered under this Act within such period as may be prescribed.

Registration of homes for women and children.

(2) Every home for women and children, by whatever name it is called, which is in existence on the date of commencement of this Act and which has been established, registered or maintained under any other law shall be registered under this Act within such period as may be prescribed.

(3) For the purpose of registration of a home for women and children, the owner or manager of such home for women and children shall make an application to the Collector in such form containing such particulars, as may be prescribed. The Collector on being satisfied that a home for women and children has complied with the provisions of this Act and the rules made thereunder as regards registration, shall issue a certificate of registration, in such form as may be prescribed.

(4) The Collector shall, after the issue of a certificate of registration to a home for women and children enter in a register prescribed in that behalf such particulars as may be prescribed.

(5) Nothing contained in this Part shall apply to any home for women and children formed, established or managed by the Government.

PART – IV.

APPOINTMENT OF MANAGER, HIS DUTIES AND RESPONSIBILITIES.

13. (1) Every person, who lets for occupation any hostel, lodging house or home for women and children shall appoint a manager. In any case where no manager is appointed, the person who lets the premises for accommodation shall be deemed to be the manager of such premises. If the manager does not permanently reside on the premises, a resident manager, who resides on the premises shall also be appointed with all the powers and responsibilities of the manager:

Appointment of manager.

Provided that where girl children and women are housed in a hostel, lodging house or home for women and children, the manager and the resident manager shall be a woman.

(2) No person shall be appointed as manager or resident manager unless he produces a certificate of fitness, in the prescribed form from a Medical officer not below the rank of a Civil Surgeon.

(3) Every manager or resident manager shall be appointed after verifying his antecedents with the local police.

(4) For every fifty inmates, there shall be one manager or resident manager.

14. (1) The owner or manager of a hostel, lodging house or home for women and children shall,—

Responsibilities of manager.

(a) maintain all the buildings and all appliances, fixtures and fittings in the building in good repair and clean and hygienic condition;

(b) keep the premises free from any accumulation of refuse, foul matter or undesirable growth;

(c) ensure that all parts of the premises are adequately lit and ventilated at all times;

(d) provide a suitable storage area, where refuse, waste or rubbish can be stored prior to their disposal;

(e) provide and maintain in good repair and efficient working order any artificial lighting, emergency lighting and adequate fire extinguishers as prescribed under the relevant laws.

(2) The manager or resident manager of a hostel, lodging house or home for women and children shall not,—

(a) store or keep or allow to be stored or keep any kerosene, petrol, spirit or any explosive or flammable substances inside the premises;

(b) cause or permit any obstruction to be caused in any flight of stairs, passage or other means of escape.

(3) The manager or resident manager shall not permit any room to be used as a sleeping place for inmates other than a room specified as a bed room.

(4) The manager or resident manager shall accommodate only such number of inmates in a room, as may be prescribed.

(5) (a) A manager or resident manager shall as soon as it comes to his knowledge that any person on the premises is suffering or is suspected to be suffering from a infectious disease, immediately, notify the Health Inspector of the area of the circumstances and shall at once isolate the person from coming in contact with the articles used by other inmates in the premises.

(b) The manager or resident manager shall, comply with every direction of the Health Inspector, in respect of—

(i) the isolation or removal of any person suffering or suspected to be suffering from an infectious disease;

(ii) cleansing and disinfection of the hostel, lodging house or home for women and children, or of any bedding, linen, blankets or other articles used by such person; and

(iii) any measures necessary for the prevention or reduction of any infection of the hostel, lodging house or home for women and children or amongst the inmates there of.

(6) The manager and resident manager shall ensure that the inmates of hostel, lodging house or home for women and children are not subjected to any form of mental or physical harassment.

PART – V.

SAFETY AND SECURITY MEASURES.

15. (1) The hostel, lodging house or home for women and children shall be housed in a building approved by the competent authority under the relevant law.

(2) In every hostel, lodging house or home for women and children, there shall be separate building for girl children and women and separate

Approved
building
should be
used.

building for boys. Where boys and girls are housed in the same building for any unavoidable reasons, they shall be accommodated in separate rooms.

(3) In every hostel, lodging house or home for women and children, where more than fifty inmates are accommodated, closed circuit television or digital video recorder shall be installed at every entry and exit points.

16. (1) Sufficient number of security personnel shall be appointed in every hostel, lodging house or home for women and children to provide round the clock security for the inmates.

Appointment of security personnel.

(2) Security personnel shall be appointed preferably from among the ex-servicemen, retired police officers and home guards, not above the age of fifty five years.

(3) Each security personnel shall be appointed after verifying his antecedents with the local police.

(4) Security Personnel shall be posted at every entry and exit points of the hostel, lodging house or home for women and children. They shall not enter the building where the inmates are housed, without the permission of the manager or resident manager.

17. In every hostel, lodging house and home for women and children, the manager or resident manager shall maintain a visitor's register, wherein the details of name, address, relationship, time and purpose of visit of each visitor shall be entered.

Maintenance of visitor's register.

18. (1) The manager, resident manager and security personnel of a hostel, lodging house and home for women and children shall be provided with identity cards with photographs. The parent or lawful guardian of the inmate shall also be provided with identity cards with photographs.

