

The Goa, Daman and Diu Prevention of Begging Act, 1972

DAMAN AND DIU

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The Goa, Daman And Diu Prevention Of Begging Act, 1972[Act No. 4 of 1973][2nd March, 1973]ANACTto consolidate and amend the law relating to beggars for the purpose of making better provision for the prevention of begging in the Union territory of Goa, Daman and Diu and for matters connected therewith.Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-third Year of the Republic of India as follows:—

1. Short title, extent and commencement.—

(1)This Act may be called the Goa, Daman and Diu Prevention of Begging Act, 1972.(2)It extends to the whole of the Union territory of Goa, Daman and Diu.(3)It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.—

In this Act, unless the context otherwise requires,—(i)“begging” means— (a) soliciting or receiving alms in a public place;(b)entering on any private premises for the purpose of soliciting or receiving alms;(c)exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease of a human being or of an animal;(d)having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms; or(e)allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms; but does not include soliciting or receiving money or food or gifts for a purpose authorised by any law, or authorised by the Government or by such officer as may be specified by it in this behalf, in such manner as may be prescribed;(ii)“Certified Institution” means any institution which the Government provides and maintains for the detention, training and employment of beggars and their dependants, and includes an institution certified to be such under sub-section (1) of section 13;(iii)“Chief Inspector”

means the person appointed to be the Chief Inspector of Certified Institutions under sub-section (1) of section 17, and includes an Additional Chief Inspector appointed under that section;(iv)“child” has the meaning assigned to it in the Children Act, 1960; .(v)“Court” means the Court of a Magistrate of any Class or any other Court exercising Criminal jurisdiction;(vi)“Government” means the Government of Goa, Daman and Diu;(vii)“Official Gazette” means the Goa, Daman and Diu Government Gazette;(viii)“Prescribed” means prescribed by rules made under this Act;(ix)“Probation Officer” means an officer appointed to be a Probation Officer under sub-section (1) of section 17;(x)“public place” includes a railway station and any open space to which for the time being the public have been or are permitted to have an access whether on payment or otherwise;(xi)“Receiving Centre” means an institution for the reception and temporary detention of beggars provided by the Government or certified to be such under sub-section (1) of section 12;(xii)“Superintendent” or “In-charge” means Superintendent or In-charge of a Receiving Centre or a Certified Institution, as the case may be.

3. Powers of Courts.—

The powers conferred on Courts by this Act shall be exercised only by the Judicial Commissioner’s Court, a Court of Session, a Magistrate of First Class, a Court constituted under the Children Act, or any other Court exercising criminal jurisdiction in the area, and may be exercised by such Courts whether the case comes before them originally or on appeal or revision.

4. Power to require person found begging to appear before Court.—

(1)Any Police Officer, or other person authorised in this behalf in accordance with the rules made by the Government, may arrest without a warrant any person who is found begging:Provided that, no person entering on any private premises for the purpose of soliciting or receiving alms shall be so arrested or shall be liable to any proceedings under this Act, except upon a complaint by the occupier of such premises.(2)Such Police Officer or other person shall take or send the person so arrested to a Court.(3)The provision of section 61 of the Code of Criminal Procedure, 1898, shall apply to every arrest made 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 is brought before a Court.

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

(1)Where a person who is brought before the Court under section 4 is not proved to have previously been detained in a Certified Institution under the provisions of this Act, the Court shall make a summary inquiry, in the prescribed manner, 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 finding that the person is a beggar.(5)The Court shall order the person found to be a beggar under sub-section (4) to be detained in a Certified Institution for a period of not less than one year, but not more than three years:Provided that, if the Court is satisfied from the circumstances of the case that the person found to be a beggar as aforesaid is not likely to beg again, it may after due admonition release the beggar 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.(6)In passing any order under the provisions of this section, the Court shall have regard to the following considerations, that is to say—(a)the age and character of the beggar;(b)the circumstances and conditions in which the beggar was living;(c)the report made by the Probation Officer; and(d)such other matters as may, in the opinion of the Court, require to be taken into consideration in the interest of the beggar.(7)The report of the Probation Officer or any other report considered by the Court shall be treated as confidential:Provided that if such report relates to the character, health or conduct of or the circumstances and conditions in which the beggar is living, the Court may, if it thinks expedient, communicate the substance thereof to the beggar or in the case of dependents, to the parent or guardian concerned and may give the beggar or the parent or the guardian, as the case may be, an opportunity of producing evidence which may be relevant to the matters stated in the report.(8)A copy of the order made under sub-section (5) shall be sent forthwith to the Chief Inspector.(9)Notwithstanding anything contained in this section, when the person found to be a beggar as aforesaid is a child who is not under the age of five years, the Court shall not make any order under sub-section (5) but forward the child to a Court constituted under the Children Act, 1960 for being dealt with under that Act.(10)For the purpose of ascertaining the age of the person, the Court may, if necessary, cause such person to be examined by a medical officer.

