

**THE SIKKIM TENANTS AND DOMESTIC AND PROFESSIONAL HELPS
(COMPULSORY VERIFICATION) ACT, 2008**

(BILL NO. of 2008)

A

BILL

to provide for compulsory reporting and verification of antecedents of tenants and domestic and professional helps in the State of Sikkim.

Be it enacted by the Legislature of Sikkim in the fifty-ninth year of the Republic of India as follows :-

**Short title,
extent and
commence
ment**

1. (1) This Act may be called the Sikkim Tenants and Domestic and Professional Helps (Compulsory Verification) Act, 2008. (2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may by notification in the official gazette appoint.

Definitions

2. In this Act unless the context otherwise requires -
- (a) “Act” means the Sikkim Tenants and Domestic and Professional Helps (Compulsory Verification) Act, 2008.
- (b) “Dependent” means spouse, children, spouses of children, parents, grand parents, grand children and blood relations of a tenant, who himself resides in the accommodation covered under tenancy.
- (c) “Domestic and professional help” means any person not being a regular employee of the Central Government or of any State Government or any Public Sector Undertaking, employed in any household or establishment in the State for performing any unskilled or skilled work in such household or establishment, or in any land, vehicle, vessel or aircraft owned or under the control of such household or establishment, whether or not they are paid remuneration in cash.

(d) “Government” means the Government of Sikkim.

(e) “House owner” means the owner of a house or flat or building and includes the lessee of a room or rooms or accommodation in any house or flat or building, who provides tenancy.

(f) “Tenancy” means providing room or rooms or accommodation in any house or flat or building by its owner or lessee for any purpose including running of a lodge or hostel by whatever nomenclature it may run, either on rent/charges or on lease or otherwise, but does not include accommodation or room or rooms provided by a hotel or lodge on rent or otherwise to a customer for less than thirty days.

(g) “Notification” means a notification published in the official gazette.

“Prescribed” means prescribed by rules made under this Act.

**House
owners to
report
tenancy and
apply for
verification
of tenants**

3. (1) Notwithstanding anything contained in any other law for the time being in force, every house owner or an agent acting on his behalf shall, within a period of thirty days from the date of commencement of this Act in the case of existing tenancy, and within thirty days of new tenancy provided by him, inform the officer-in-charge of the police station having jurisdiction, the name and other details as may be prescribed, of all tenants :

Provided that this provision shall not apply to tenancy provided exclusively for office accommodation of any Government or Public Sector Undertakings, industry, commercial organizations or establishments or institutions registered and operating in Sikkim.

(2) In respect of tenants not covered under the proviso to sub-section (1) the house owner or an agent acting on his behalf shall apply to the officer-in-charge of the police station having jurisdiction, along with such documents as may be prescribed, for verification of the antecedents of the tenants :

Provided that the provisions of this sub-section shall not apply to holders of Sikkim Subject Certificate or Certificate of Identification, voter's identity card or ration card issued by a competent authority of the Government of Sikkim, serving or retired Government or Public Sector Undertaking officials and their dependents :

Provided further that in respect of persons of exempted category the owner of the house or flat or room or building or accommodation as the case may be, shall submit the documents in support of such exemption to the officer-in-charge of the concerned police station within the time prescribed under sub-section (1).

(3) The State Government may by notification modify the categories of exempted persons as may be considered expedient.

4. (1) Notwithstanding anything contained in any other law for the time being in force, every employer of domestic or professional help shall, within thirty days from the date of commencement of this Act in case of existing domestic or professional help, and within thirty days of employment of new domestic or professional help, apply to the officer-in-charge of the Police station having jurisdiction for verification of the antecedents of such domestic or professional help along with such documents as may be prescribed :

Provided that the verification of antecedents shall be dispensed with by the officer in charge of the police station having jurisdiction if the employer of such domestic or professional help submits to the officer in charge of the police station any one of the following documents namely Sikkim Subject Certificate or Certificate of Identification or a Certificate issued by the District Collector to prove that such domestic or professional help is a permanent resident of the State, or holder of an electoral identity card or ration card issued by a competent authority of the Government of Sikkim, or

Employers of domestic and professional helps to report employment and apply for verification

a valid identity card issued under the authority of the Central Government, a State Government or a Public Sector Undertaking.

5. (1) Every application under section 3 and 4 shall be accompanied by a fee as may be prescribed.

(2) The application form and the documents required to be submitted shall be so prescribed as to dispense with the personal appearance or submission of additional documents by the applicant or the tenant as a later stage unless discrepancies are detected in the information or documents submitted.

(3) The officer-in-charge of the police station shall take action to register and initiate action for verification of antecedents of antecedents of the tenant or the domestic or professional help as the case may be within fifteen days from the date of receipt of the application in the prescribed form as afore-said .

6. The officer-in-charge of every police station shall maintain database in electronic form or otherwise, of all tenants and domestic or professional help living within the jurisdiction of the police station.

Maintenance of database

7. (1) Any house owner violating the provisions of section 3 of this Act shall, on conviction by a Magistrate of the first class having jurisdiction, be punishable with fine which may extend up to rupees five thousand in each case.

Penalty

(2) Any employer and/or manager of a household or establishment or land, vehicle, vessel or aircraft violating the provisions of section 4 of this Act shall, on conviction by a Magistrate of the first class having jurisdiction, be punishable with fine which may extend up to rupees five thousand in each case.

(3) No magistrate shall take cognizance of an offence under this section except upon a complaint in writing made by the officer-in-charge of a police

Power to make Rules 8. The State Government may by notification make rules for carrying out the provisions of this Act. station having jurisdiction.

