



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIV Aizawl, Tuesday 17.11.2015 Kartika 26, S.E. 1937, Issue No. 609

NOTIFICATION

No.H.12018/240/15-LJD, the 16th November, 2015. The following Act is hereby published for general information.

The Mizoram Private Placement Agencies (Regulation) Act, 2015

(Act No. 15 of 2015)

R. Thanga,

Secretary to the Govt. of Mizoram.

THE MIZORAM PRIVATE PLACEMENT AGENCIES (REGULATION) ACT 2015

AN
ACT

To provide for the regulation of Private Placement Agencies and for matters connected therewith or incidental thereto.

It is enacted by the Mizoram Legislative Assembly in the Sixty sixth year of the Republic of India a follows :-

CHAPTER - I PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Act may be called the Mizoram Private Placement Agencies (Regulation) Act, 2015
- (2) It extends to the whole of the State of Mizoram.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. DEFINITIONS :-

- (1) In this Act, unless the context otherwise requires,-
- (a) "Appellate Authority" means an officer or Authority authorized by the State Government to hear appeal under Chapter III of this Act;
 - (b) "Controlling Authority" means the Controlling Authority appointed under Section 3;
 - (c) "Domestic Worker" means a person engaged through Private Placement Agency, to do domestic work;
 - (d) "Government" means the Government of Mizoram;
 - (e) "Licence" means a licence granted under Section 5;
 - (f) "Notification" means a notification published in the Mizoram Gazette;
 - (g) "Prescribed" means prescribed by rules made under this Act;
 - (h) "Private Placement Agency" means a person or body of persons other than a Government Agency, Department or organization engaged in the business of providing works to any women as domestic worker beyond the boundaries of Mizoram;
 - (i) "Woman" means a woman as defined under Section 10 of Indian Penal Code, 1860 (No. 45 of 1860).
- (2) Words and expressions used but not defined in this Act shall have the same meaning as defined under any other corresponding law for the time being in force.

CHAPTER - II**3. APPOINTMENT OF CONTROLLING AUTHORITY,-**

The State Government shall by notification in the official Gazette,-

- (a) Appoint any person not below the rank of Sub-Divisional Magistrate to be the Controlling Authority for the purpose of this Act, and
- (b) Define the limits within which the Controlling Authority shall exercise the powers conferred on him, by or under this Act.

4. PERSONS OR PRIVATE PLACEMENT AGENCY NOT TO OPERATE WITHOUT LICENCE:

No person or Private Placement Agency shall carry on or commence the business of Private Placement Agency, unless he holds a licence issued under this Act.

Provided that a Private Placement Agency which come into existence before the notification of this Act, shall obtain licence within ninety days of the notification of this Act.

5. APPLICATION FOR GRANT AND RENEWAL OF LICENCE,-

- (1) Every application for grant of Licence under Section 4 shall be in such form and manner as may be prescribed and shall be accompanied by fee of rupees five thousand and Bank Guarantee of rupees one lakh.
- (2) Controlling Authority may make such investigation in respect of the application received under sub-Section (1) and in making such investigation the Controlling Authority shall follow such procedure as may be prescribed.
- (3) A Licence shall be issued on such terms and on such conditions as may be prescribed.
- (4) A Licence issued under this Section shall remain valid for a period of five years and may be renewed from time to time on payment of such fees and or such conditions as may be prescribed.

6. CANCELLATION AND SUSPENSION OF LICENCE,-

(1) If the Controlling Authority is satisfied either on the reference made to him in this behalf or otherwise, that- 3 Ex-609/2015

- (a) a licence issued under Section 4 has been obtained by misrepresentation or suppression of material fact, or
- (b) that the Licence holder has, without reasonable cause failed to comply with the conditions or contravened any of the provisions of this Act or Rules made thereunder, then without prejudice to any other penalty which the holder of the licence is liable under this Act, the Controlling Authority may, after giving the holder of the Licence an opportunity to be heard, by an order in writing revoke the licence or forfeit the bank guarantee furnished under sub-section (1) of Section 5 by him or any part thereof and communicate the order to the holder of the licence.

