

The Jammu And Kashmir Prevention Of Beggary Act, 1960

JAMMU & KASHMIR

India

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Act 40 of 1960

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The Jammu And Kashmir Prevention Of Beggary Act, 1960 Act No. 40 of 1960 [6th December, 1960] An Act for preventing beggary and making beggars good citizens. Be it enacted by the Jammu and Kashmir State Legislature in the Eleventh Year of the Republic of India as follows:-

1. Short title, extent and commencement

(1) This Act may be called the Jammu and Kashmir Prevention of Beggary Act, 1960. (2) It shall extend to the whole of the State of Jammu and Kashmir or any particular area as specified by the Government. (3) It shall come into force in such area or areas and on such date or dates as the Government may, by notification, specify in this behalf, in the Government Gazette.

2. Definitions

In this Act unless there is anything repugnant in the subject or context-(a) "begging" means-(i) soliciting alms in a public place, or in or about a temple, mosque or other place of public worship, whether or not under any pretence; (ii) entering on any private premises for the purpose of soliciting alms; (iii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease whether of human being or an animal; (iv) having no visible means of subsistence and wandering about or remaining in any public place or in a temple, mosque or other place of public worship in such condition or manner as makes it like that the person doing so exists by soliciting alms; (v) allowing himself to be used as an exhibit for the purpose of soliciting alms, but does not include soliciting money or fee or gift for a purpose authorised by law or authorised in the prescribed manner by the District magistrate; (b) "Sick Home" means a home certified by the Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious

disease;(c)"Court" means the Court of a Judicial Magistrate Ist Class;(d)"Police Officer" means a Police Officer not below the rank of a Sub-Inspector of Police;(e)"prescribed" means prescribed by rules made under this Act;(f)"public place" means any highway, public park or garden and any public bridge, road, lane, foot-way, square, court, alley or passage;(g)"Beggar's Home" means a home notified by the Government as suitable for the reception of beggars above the age of 14 years;(h)"Children's Home" means a place notified by the Government as suitable for the reception of beggars below the age of 14 years and not suffering from any infectious or contagious disease.

3. Begging an offence under this Act

If any person is found begging within an area to which this Act applies, he shall be guilty of an offence under this Act.

4. Arrest without warrant

(1)Any Police Officer or other person authorised in this behalf by the District Magistrate may arrest without a warrant any person who is found begging.(2)The provisions of section 61 of the Code of Criminal Procedure, Svt. 1989, shall apply to every arrest under this section, and the officer-in-charge of the Police Station shall cause the arrested person to be kept in the prescribed manner until he can be brought before the Court.

5. Summary inquiry in respect of persons found begging and their detention

(1)Where a person is brought before the Court under section 4, the Court shall make a summary inquiry as regards the allegation that he was found begging.(2)If the inquiry referred to in sub-section (1) cannot be completed forthwith, the Court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.(3)If on making the inquiry referred to in sub-section (1) the Court is not satisfied that the person was found begging, it shall order that such person be released forthwith.(4)If on making the inquiry referred to in sub-section (1) the Court is satisfied that such person was found begging, it shall record a declaration that the person is a beggar. The Court shall also determine after making an inquiry whether the person was born in the State of Jammu and Kashmir and ordinarily resides therein and shall include the findings in the declaration.(5)The Court shall order the person declared as beggar under sub-section (4) to be detained in a Sick Home, Children's Home or a Beggar's Home, as the case may be, for a period not less than one year and not more than three years in the case of first offence.

6. Penalty for begging after detention as beggar

(1)Whoever having been previously declared or detained in a Sick Home, Beggar's Home or Children's Home, as the case may be, in accordance with the provision of section 5, is found begging shall on conviction be punished as is hereinafter referred to in this section.(2)When a person is convicted for the second time under sub-section (1) the Court shall order him to be detained in a

Sick Home, Beggar's Home or Children's Home, as the case may be, for not less than seven years: Provided that if the Court, at any time after passing of the sentence, of its own motion, or an application, is satisfied that the person sentenced under this sub-section or section 7, sub-section (2) sub-section (5) of section 5 is not likely to beg again, it may release that person after due admonition on a bond for his abstaining from begging and being of good behaviour, being executed with or without sureties, as the Court may require, by the beggar or any other person whom the Court considers suitable.

7. Punishment for escape from Sick Home, Beggar's Home or Children's Home

Whoever escapes from a Sick Home, Beggar's Home or Children's Home to which he has been committed, on conviction under the provisions of this Act, before the expiry of the period for which he has been committed, shall be punished with fine which may extend to one hundred rupees or with imprisonment which may extend to three months.

8. Release

If the Government at any time, of its own motion, or an application, is satisfied that a person convicted under section 5 or 6 and committed to a Sick Home, a Beggar's Home or a Children's Home has been cured of disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the Government may by order direct that the person so detained be released subject to such restrictions and conditions, if any, as may be specified in the order.

9. Rule making power

The Government may by notification and subject to the conditions of previous publication, make rules for carrying into effect the provisions of this Act.