

Madhya Bharat Women's and Children's Institutions Licensing Act, 1954

MADHYA PRADESH

India

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Act 33 of 1954

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An Act to license and regulate activities of institution having the care and custody of women and children. Be it enacted in the Fifth Year of the Republic of India as follows :-

Part I – Preliminary

1. Short title and extent.-

(1) This Act may be called the Madhya Bharat Women's and Children's Institutions Licensing Act, 1954. (2) It extends to the whole of Madhya Bharat.

2. Commencement.-

This Act shall come into force on such date or dates as may be notified in this behalf by the Government in the Gazette.

3. Power of (government to exempt.-

The Government may, by notification in the Gazette, exempt any specified institution or class of institutions from all or any of the provisions of this Act.

4. Definitions.-

(1) For the purposes of this Act, unless there is anything repugnant to the subject or context :- (a) "Woman" means a female of 18 years of age or above; (b) "Child" means a boy or a girl who has

not attained the age of 18 years;(c)"A Women's or Children's Institution" means an Orphanage, Widow's Home, Women's Home, Rescue Home, Vigilance Home, shelter or any other Home, Institution or place run under any name whatsoever by any Local Authority or by any private individual or organisation, which has in its care or custody or accept for care or custody women and/or children;(d)"Fit person" includes an institution, association or body of individuals whether incorporated or not, established for or having for its object the reception or protection of women or children or the prevention of cruelty to children or exploitation of women and children for immoral purposes, and which undertakes to train and rehabilitate, or to bring up or to give facilities for training or rehabilitation or bringing up of any woman or child entrusted to its care in conformity with the religion of her or his birth;(e)"Manager" means the owner or any person having or acting in the care or management of a women's or children's institution, and includes any member of the Governing Body of such institution as well as any officer of the institution entrusted with supervision of any of its activities whether working part-time or whole-time or for payment or honorarily;(f)"Licensing Authority" means the District Magistrate of a District and includes an officer or officers authorised by the District Magistrate on his behalf to exercise all or any of the powers and perform all or any of the functions of Licensing Authority under this Act.(2)Words and expressions used but not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

Part II – Licensing

5. License required to run a women's or children's institution.-

No persons, association or corporation shall, without first having obtained a licence for the Licensing authority, own, establish, maintain or conduct any women's or children's institution under any name for reception or care of women and or children :Provided that this section shall not apply to the existing institutions for a period of three months from the commencement of this Act. During this period the persons, associations or corporation owning such institutions and who are managing or directing them may obtain license.

6. Application of licence.-

(1)An application for a licence shall be made to the Licensing Authority in the prescribed form by the proprietor or the manager or a women's or children's institution.(2)The Licensing Authority shall thereupon cause enquiry to be made respecting such application with special reference to the antecedents and character of persons connected with the management of the institution, its constitution, aims, objects and financial stability, arrangements provided by it for board and lodging and general health of the inmates and facilities for their medical treatment, education and moral and vocational training designed to make them fit for rehabilitation in life as normal citizens. For purposes of such enquiries the Licensing Authority shall be entitled to call for such information as he may find necessary and the applicant shall be bound to furnish the required information, within the specified time.(3)The Licensing Authority after such enquiry may, if satisfied, grant a licence in respect of such an institution in such form and to such conditions and requirement as may be

prescribed, and the licence so granted shall remain in force for the calendar year and shall have to be renewed year after year.(4)The licence besides giving the name of the institution, its managers, and its location shall specify the number, sex, age and other limitations as to the women or children to be admitted and the performance of the services and such other particulars as may be prescribed from time to time.(5)The Licensing Authority may for reasons to be recorded in writing refuse to grant a licence to any person, association or corporation or may vary the terms of licence granted by him.

7. Renewal of Licence.-

(1)Application for renewal of a licence shall be tiled at least 60 days before the date of its expiry. If no such application is filed the licence shall automatically cease at the end of the calendar year.(2)The Licensing Authority on receipt of such application may make enquiries about the working and management of the institution, call for such further information as he may find necessary and may, if satisfied, renew the licence subject to such further conditions or requirements, if any, as he may deem necessary.

8. Licence not to be transferable.-

The licence granted or renewed under Section 6 or 7 shall not be transferable.

