

BENGAL ORPHANAGES AND WIDOWS HOMES ACT, 1944

3 of 1944

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An Act to provide for the better control and supervision of orphanages, widows' homes and marriage bureaux, in Bengal. WHEREAS it is expedient to provide for the better control and supervision of orphanages, widows' homes and marriage bureaux, in Bengal; It is hereby enacted as follows :

1. Short title, extent and commencement :-

- (1) This Act may be called the Bengal Orphanages and Widows' Homes Act, 1944.
- (2) It extends to the whole of [West Bengal],
- (3) It shall come into force in such areas on such dates as the [State] Government may, by notification in the Official Gazette, direct.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866

(2) "marriage bureau" means an institution, by whatever name it may be called, which negotiates the marriages of persons and includes a place where females of any age are kept or intended to be kept by such institution for the said purpose ;

(3) "orphan" means a boy or girl under eighteen years of age who has lost his or her father or has been abandoned by his or her parents or guardians ;

(4) "orphanage" means an institution, by whatever name it may be called, where orphans are kept or intended to be kept ;

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

(6) "widow" includes a woman abandoned by her husband ;

(7) "widows' home" means an institution, by whatever name it may be called, where widows or females of any age are kept or intended to be kept.

3. Act not to apply to certain institutions :-

Nothing in this Act shall apply to

(a), a reformatory school, an industrial school or an auxiliary home established or certified by the [State] Government under the Bengal Children Act, 1922;

(b) any institution recognised as a place of suitable custody under sub-section (1) of section 28 of the Bengal Children Act, 1922. or under any rule made under clause (b) of sub-section (2) of section 27 of the Bengal Suppression of Immoral Traffic Act., 1933; of

(c) any orphanage or widows' home established and maintained by the [State] Government.

4. Prohibition to open or to carry on an orphanage, a widows home or a marriage bureau without a licence :-

No person shall without, or otherwise than in conformity with the

conditions of, a licence granted under this Act in the prescribed form open or carry on an orphanage, a widows' home or a marriage bureau :

Provided that a person carrying on any such institution at the commencement of this Act shall be allowed a period of six months from such commencement to obtain such licence.

5. Licence to open or to carry on an orphanage, a widows home or a marriage bureau :-

(1) Subject to the provisions of sub-section (2) the Commissioner of Police in Calcutta and elsewhere the District Magistrate may, on receipt of an application in the prescribed form containing the prescribed particulars, grant to any person a licence for the opening and carrying on or the carrying on of an orphanage, a widows' home or a marriage bureau (hereinafter referred to as the said institution) on such conditions as may be prescribed in this behalf.

(2) The Commissioner of Police or the District Magistrate, as the case may be, shall refuse to grant a licence under sub-section (1) unless he is satisfied

(a) that for the control and supervision of the said institution a society has, subject to such rules as may be made in this behalf by the [State] Government, been formed and registered under the Societies Registration Act, 1860, the provisions of which shall, notwithstanding anything to the contrary contained in that Act, apply to every such institution as if such institution is a charitable society

(b) that the members of the society are respectable persons of the town or district where the said institution is or is to be located ;

(c) that the said institution is or is to be located in a healthy locality and the accommodation therein is sufficient for the purpose for which it is to be opened or is being carried on.

6. Suspension or cancellation of licence :-

A licence granted under section 5 may be suspended or cancelled by the authority which granted it

(a) if there is any contravention of any of the provisions of this Act or any breach of the conditions subject to which the licence was granted, or

(b) if the institution in respect of which the licence was granted has ceased to fulfil the conditions specified in clauses (a) to (c) of subsection (2) of section 5.

7. Suspension or cancellation of licence :-

Inspection of the institution. The Commissioner of Police or the District Magistrate, or any Deputy Commissioner of Police authorised in writing in this behalf by the Commissioner of Police or any Magistrate authorised in writing in this behalf by the District Magistrate or any person not in the service of the [Government] when authorised in writing in this behalf in Calcutta, by the Commissioner of Police or elsewhere by the District Magistrate may enter and inspect any orphanage, widows' home or marriage bureau at any time by day or night and the society having control of such institution and the persons in charge thereof shall not refuse such entry or inspection.

8. Penalty :-

Whoever acts in contravention of any of the provisions of this Act shall on conviction be punished with fine which may extend to five hundred rupees, and in the case where the continuing one with further fine which may extend to fifty rupees for every day after the first during which such contravention continues subsequent to such conviction.

9. Prosecution :-

No prosecution under this Act shall be instituted except with the previous sanction of the Commissioner of Police in Calcutta and the District Magistrate elsewhere.

10. Jurisdiction :-

No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try an offence punishable under this Act.

11. Power to make rules :-

(1) The [State] Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely :

(a) the form of licence to be granted under this Act;

- (b) the form of application for licence under sub-section (1) of section 5 and the particulars to be contained in such application;
- (c) the conditions subject to which licences may be granted; and
- (d) the formation of a society for the control and supervision of an orphanage, a widows' home or a marriage bureau under clause(a) of sub-section (2) of section 5.