6. Penalty for begging after detention as beggar.—

(1)Whoever, having been pre-viously detained in a Certified Institution under this Act is found begging, shall on conviction be punished as hereinafter in this section provided.(2)When a person is convicted for the first time under sub-section (1), the Court shall order him to be detained in a Certified Institution for a period of not less than two years and not more than three years.(3)When a person is convicted for the second or subsequent time under sub-section (1), the Court shall order him to be detained for a period of ten years in a Certified Institution, and may convert any period of such detention, not exceeding two years, into a sentence of imprisonment extending to a like period.

7. Offences to be tried summarily.—

All offences under this Act except those under section 11 shall be tried summarily.

8. Contribution of parents.—

(1)The Court, which makes an order for the detention of any person in a Certified Institution under section 5 or section 6, may make an order on the parent or other person liable to maintain him, to contribute to his maintenance, if able to do so, in the prescribed manner.(2)Before making any such order the Court shall inquire into the circumstances of the parent or other person liable to maintain

him, and shall record evidence if any, in the presence of the parent or such other person, as, the case may be.(3)Any order made under this section may on an application, made by the party liable, or otherwise, be varied by the Court.(4)Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.

9. Court may order detention of persons wholly dependent on beggar.—

(1)Subject to the provisions of sub-section (2), when the Court has ordered the detention of a person in a Certified Institution under section 5 or section 6 it may, after making such inquiry as it thinks fit, order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period:Provided that before any such order is, made such dependent person shall be given an opportunity of showing cause why it should not be made.(2)Where the dependent person is a child, the Court shall forward him to a Court constituted under the Children Act, 1960, for being dealt with thereunder:Provided that where the dependent person is the beggar's own child who is under the age of five years, and the beggar is an able bodied mother, not being a contagious leper or lunatic, the child may be ordered to be detained in a Certified Institution without being separate from the mother as regards the place of detention, until it attains the age of five years, and thereafter dealt with as provided in this sub-section.(3)For the purposes of this section, the Court may, if necessary, cause the dependent person to be arrested and brought before itself and cause to be examined by a medical officer.(4)The Provisions of section 61 of the Code of Criminal Procedure, 1898, shall apply to every arrest under this sub-section, and the officer-in-charge of the police station shall cause the arrested person to be kept in the prescribed manner until he is brought before a Court.

10. Powers of Government to order further detention of incurably helpless beggars.—

When any person who is detained in a Certified Institution under section 5 or section 6 or section 9 is considered by the Government whether on an application made to it by such person or otherwise, to be blind, a cripple, or otherwise incurably helpless, the Government may order that such person shall, after the expiry of the period of his detention, be further detained indefinitely in a Certified Institution:Provided that the Government may release such person, if any other person whom the Government considers suitable executes a bond, with or without sureties as the Government may require, making himself responsible for the housing and maintenance of such person and for preventing him from begging or being used for the purpose of begging.

11. Penalty for employing or causing persons to beg or using them for purposes of begging.—

Whoever employs or causes, any person to solicit or receive alms, or whoever having the custody, charge or care of a child, connives at or encourages the employment or the causing of a child to solicit, or receive alms or whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punished with imprisonment for a term which may extend to three years but

which shall not be less than one year.

12. Provision of Receiving Centres.—

(1)The Government may provide and maintain one or more Receiving Centres at such place or places as it thinks fit, and may certify any institution to be a Receiving Centre for the purpose of this Act.(2)Every such Receiving Centre shall be under the control of a Superintendent or In-charge.

13. Provision of Certified Institutions.—

(1)The Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit, and may certify any institution to be a Certified Institution for the purposes of this Act and in any such certified Institution provision may be made for the teaching of agricultural, industrial and other pursuits, and for the general education and medical care of the inmates thereof.(2)Every such Certified Institution shall be under the charge of a Superintendent or In-charge.

14. Visiting Committees.—

For every Receiving Centre and every Certified Institution, the Government shall appoint a Visiting Committee in such manner as may be prescribed and every Visiting Committee so appointed shall exercise, perform and discharge such powers, duties and functions as may be prescribed.