Identity card to manager, parent, etc.,

(2) The name, address and phone numbers of the manager, resident manager and the security personnel shall be displayed at a prominent place in the premises.

19. The manager shall, immediately after the occurrence of any untoward incident affecting the body, mind or property of any inmate of the hostel, lodging house or home for women and children, in addition to reporting the incident to the jurisdictional police shall also report the same to the Collector explaining the incident and circumstances leading to the incident, to the best of his knowledge.

Report regarding certain incidents.

PART – VI.

OFFENCES AND PENALTIES.

20. (1) Any person who fails to obtain a licence under Section 5 or 6, shall be punishable with imprisonment which may extend to two years and with fine which may extend to fifty thousand rupees.

Penalty for not obtaining licence and registration.

(2) Where a home for women and children registerable under sub-section (1) or sub-section (2) of Section 12 fails to get itself registered within the period specified for registration, the owner or manager or resident manager of such homes shall be punishable with imprisonment which may extend to two years and with fine which may extend to fifty thousand rupees.

(3) Any person who fails to comply with any of the provisions of this Act other than sections 5, 6 and 12 or of any rule made thereunder or any of the conditions of a licence or a certificate of registration shall be punishable

in the case of a first offence with imprisonment of not less than two years which may extend to three years and with fine of fifty thousand rupees, and in the case of second or subsequent offence, with imprisonment of not less than three years which may extend to five years and with fine of one lakh rupees.

Offences by
companies.

21. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, 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, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

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

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and include a firm or other association of individuals; and

(b) “director” in relation to—

(i) a firm, means a partner in the firm;

(ii) a society, a trust or other association of individuals, means the person who is entrusted under the rules of the society, trust or other association with the management of the affairs of the society, trust or other association, as the case may be.

PART - VII.

MISCELLANEOUS.

Power to
inspect.

22. The Collector or any officer authorised in writing by him, by general or special order, may enter at all reasonable times any hostel, lodging house or home for women and children for the purpose of ascertaining whether the provisions of this Act or of any rules or of the conditions of a licence or of certificate of registration are being complied with and may require the production for his inspection of any document, register or record kept thereunder and ask for any information relating to the working of such institution:

Provided that the Collector or the authorised officer shall not enter into any hostel, lodging house or home where there are females, without the presence of two respectable women of the locality.

Operation of
other laws
not affected.

23. The provisions of this Act shall be in addition to and not in derogation of, any other law for the time being in force.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or direction or order made thereunder.

Protection of action taken in good faith.

25. (1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

Power to make rules.

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

(a) the form of application, the particulars which such application shall contain and the fee to be paid for granting licence;

(b) the form in which and the terms and conditions subject to which a licence may be granted;

(c) the manner in which, and the time limit within which appeal has to be preferred;

(d) the form of application, the particulars which such application shall contain and the time limit within which homes for women and children shall be registered;

(e) the form in which, the certificate of registration shall be issued;

(f) the form of register and the particulars to be entered in the register on registration;

(g) the number of inmates to be accommodated in a room of a hostel, lodging house and home for women and children; and

(h) the form in which the certificate of fitness shall be produced for appointment as manager or resident manager.

(3) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette*, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or notification or the Legislative Assembly decides that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

26. The Government may give such directions to the Collector as, in their opinion, are necessary or expedient for carrying out the purposes of this Act and the Collector shall give effect to all such directions.

Power to give directions.

27. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provision not inconsistent with the provisions of this Act, as appears to them to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

The Government is fully committed to the protection, welfare and well being of women and children. The safety and security of women and children have also been accorded the highest priority by the Government.

2. Girl children, adolescent girls and women staying away from their homes are usually accommodated in children's homes, girl's hostels, working women's hostels, etc. Such facilities are normally run by Government, Non-Governmental Agencies, Trusts, Societies, Religious Institutions, Institutions including Colleges and Schools, Coaching and Training Centres for Educational and Vocational purposes, Non-Educational Institutions, Corporates / Industrial Houses, Individuals, etc. To ensure the safety, security and well being of women and children, staying in places away from their homes, the Government have framed new set of guidelines in G.O. Ms.No.31, SW & NMP Department, dated 26.06.2014. The Government have also decided to regulate the Hostels, Lodging houses, Homes for women and children and other like institutions by enacting a law.

3. The Bill seeks to give effect to the above decision.

B. VALARMATHI,

*Minister for Social Welfare and
Nutritious Meal Programme Department.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 5, 6(3), 8(1), 10, 12, 13(2), 14(4), 25, 26 and 27 of the Bill authorise the Government to issue notifications or orders or directions to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

B. VALARMATHI,

*Minister for Social Welfare and
Nutritious Meal Programme Department.*

FINANCIAL MEMORANDUM

The Tamil Nadu Hostels and Homes for Women and Children (Regulation) Bill, 2014 which when enacted and brought in to operation would involve expenditure from the Consolidated Fund of State in the implementation of the Act. It is however not possible at this stage to estimate with any degree of accuracy the expenditure to be incurred as a result of the proposed legislation.

B. VALARMATHI,

*Minister for Social Welfare and
Nutritious Meal Programme Department.*

A.M.P. JAMALUDEEN,

Secretary.