

The Punjab Prevention of Beggary Rules, 1975

PUNJAB

India

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Rule THE-PUNJAB-PREVENTION-OF-BEGGARY-RULES-1975 of 1975

- Published on 19 September 1975
- Commenced on 19 September 1975
- [This is the version of this document from 19 September 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Prevention of Beggary Rules, 1975 Published vide Punjab Government Gazettee
Legislative Supplement Part 3 dated 19.9.1975 Page 581

1. Short title.

- These rules may be called the Punjab Prevention of Beggary Rules, 1975.

2. Definitions.

- In these rules, unless the context otherwise requires-(i)"authorised person" means a person authorised under sub-section (1) of section 3 to arrest without warrant any person found begging;(ii)"Form" means a form appended to these rules;(iii)"Act" means the Punjab Prevention of Beggary Act, 1971;(iv)"Section" means a section of the Act;(v)"Superintendent" means the Superintendent of a Certified Institution.

3. Manner of authorising a person under section 2(1).

(1)A person seeking authorisation to solicit or receive money, food or gifts shall :-(i)if he is permanent resident of Punjab, apply in writing to the District Magistrate of the District in which he has his permanent residence.(ii)if he is not a permanent resident of Punjab apply in writing to the Chief Inspector.(2)An application under sub-rule (1) shall contain the following particulars :-(a)Full name of the applicant.*See Punjab Legislative Supplementary Part III, dated 13.4.1979, page 233(aa)[Father's name (Husband's name in the case of married women or widow)] [Added vide Notification No. GSR 23/PA 9/71 Section 17/ Amendent(1)79, dated 13.4.1979.](b)His age.(c)His occupation.(d)His complete address.(e)The period, the purpose and the manner of soliciting or receiving money or food or gifts.(f)The method of disposal of the money or food or gifts so received or collected and the area within which the disposal is to be made.(3)The District Magistrate or the

Chief Inspector, as the case may be, may after making such enquiry as he deems fit, issue [an authorisation Certificate in form 'A' having regard to the purpose for which and the manner in which the money or food or gifts shall be solicited or received and impose such further conditions as he may consider necessary.] [Substituted vide Notification No. GSR 23/PA 9/71 Section 17/ Amendment (1)79, dated 13.4.1979.](4)The person holding an authorisation certificate shall, on demand by a Police Officer or authorised person, produce it for inspection.(5)Any contravention of any of the conditions thereof shall render the authorisation certificate liable for cancellation.(6)If the District Magistrate or the Chief Inspector as the case may be, is of the opinion that an authorisation certificate should not be issued to the applicant, he shall record his reasons therefor and as soon as may be, inform the applicant accordingly.

4. Manner of keeping persons arrested under section 3.

(1)If a person arrested under section 3 cannot be brought forthwith before the court, the Police Officer or the authorised person shall cause such person to be kept at the nearest police station. The Officer-in-charge of the police station shall, as far as possible keep such person apart from persons is his custody otherwise than under section 3.(2)Subject to the provisions of sub-rule (1) persons arrested under section 3 and belonging to different sexes shall not be kept together :Provided that nothing in this sub-rule apply to persons of one and the same family and to a child under [nine years] [Substituted for 'twelve years' Punjab Supplementary Part III, dated 13.4.1977.] of age.

5. Manner of making summary inquiry under section 4(1).

- So far as may be, the procedure prescribed in the Code of Criminal Procedure, 1973, for the summary trials shall be followed in making an inquiry under sub-section (1) of section 4.

6. Manner in which and the place at which the person sentenced under section 5 shall serve their periods of imprisonment.

- Section 17(2)(d). The person whose period of detention in a Certified Institution is converted to imprisonment under section 5 shall be lodged in a Jail as an ordinary prisoner to serve the period of his imprisonment so converted during the period of imprisonment, he shall be provided with such education training or work as the Chief Inspector may recommend from time to time, provided arrangements for such education, training or work exist or can easily be made in the jail. The Officer-in-charge of the Jail shall, however, ensure that, so far as may be practicable, such person is kept apart from and is not allowed to mix with criminals.(2)After the sentence of imprisonment is fully served the Officer-in- charge of the Jail shall, if detention in a Certified Institution for any period- still remains to be undergone by such person, forward him forthwith, together with the copy of the order of detention, to nearest Certified Institution. The person shall thereupon be handed over to the Superintendent.