15. Advisory Committees.—

(1)The Government may constitute an Advisory Committee consisting of such persons, not exceeding twenty-one in number, as it may appoint:Provided that, where a local authority has agreed to render such financial assistance as the Government may consider proper in each case, for the maintenance of Certified Institution in which beggars from the area within the jurisdiction of the local authority are detained, the Government shall appoint such number of persons as it deems fit on the Advisory Committee representing the local authority.(2)The Advisory Committee constituted under sub-section (1) or any member thereof, may visit at all reasonable times and after due notice to the Superintendent or In-charge of any Certified Institution in which beggars are detained.(3)The Advisory Committee may also—(a)tender advice as regards management, to any Certified Institution through the Chief Inspector or such other officer as the Government may specify;(b)collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or in which beggars are detained from that area and disburse the collections in the prescribed manner;(c)advise the Government, through the Chief Inspector, as regards the certification of any institution as a Certified Institution or the de-certification of any Certified Institution within the local area;(d)advise the Government generally on the working of this Act, and particularly on any point referred to it by the Chief Inspector or any other officer specified by the Government.

16. Payment of contribution by local authorities and recovery thereof.—

(1)Notwithstanding anything contained in any law for the time being in force, any local authority which has agreed to pay a certain sum of money for the maintenance of a Certified Institution shall make payment of that sum to the Government before a date prescribed in that behalf.(2)If any sum is not paid by a local authority before the prescribed date, the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the local authority as its officer, treasurer, banker or otherwise to pay the sum from such moneys as he may have in his hands or may from time to time receive, to the Government and such person shall be bound to obey such order and every payment made pursuant to such order will be sufficient discharge to such person from all liability to the local authority in respect of any amount paid by him out of the moneys of the local authority so held by him.

17. Appointment of Chief Inspector, Additional Chief Inspector, Inspectors, Assistant Inspectors and Probation Officers.—

(1)For carrying out the purposes of this Act, the Government may appoint a Chief Inspector of Certified Institutions, an Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officers as it thinks advisable to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers and perform such of the duties, of the Chief Inspector as the Government directs but shall act under the direction of the Chief Inspector.(2)Every Receiving Centre and Certified Institution shall, at least once in every month, be inspected by the Chief Inspector, Additional Chief Inspector, Inspector, Assistant Inspector or a Probation Officer.

18. Search in Receiving Centres and Certified Institutions.—

(1)The Superintendent or In-charge of a Receiving Centre or a Certified Institution may order that any person received in the Receiving Centre or Certified Institution shall be searched, that he shall be cleansed, that his personal effects shall be inspected and that any money or valuables found with or on the person shall be kept in the custody of the Superintendent, and that any effects other than money or valuables so found shall be disposed of in the prescribed manner:Provided that a female shall be searched only by a female and with due regard to decency.(2)Where an order of detention is passed by the Court against any such person, the Superintendent may order that any money or valuables found with him or on his person shall be disposed of in the prescribed manner and where the Court passes an order other than an order of detention with regard to any such persons, his money and valuables shall be returned to him and if his clothing had been destroyed, he shall be provided with fresh clothing.(3)The expenses of providing such clothing shall be paid out of the moneys provided by the Government.

19. Management and discipline.—

Every person remanded to, or detained in, the Receiving Centres and Certified Institutions under this Act shall be subject to such rules of management and discipline, including the imposition of manual or other work and the awarding of punishment for breach of any such rules, as may, from time to time, be prescribed.

20. Disciplinary Imprisonment.—

(1) Without prejudice to any disciplinary action that may be taken under section 19 the Chief Inspector, the Additional Chief Inspector, the Inspector or the Superintendent or In-charge may report to the Court the case of any person detained in a Certified Institution who habitually and wilfully disobeys or neglects to comply with any rule referred to in that section and the Court may thereupon, if satisfied that the person has wilfully disobeyed or neglected to comply with any such rule, convert the unexpired portion of the period of his detention in a Certified Institution or part thereof into a term of imprisonment. (2) The sentence of imprisonment ordered as aforesaid shall be executed in the same manner as a sentence passed under section 6.

21. Transfer from one Receiving Centre or Certified Institution to another.—

(1) Subject to such conditions as may be prescribed the Chief Inspector may direct any person detained in a Receiving Centre or Certified Institution to be transferred therefrom to another Receiving Centre or Certified Institution: Provided that the total period of detention of such person shall in no case be increased by such transfer. (2) In directing such transfer the Chief Inspector shall have regard to the medical certificate and the directions, if any, made by the Government or Court under section 26.

