

Rules to Regulate the Temporary Functioning of the Guest Houses in Residential Premises in Union Territory, Chandigarh Rules, 2001

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No. 23/3/33-UTFI(3)/2001/7709. - Whereas on a survey conducted by the Estate Office, it has been found that a large number of residential premises are being used for Guest Houses and other such non-residential purposes which amounts to "misuse".

And whereas, the High Court of Punjab and Haryana, in its order in CWP No. 14587 of 1997 has held that by no stretch of imagination the use of residential premises as guest houses could be treated as falling within the purview of the premises being used as a residence and thus the misuse of such residential premises needs to be stopped. It is simultaneously felt that there is a need for temporary/transit accommodation at reasonable rates for the visitors in the city, but the balance will have to be struck between such need for the temporary accommodation with the rights of peaceful life and proper security of the local residents in the city.

And whereas, the Chandigarh Administration intends to stop such misuse from all such residential premises in a time bound manner. These would be allowed from the areas earmarked for such purposes only. There are sites earmarked for LCR's (Lodging-cum-Restaurants) in the commercial areas in the city, which could serve such purposes. In the mean time the operation of such guest houses from the residential premises needs to be regulated to ensure a phased and timely closure of these guest houses.

Therefore, in exercise of the powers conferred by Section 3 and 22 of the Capital of Punjab (Development and Regulation) Act, 1952, as adapted by the Punjab Re-organization (Chandigarh) Adaption of Laws and State and Concurrent Subjects Order, 1968 and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh with an objective to regulate the temporary use of such premises so as to ensure non-causing any inconvenience and nuisance to the neighbours and general public, is pleased to make the following rules, namely :-

1. **Short title.** - These rules shall be called the "Rules to regulate the temporary functioning of the Guest Houses in Residential Premises in Union Territory, Chandigarh Rules, 2001."

2. These shall come into force from the date of publication in the Official Gazettee.

3. These rules shall remain in force till 20th January, 2002 or till such further time as notified by the Chandigarh Administration.

4. These rules shall be applicable only to those residential premises which are misused as Guest Houses irrespective of whether or not legal proceedings, including resumption of the premises, are pending or contemplated and without prejudice to the said proceedings.

These Rules shall also apply without prejudice to the outcome of the legal proceedings as per the existing provisions under the Capital of Punjab (Development and Regulation) Act, 1952 and the Rules framed thereunder and shall have no effect thereupon.

5. Definitions :

- (a) "Estate Officer" means a person appointed as such by the Central Government by a notification in the Official Gazette, to perform the functions of the Estate Officer.
- (b) "Guest House" means a place located in Residential Premises where a person is received, entertained or offered temporary accommodation by its owner or manager as a visitor or recipient of hospitality and in turn such person pays for lodging and services of such place.
- (c) "Manager of the Guest House" means one who keeps the account of the visitors, does himself or supervises the day-to-day allotment of rooms and is responsible for overall general maintenance and management of the Guest House.
- (d) "Misuse" means use of a premises in violation of the provisions of the Capital of Punjab (Development and Regulation) Act, 1952, and the Rules, Orders and Directions thereunder, as amended from time to time.
- (e) "Owner of Guest House" means a person who owns the premises from where the Guest House is being run.
- (f) "occupier" means a person, who occupies the premises either by himself or through his agent/tenant, as the case may be.
- (g) All other words and expressions used in these rules shall have the meaning assigned to them under the Capital of Punjab (Development and Regulation), Act, 1952 and the rules framed thereunder.

6. The Owner, Occupier or the Manager of a Guest House, as the case may be, shall put such accommodation to use in such a manner that neither the visitors occupying the accommodation made available nor the staff which is employed therein for providing the services to such visitors :-

- (i) conduct their business in such a manner as to create a public nuisance or disturb the easement right of neighbours and general public;
- (ii) create noise, which disturbs the other residents of the locality and general public;
- (iii) indulge in disorderly conduct leading to breach of peace.

7. The Owner, Occupier or the Manager of the Guest House shall:-

- (i) keep the premises including rooms, verandahs, courtyards and attached vacant land/gardens in a state of cleanliness and maintenance;
- (ii) maintain parking within the premises;
- (iii) ensure proper disposal of waste material in a proper manner;
- (iv) ensure that the food is cooked and served in a hygienic manner and environment;
- (v) not allow serving of liquor in the premises except on a license;

- (vi) ensure that the premises are not used for any immoral or anti-social/anti National activity;
- (vii) ensure that the Guest House is not used as a Marriage Palace or a Banquet Hall to create nuisance, or for any other activity or purpose as may be likely to affect the rights of the residents of the locality;
- (viii) ensure that the Guest House is not used in a manner affecting public peace and tranquility.

8. The Owner, Occupier or the Manager of the Guest House shall ensure proper display of the rates to be charged from the visitors for the accommodation be made available in a prominent manner in the entrance lobby and rates for food in the dinning Hall/Dining area.

9. The Owner, Occupier or Manager of the Guest House shall maintain a register, which shall have the complete details of each visitors viz. name, address and telephone No. the date/time of arrival, purpose of visit, duration of stay, date and time of checking out, Nationality etc.

10. The Owner, Occupier or the Manager shall not allow any visitor who carry any arms/ammunition or any kind of contraband material without specific authorization from the local police, to stay in the premises.

11. The Owner, Occupier or the Manager of the Guest House shall always keep the premises open for inspection by the Estate Officer or by any other person duly authorized in this regard.

12. The owner, Occupier or the Manager of the Guest House shall strictly observe the conditions in these rules. Failure on the part of the owner occupier or the Manager of the Guest House in observing the conditions in these rules shall make the Guest House liable to be sealed by the Estate Officer. Provided that no order sealing the premises shall be passed by the Estate Officer without giving the Owner, Occupier or the Manager of the Guest House, as the case may be, a reasonable opportunity of being heard by way of a notice, to which reply shall immediately be filed within three days of its receipt;

Provided further that in emergent circumstances, for reasons to be recorded in writing, the requirement of issuance of show-cause Notices/reply thereto may be dispensed with.

12 (a). In addition to the above, misuse of the premises shall make the Owner, Occupier or the Manager jointly and severally liable for fine upto Rs. 10,000/- in the first instance and Rs. 1000 for each continuing day of violation; provided that for premises with four or more rooms which can be used as a Guest House or which has a covered area of 1000 Sq. ft. or more, the said fine shall be Rs. 2000 per day for such misuse.

13. Any person feeling aggrieved by an order of sealing passed by the Estate Officer under these rules shall be entitled to file an appeal to the Chief Administrator, who may confirm or reverse the order appealed against and may pass such order as he may deem fit. The order passed in appeal by the Chief Administrator shall be final.