7. Duties of Chief Inspector, Inspector Assistant Inspector, Probation Officer.

- Section 17(2) - (1) The Chief Inspector shall be the overall incharge for implementing the Act and for adopting necessary measures for the welfare of the persons detained in various Certified Institutions.(2)The Chief Inspector shall -(a)ensure that necessary measures for [maintaining discipline, training, employment and medical care of the inmates are being taken in the Certified Institutions.] [Substituted vide Notification No. GSR 23/PA 9/71 Section 17/ Amendment (1)79, dated 13.4.1979.](b)have the power to transfer any person detained in a Certified Institution to another Certified Institution either within the State or outside the State subject to the following conditions namely -(i)every direction for transfer of such person shall be issued with due regard to the accommodation [available] [See Punjab Legislative Supplementary Part III, dated 13.4.1979, Page 233.];(ii)no such direction shall be issued except on -(1)a report from the Medical Officer of the Certified Institution recommending the transfer of such person on medical or hygienic ground; or(2)a decision given by a court; or(3)a report from the Superintendent recommending the transfer in the interest of maintaining discipline or for other reasons :Provided that the Chief Inspector shall not direct the transfer of any person to a Certified Institution which is not maintained by the State Government, in contravention of the terms of any agreement entered into by the State Government with such Institution.(3)The Inspectors appointed under section 14 shall assist the Chief Inspector in the performance of his duties and perform such duties as may be assigned to them from time to time by the Chief Inspector except those specified in sub-rule (1).(4)The Assistant Inspectors appointed under section 14 shall assist the Chief Inspector and Inspectors in the performance of their duties and to perform such other duties as may be assigned to them from time to time by the Chief Inspector except those specified in sub-rule (1).(5)[It shall be the duty of the Probation Officer to carry out the directions given to him by the Court and particularly perform the following duties, namely] [See Punjab Legislative Supplementary Part III, dated 13.4.1979, page 233.]:-(i)[to make initial enquiries regarding the home of the beggar;] [See Punjab Legislative Supplementary Part III, dated 13.4.1979.](ii)to attend regularly the Court and submit reports;(iii)to keep diary, case-files and registers;(iv)to escort inmates, whenever possible, from the court to the Certified Institution;(v)to endeavour to find employment and work for the inmates;(vi)to run recreation clubs and to organise games and cultural programmes;(vii)to maintain close contact with the inmates and redress their grievances promptly;(viii)to assist the Police in the arrest process;(ix)to inform the parent or guardian, if any, about the illness of the inmate concerned;(x)to follow up, whenever possible, for a period of 18 months the activities of inmates discharged from the institution, either released on licence or after expiry of detention period.

8. Discharge of persons from Certified Institutions.

- Section 17(2)(h) - (1) [A person who is detained in a Certified Institution under section 4, 5 or section 6 shall, on the expiry of the period of his detention, be discharged from that institution] [Substituted vide Punjab Legislative Supplementary Part III, dated 22.1.1982.](2)[The State Government may after completion of Form "B" release any, inmate who, in its opinion, has been of good behaviour and is not likely to beg or employ or cause persons to beg or use them for the purpose of begging and will be able to maintain himself and his dependents by honest means and satisfies the conditions specified in Form "C". In case of persons who is considered unfit for

travelling alone, the Superintendent shall give timely intimation of the date of discharge of the inmates from the Certified Institution to his relative so that he may come to the institution on that date and take charge of the inmate. If a relative takes charge of the inmate accordingly, actual II Class Railway Fare or Bus Fare in the case of places not directly connected by rail of the journeys undertaken by the relative, both ways and the inmates return journey shall be paid by the Superintendent to the relative at the time of discharge of the inmate. If no relative comes to take charge of the inmate, the inmate shall be taken to his native place by a guard from the Institution. In the case of persons who are considered fit to travel alone, the person to be discharged may be paid one way II Class Railway Fare or Bus Fare in case of places not directly connected by rail from the place of release to his native place] [Substituted vide Notification No. GSR 23/PA 9/71 Section 17/ Amd (1)79, dated 13.4.1979.].