22. Release on permit.—

(1) Subject to such conditions as may be prescribed; (a) the Chief Inspector or the Superintendent or In-charge of the Certified Institution may at any time grant permission to a person detained in a Certified Institution to absent himself for such period as may be specified by him; and (b) the Chief Inspector may at any time permit in writing the release of such person conditionally and grant him a copy of such permit. (2) Any such permit shall be in force until the expiry of the term for which the person was ordered to be detained in a Certified Institution, unless sooner revoked. (3) The period during which such person is absent from a Certified Institution under this section shall, for the purpose of computing his term of detention in a Certified Institution, be deemed to be part of his term of detention.

23. Revocation of permit.—

(1) Subject to such conditions, as may be prescribed, the Chief Inspector may at any time revoke any permit granted under section 22, and thereupon the released person shall be detained in a Certified

Institution until the expiry of the term for which he had been ordered to be detained.(2)For the purpose of this section the Chief Inspector may, if necessary cause the released person to be arrested and sent to the nearest Receiving Centre together with a copy of the order of detention, and thereupon the provision of sub-section (1) of section 25 shall as far as may be apply.

24. Unconditional release.—

At any time after the expiration of three months from the commencement of the release of any person under a permit granted under section 22, the Chief Inspector may, if he is satisfied that there is a probability that such person will abstain from begging, recommend to the Government his unconditional release and the Government may on such recommendation release such person unconditionally, and thereupon the term for which such person had been ordered to be detained in a Certified Institution shall be deemed to have expired.

25. Procedure on order of detention of sentence of imprisonment.—

(1)Subject to the provisions of sub-section (2), when a person has been ordered to be detained in a Certified Institution under section 5 or section 6 or section 9, the Court which ordered the detention shall forthwith forward him to the nearest Receiving Centre with a copy of the order of detention and the person shall thereupon be handed over into the custody of the Superintendent or In-charge of the Receiving Centre and shall be detained in the Receiving Centre until he is sent therefrom to a Certified Institution.(2)When any such person has also been sentenced to imprisonment, the Court passing the sentence of imprisonment shall forthwith forward a warrant to a jail in which he is to be confined and shall forward him to such Jail with the warrant together with a copy of the order of detention and after the sentence of imprisonment is fully executed, the Officer executing it shall, if detention in a Certified Institution, for any period remains to be undergone by such person, forward him forthwith together with the copy of the order of detention to the nearest Receiving Centre, and thereupon the provisions, of sub-section (1) shall, as far as may be, apply.(3)In computing the period for which a person is ordered to be detained in a Certified Institution, there shall be included the period for which he is detained in a Receiving Centre under this section.

26. Medical examination and detention of lunatics and leprosy patients.—

(1)Where it appears to the Government that any beggar detained in a Certified Institution under any order of a Court is of unsound mind or a leper, the Government may by an order setting forth the grounds of belief that the beggar is of unsound mind or a leper, order his removal to a mental hospital or leper asylum or place of safe custody, there to be kept and treated in such manner as the Government directs during the unexpired portion of the term for which he has been ordered to be detained or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the beggar or of others that he should be further detained under medical care or treatment, then until he is discharged according to the Law relating to the lunatics or lepers, as the case may be, for the time being in force.(2)Where it appears to the Government that the beggar has ceased to be of unsound mind, or is cured of leprosy, it shall, by an order directed to the person having charge of the beggar, if still liable to be kept in custody, order him to be discharged.(3)The

provisions of section 31 of the Indian Lunacy Act, 1912, or of the 4 of 1912. Legislative Diploma No. 430, dated the 18th August, 1930, shall apply to every beggar confined in a mental hospital or leper asylum under sub-section (1) after the expiration of the period for which he was ordered to be detained, and the time during which a beggar is confined in a mental hospital or leper asylum under that sub-section shall be reckoned as part of the period for which he may have been ordered by the Court to be detained: Provided that where the removal of a beggar due to unsoundness of mind or leprosy is immediately necessary it shall be open to the authorities of the Institution in which the beggar is detained to apply to a Court, having jurisdiction under the Indian Lunacy Act, 1912, or under the provisions of the Legislative Diploma No. 430, dated the 18th August, 1930, as the case may be, for an immediate order of committal to a mental hospital or a leper asylum until such time as the orders of the Government be obtained in the matter.

27. Arrest of person escaping from Receiving Centre or Certified Institution.—

Any person who leaves a Receiving Centre or a Certified Institution without the permission of the Superintendent thereof, or fails to return thereto after the expiry of the period of absence permitted under sub-section (1) of section 22, may be arrested by any police officer without warrant or by an officer of the Receiving Centre or Certified Institution authorised in this behalf by the Government and sent back to the Receiving Centre or Certified Institution, as the case may be.