9. Change of location or articles of association or services or removal of inmates.-

(1)The location of any institution and its articles of association and the services specified in the licence shall not be changed without the written consent of the Licensing Authority.(2)No inmate of any institution shall be discharged or removed from the institution except in accordance with the rules prescribed in this behalf.

10. Register of inmates.-

The manager of every institution licensed under this Act shall maintain a register in the prescribed form concerning each woman or child :-(1)showing the following facts, on her or his admission into the institution :-(a)Name of the woman or child.(b)Age, sex, religion.(c)Condition of her or his health on admission.(d)Last address.(e)Nearest of kin.(f)Names of father and mother stating whether dead or living. Name of husband in case of a married woman or girl.(g)Person responsible for her or his care.(h)Amount of money, if any, paid for care.(i)Name of person or agency seeking admission of the women or child.(j)Reasons for admission.(k)Term and conditions of admission.(l)A brief history of the case.(m)Such other date as may be prescribed from time to time and;(2)The following facts on her or his discharge therefrom :-(a)The date of discharge.(b)Reason of discharge.(c)The name, relation, signature and permanent address of the person, if any, who has taken custody of that woman or child.(d)Such other facts as may be prescribed from time to time.

11. Manager of an institution to file a copy of Register.-

The Manager of an institution licensed under this Act shall file a copy of the register maintained under Section 10 with the Licensing Authority at the time of applying for renewal of a licence.

12. Monthly statement of admissions and discharges to be filed.-

The manager of every institution licensed under the Act shall further to the Licensing Authority a monthly statement in the prescribed form of all new admissions and discharges.

13. Death of inmate or changes in administrative personnel to be reported.-

Upon the occurrence of the death of any inmate, or in the event of any change in the administrative personnel of any institution licensed under this Act, the manager of the institution shall within 48 hours give intimation thereof to the Licensing Authority, provided that the incident of a sudden death shall be reported immediately both to the nearest police-station and to Licensing Authority.

14. Managers of institutions bound to teach, train and maintain every inmate.-

The managers of institutions licensed under this Act shall be bound to teach, train, lodge, clothe and feed every woman or child, admitted in their institutions till the woman is rehabilitated or the child attains the age of 18 years or until the withdrawal or surrender of the licence of the institution.

Part III – Penalties

15. Penalties for keeping unlicensed institutions.-

(1) Any person, who, without licence, owns, establishes, maintains or conducts a women's or children's institutions as a manager or assists anybody in establishing, maintaining or conducting such an institution, shall be liable to imprisonment which may extend to 3 months or to fine up to Rs. 1,000 or both. (2) The offences under above the sub-section shall be cognizable by police and non-compoundable.

16. Penalty for making false statement.-

(1) Whoever intentionally makes a false statement or supplies incorrect information in a periodical return or statement prescribed by this Act or rules made under it or otherwise called for by the Government or the Licensing Authority shall be liable to punishment with imprisonment not exceeding one month or with fine not exceeding Rs. 200, or with both. (2) Whoever contravenes any provision of this Act or rules made thereunder, or any of the conditions or requirements of the licence granted under this Act, shall be liable to punishment with simple imprisonment for a period of two months or with fine not exceeding Rs. 500, or with both.

17. No cognizance except upon complaint.-

No Court shall take cognizance of any offence punishable under Section 16 unless upon complaint made by or under orders of the Licensing Authority.

Part IV – Institutions, Their Management and Inspection

18. Governing Body.-

(1) Every institution licensed under this Act shall have a manager who shall be under the administrative control of a Governing Body of 5 or more members of whom at least one shall be a nominee of (he Licensing Authority and not less than two including the Secretary or the Chairman shall be residents of the place in which the institution is located. (2) The Governing Body of the institution shall be responsible for the policies, procedures and general management of the institution, and in the temporary absence of the Manager shall be deemed to be its Manager for the purposes of this Act.

19. Audited accounts to be submitted to the Licensing Authority.-

Every institution licensed under this Act shall maintain proper accounts of all sums of money received and spent, and shall file with the Licensing Authority an Annual Statement of Accounts duly Audited.