Provided that where the Controlling Authority considers it necessary so to do for special reasons, he may, pending such revocation or forfeiture, by order, suspend the licence for such period as may be specified in the order and serve, by registered post, such order on the holder of the licence.

(2) Subject to any rules that may be made in this behalf, the Controlling Authority may vary or amend a Licence issued under this Act.

**CHAPTER - III
APPEAL**

7. APPEALS,-

(1) Any person aggrieved by an order of the Controlling Authority, made under Section 5 or 6, may prefer an appeal, in such form and manner as may be prescribed, against the order to the Appellate Authority within a period of thirty days from the date of receipt of such order;

Provided that an appeal may be admitted after the expiry of the said period of thirty days if the appellant satisfied the Appellate Authority that he has sufficient cause for not preferring the appeal within that period.

(2) Before disposing of an appeal, the Appellate Authority shall give the appellant a reasonable opportunity of being heard.

**CHAPTER - IV
FUNCTIONS AND DUTIES OF PRIVATE PLACEMENT AGENCIES**

8. FUNCTIONS AND DUTIES OF PRIVATE PLACEMENT AGENCIES,-

(1) Private Placement Agencies shall furnish the details of employment of Domestic Worker to the Controlling Authority within seven days from the date of conveying of domestic worker(s) beyond the boundaries of the State of Mizoram.

(2) No Private Placement Agency shall charge any fee by whatever means from any domestic worker.

(3) No Private Placement Agency shall employ, engage or deploy any women, if she is below eighteen years of age.

(4) Every Private Placement Agency shall display a signboard outside its office showing the name of Private Placement Agencies and its Licence number.

- (5) Every Private Placement Agencies shall maintain a register containing the names and addresses of domestic workers, for whom it had arranged employment and also names and addresses and verified contact numbers of persons, where the woman workers have been employed.
- (6) Other functions and duties of Private Placement Agencies shall be such, as may be prescribed.

CHAPTER - V OFFENCES AND PUNISHMENT

9. PUNISHMENT FOR CONTRAVENTION OF CERTAIN PROVISIONS,-

- (1) Any person who contravenes the provisions of Section 4 of this Act shall be punishable with imprisonment for a term which may extend to seven years or with fine which may extend to one lakh, or with both.
- (2) Any person who contravene the provisions of Section 8 or any of the rules made under this Act or any of the conditions of Licence issued herein shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand, or with both.

CHAPTER - VI MISCELLANEOUS

10. APPLICATION OF CODE OF CRIMINAL PROCEDURE, 1973 (Act No. 2 OF 1974);

The provisions of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to any search or seizure shall be, so far as may be applicable to any search or seizure made under this Act.

11. ACT IN ADDITION TO ANY OTHER LAW,-

This Act shall be in addition to and not in derogation of any other laws for the time being in force.

12. POWER TO MAKE RULES,-

- (1) The State Government may, by notification, make rules for carrying out the provisions 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) the form and manner in which the licence is to be issued under sub-section (1) of Section 5;
 - (b) the investigation to be conducted under sub-section (2) of Section 5;
 - (c) terms and conditions subject to which such licence is to be issued under sub-section (3) of Section 5;
 - (d) fees and conditions of renewal under sub-section (4) of Section 5;
 - (e) cancellation and suspension of licence under Section 6;

- (f) the form and manner of appeal under sub-section (1) of Section 7;
 - (g) other functions and duties of Private Placement Agencies under sub-section (6) of Section 8; and
 - (h) any other matter which may be necessary to achieve the objects of this Act.
- (3) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly.

13. PROTECTION FOR ACT DONE IN GOOD FAITH,-

No, suit, prosecution or other legal proceeding shall lie against the Controlling Authority or any other person in respect of anything done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

14. OFFENCES TO BE COGNIZABLE AND NON-BAILABLE,-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all the offences punishable under this Act shall be cognizable and non-bailable.

15. PENALTY FOR ABETMENT,-

Whoever abets any offence punishable under this Act shall be punished with the punishment provided for in this Act for such offence.

16. POWER TO REMOVE DIFFICULTIES,-

If any difficulty arises in giving effect to the provisions of this Act, the State Government, may, by order, published in the Official Gazette, make such provisions not inconsistent with the provision of this Act, as may be deemed necessary for removing the difficulty.

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