28. Transfers between Certified Institution and institution of like nature in different parts of India.—

(1) The Government may direct any person detained in a Certified Institution to be transferred therefrom to any Institution of a like nature in any other part of India in respect of which provision similar to that in the Union territory of Goa, Daman and Diu is made by the Government of that part under any law in force therein: Provided that no person shall be transferred under this section to any part of India without the consent of the State Government in the case of a State and the Central Government in the case of any Union territory. (2) The Government may in consultation with the Superintendent or In-charge of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person.

29. Power to take finger prints.—

(1) Every person ordered to be detained in a Certified Institution under this Act shall at any time allow his finger-prints to be taken by the District Magistrate or any Officer empowered by him in this behalf. (2) Whoever refuses to allow his finger prints to be taken under sub-section (1) shall on conviction be liable to have his period of detention in a Certified Institution not exceeding three months converted to a term of imprisonment extending to a like period. (3) The sentence of

imprisonment ordered under sub-section (2) shall be executed in the same manner as a sentence passed under section 6.

30. Seizure and disposal of animals exposed or exhibited for obtaining alms.—

(1) Any police officer or other person, effecting under sub-section (1) of section 4 the arrest of a person who was found begging may seize any animal the sore, wound, injury, deformity or disease of which was exposed or exhibited by such person with the object of obtaining or extorting alms. (2) The police officer or other person effecting the arrest may remove such animal to any infirmary appointed under section 35 of the Prevention of Cruelty to Animals Act, 1960, for detention therein pending its production before a Court. (3) The Court before which the person found begging is brought may direct that the animal shall be treated and cared for in such infirmary until it is fit for discharge or that it shall be sent to a pinjrapole, or if the veterinary officer-in-charge of the area in which the animal is found or such other veterinary officer as has been authorised by the rules made under section 38 of the Prevention of Cruelty to Animals Act, 1960, certified that the sore, wound, injury, deformity or disease of the animal is incurable or cannot be removed without cruelty, that it shall be destroyed and the Court may also order that, after release from the infirmary, the animal may be confiscated. (4) An animal sent for care and treatment to an infirmary, shall not, unless the Court directs that it shall be sent to a pinjrapole or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer-in-charge of the area in which the infirmary is situated or such other veterinary officer as has been authorised by rules made under section 38 of the Prevention of Cruelty to Animals Act, 1960.

31. Offences to be cognizable and non-bailable.—

The offences under sections 6 and 11 of this Act shall be cognizable and non-bailable.

32. Persons to be deemed public servants.—

All persons empowered to perform any function by this Act shall be deemed to be public servants within the meaning of the Indian Penal Code.

33. Bonds taken under Central Act.—

The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to the bonds taken under this Act.

34. Appeals.—

For the purpose of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act, including an order of detention under section 5, shall be deemed to be a sentence of imprisonment for the same period.

35. Rules.—

(1)The Government may, by notification in the Official Gazette, and subject to the condition of previous publication for thirty days 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 all or any of the following matters, namely:—(a)the manner of authorising a purpose under clause (i) of section 2;(b)the manner of keeping persons arrested under sub-section (3) of section 4 or sub-section (4) of section 9;(c)the manner of making summary inquiry under sub-section (1) of section 5;(d)the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (1) of section 8;(e)the manner of appointing a visiting committee under section 14 and the powers, duties and functions thereof;(f)the conduct of business by the Advisory Committee;(g)the date before which payment shall be made under sub-section (1) of section 16;(h)the manner in which the effects and the money and valuables referred to in section 18 shall be disposed of;(i)the management and discipline of persons detained in a Receiving Centre or Certified Institution including the imposition of manual or other work and the awarding of punishment for breach of any rule made under this clause;(j)the conditions subject to which the Chief Inspector may direct transfers under section 21;(k)the conditions subject to which a person may be released on permit under section 22;(l)the conditions subject to which a permit may be revoked under section 23;(m)the manner of medical examination of beggars;(n)any other matter which is required to be or may be prescribed.(3)All rules made under this Act shall be published in the Official Gazette and shall be laid on the table of the Legislative Assembly as soon as may be after they are made and shall be subject to such modifications as the Assembly may make during the session in which they are laid or the session immediately following.

36. Repeal.—

Legislative Diploma No. 1257, dated the 28th October, 1948, and any other law in force immediately before the commencement of this Act, corresponding to this Act shall as from commencement, stand repealed except as respect things done or omitted to be done thereunder.