20. Inspection and directions by the Licensing Authority.-

(1) The Licensing Authority may inspect or cause to be inspected at any time any institution licensed under this Act for the purpose of securing the health and welfare of the inmates and the sanitation of the premises or for the fulfilment of the purposes of this Act. (2) The Licensing Authority or any officer authorised by him in this behalf shall have power to enter a licensed institution and to make a complete inspection thereof and of all registers relating thereto for the purposes of the Act, and the person-in-charge of the institution for the time being shall afford all reasonable facilities for such inspection. (3) The officer inspecting may at the conclusion of his inspection record his remarks in the Inspection Book of the institution. (4) The Licensing Authority may communicate to the institution inspected any directions in regard to maintenance and furnishing of such information as may be required of the manager who shall comply with them.

21. Government if dissatisfied may withdraw licence.-

(1) The Government if it is dissatisfied on report from the Licensing Authority, with the conditions, rules, management or superintendence of an institution licensed under this Act may, at any time, by notice served on the manager of the institution, declare that the licence is withdrawn as from a date specified in the notice and on such declaration the withdrawal of the licence shall take effect and the institution shall cease to function from that date. (2) The Government may, instead of withdrawing a

licence as laid down in sub-section (1) by notice served prohibit the further admission of women or children, as the case may be, to the institution for such time or beyond such members as may be specified in the notice or until the notice is revoked :Provided that before the issue of a notice under sub-section (1) and/or (2) a reasonable opportunity shall be given to the management of the institution to show-cause why the licence may not be withdrawn or further admissions to the institution may not be prohibited or curtailed, as the case may be.

22. Surrender of license and its effect.-

The manager of licensed institution may by giving six months' notice in writing to the Government through the Licensing Authority of his intention to do so, apply for acceptance of surrender of the licence of the institution and accordingly at the expiration of six months from the date of notice, unless before that time the notice is withdrawn, the surrender of the licence shall take effect and the institution shall cease to function.

23. No fresh admission after notice.-

No fresh admission of a woman or child shall be made in the institution after the date of receipt by manager of the institution of a notice of withdrawal of the licence under Section 21 or after the date of giving a notice of surrender of the licence under Section 22 :Provided that the obligation of the management to teach, train, lodge, clothe and feed any inmate in the institution shall continue until withdrawal or surrender of the licence takes effect.

24. Disposal of inmates on withdrawal or surrender of licence of an institution.-

The Licensing Authority, on withdrawal or surrender of the licence of an institution under the foregoing sections, or, on taking possession of an unlicensed institution may having due regard to the interests of the inmate direct that any woman or child who is an inmate of such an institution, be :- (a) restored to the custody of her or his parent, husband or guardian, as the case may be; or (b) assigned to the care of any other fit person; or (c) transferred to another licensed institution.

25. Powers of Government to make rules for management of institutions.-

(1) The Government may by publication in the Gazette make rules for carrying into effect the purpose of this Act. (2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules for all or any of the following purposes, namely :- (a) prescribing the manner and forms in which applications for licences shall be presented and the information which shall be submitted along with such applications or thereafter on the requisition of the Licensing Authority; (b) prescribing the forms of licences and the conditions and requirements which shall be fulfilled by a licensee for the continuance of a licence; (c) prescribing registers for the admission, maintenance and discharge of inmates, the forms in which they shall be kept and the particulars of information which shall be maintained in them; (d) prescribing the periodical returns and

statements, the forms in which they, shall be prepared, the particulars which shall be shown therein and the time-limit within which and the authorities to whom they shall be submitted;(e)Prescribing generally the authorities by whom and the manner in which any function or duties in respect of or incidental to the carrying into effect the provisions of this Act may be performed;(f)prescribing the minimum arrangements for general health and well being of the inmates;(g)laying down the minimum standard of services to be performed or provided otherwise by the institutions;(h)prescribing the procedure for admission and discharge of inmates;(i)prescribing the procedure for acceptance of contributions.(j)prescribing the procedure of appointment of official and non-official visitors of the institution.

26. Local Authority competent to fix standards for sanitation, health and hygiene for institution.-

The provisions of this Act shall not prevent any Local Authority from adopting rules and regulations prescribing standards of sanitation, health and hygiene for any women's or children's institution not in conflict with the provisions of this Act.