9. Punishment for breach of rules and for other matters.

- Section 17(2)(1) - (1) If a person detained in a Certified Institution fails to keep discipline or commits a wilful breach of any of the rules of management of the Certified Institution or refuses to attend to manual or other work assigned to him or fails or neglects to accept any employment outside the Institution secured for him the Superintendent may punish such person by -(i)a formal warning personally addressed to him by the Superintendent;(ii)forfeiture of privileges, if any;(iii)putting him on penal diet for a period not exceeding 3 days, provided that this penalty shall not be repeated for a fresh cause until an interval of twelve days from the date of completion of the last such penalty has intervened;(iv)imposition of handcuffs :Provided that this penalty shall not be imposed on a female inmate;(v)separate confinement for a period not exceeding three days at a time;Provided that this penalty shall be imposed only if in the opinion of the Superintendent the other penalties do not have effect on the inmate to reform himself.(2)None of the penalties specified in sub-rule (1) shall be imposed in combination even when awarded at different times and for different causes.Form 'A'[See sub-rule (3) of rule 3]

Name No.

[Father's name (Husband's name in the case of married women or widow)] [See Punjab Notification No. GSR 23/PA 9/71 Section 17/ Amendment(1)79, dated 13.3.1979.]Address

is authorised to solicit or receive for the purpose of at the following places Money food gifts and within the following areas during the period commencing on the ending on subject to the following conditions :- following

- (i) This authorisation certificate shall be carried by the holder when collecting alms and on demand by any police officer or any other person authorised by the State Government be produced for inspection.
- (ii) This authorisation certificate shall not be transferable.
- (iii) The collection shall be used only for the purpose mentioned above.
- (iv) The manner of collection shall be such as may be specified by the issuing authority.
- (v) This authorisation shall be liable to cancellation for the breach of any of its conditions.

Given under my hand and seal the _____ day of 19 _____
District Magistrate, Chief Inspector of Certified Institutions State of Punjab. Form 'B' [See sub-rule (2) of rule 8] Form of Release on licence I, Chief Inspector of Certified Institution, State of Punjab, do by this licence permit-Caste _____ residence _____ number _____ who was ordered to be detained in a certified institution by the Court at _____ under section _____ of the Punjab Prevention of Beggary Act, 1971, for a term of _____ on the day of _____ and who is how detained in the [at _____ to be released from the said institution for the remaining portion of the aforesaid period of detention.] [Vide Punjab Legislative Supplementary Part III, dated 13.3.1979.] This licence is granted subject to the conditions as specified in Form C endorsed thereon, upon the breach of any of which it shall be liable to be revoked. Given under my hand and seal this day of _____ 19 _____ Chief Inspector of Certified Institutions State of Punjab [Here specify name and Father name (Husband's name in the case of married women or his law) of inmates] [Vide Punjab Legislative Supplementary Part III, dated 13.3.1979.]. [Here specify name of Certified Institution] [Vide Punjab Legislative Supplementary Part III, dated 13.3.1979.]. Form 'C' [See sub-rule (2) of rule 8] Conditions

- 1. The licensee shall proceed to _____ and reside there, and may, with the consent of the Chief Inspector, reside at any place until the expiry of the period of his detention unless he is released unconditionally or the license is revoked earlier.**
- 2. The licensee shall find regular employment within period of one month from the date of his release and shall obey such instructions as he may receive from the Chief Inspector with regard to punctual and regular attendance at employment or otherwise.**
- 3. The licensee shall abstain from begging or [employing or causing persons to beg or using them for the purpose of begging.] [Vide Punjab Legislative Supplementary Part III, dated 13.3.1979.]**
- 4. The licensee shall lead a sober and industrious life to the satisfaction of the Chief Inspector.**
- 5. The licensee shall abide by the instructions of the supervising Probation Officer.**

6. In the event of his committing a breach of any of the above conditions, the license shall be revoked and there upon the licensee shall be liable to be detained in a Certified Institution till the expiry of the term for which he had been ordered to be detained by the Court.

7. The Chief Inspector shall be the sole judge as to whether a breach of any condition of this license has taken place.

I hereby acknowledge that I am fully aware of the above conditions which have been read over/explained _____ to me and that I accept the same. Signature or thumb-mark of the licensee. Certified that the conditions specified above have been read over/explained _____ to (name) and that the licensee has accepted them and the he/she has been released accordingly on the _____ 19 Signature of the Superintendent