

# The Punjab Prevention of Beggary Act, 1971

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### Act 9 of 1971

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The Punjab Prevention of Beggary Act, 1971 Punjab Act No. 9 of 1971 Statement of Objects and Reasons. - The beggar problem is an old and complex Social problem, causing wastage of man-power and public nuisance. There is no All-India Legislation dealing with this problem but certain States, like Bihar, Bombay, Madras and Mysore have enacted local laws in this behalf. In the Punjab State section 151 of the Punjab Municipal Act, 1911, authorised the Municipal Committees to detain beggars and place them in poor houses. The provisions of the Municipal Act are inadequate as they do not empower courts to take effective measures against the beggars they do not empower courts to take effective measures against the beggars and provide for them and their dependents special training and employment and provide for them and their dependents special training and employment in Certified Institutions. This Bill provides for the prevention of begging and detention training and employment of beggars and their dependents in Certified Institutions and for the custody, trial and punishment of beggar offenders in the State of Punjab. Punjab Gazette Extraordinary dated 21-1-1971. The following Act of the Legislature of the State Punjab received the assent of the President of India on 20th April, 1971 and was first published in the Punjab Government Gazette, Extra, Part I-A, dated 3rd May, 1971, Page 1. An Act to provide for the prevention of begging, detention, training and employment of beggars and their dependents in Certified Institutions and the custody, trial and punishment of beggar offenders. Be it enacted by the Legislature of the State of Punjab in the Twenty-second Year of the Republic of India as follows :-

### 1. Short title and extent.

(1) This act may be called the Punjab Prevention of Beggary Act, 1971. (2) It shall come into force in any area of the State, on such date as the State Government may by notification appoint in that behalf for that area.

## **2. Definitions.**

- In this Act, unless the context otherwise requires -(1)"begging" means -(a)soliciting or receiving alms in a public place, whether or not under any pretence such as signing, dancing, fortune telling, performing tricks or selling articles;(b)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;(c)entering on any private premises for the purposes of soliciting or receiving alms;(d)exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity or disease, whether of a human being or of an animal; 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 in the manner prescribed.(2)"Certified Home" means a home certified by the State 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 diseases notified in this behalf by the State Government;(3)"Certified Institution" means any institution which the State Government provides and maintains for the detention, training and employment of beggars and their dependents and includes a Certified Home, Special Home or Work Home;(4)"Chief Inspector" means the person appointed to be the Chief Inspector of Certified Institutions under section 14;(5)"Child" means a person below the age of sixteen years;(6)"Court" means the court of a Magistrate of not less than second class;(7)"guardian" means a person who looks after or takes care of a child in the absence of, or in the event of the death of his parent;(8)"parent" means the father or the mother of a child.(9)"police officer" means a police officer not below the rank of an assistant sub-inspector;(10)"prescribed" means prescribed by rules made under this Act.(11)"Probation Officer" means an officer appointed to be a Probation Officer under section 14;(12)"public place" includes a railway station and any open space to which for the time being the public have or are permitted to have an access, whether on payment or otherwise;(13)"Special Home" means a home notified by the State Government as suitable for the reception of beggars physically capable of ordinary manual labour.(14)"Work House" means a place notified by the State Government as suitable for the reception of beggars physically capable of ordinary manual labour.

## **3. Power to require a person found begging to appear before Court.**

(1)Any police officer or other person authorised in this behalf by the District Magistrate may arrest without warrant any person who is found begging :Provided that no person found begging on any premises, not being a public place, shall be so arrested or shall be liable to any proceeding under this Act except on a complaint made 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 provisions of section 61 of the Code of Criminal Procedure 1898, shall apply to arrests 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.

#### **4. Summary inquiry in respect of persons found begging and their detention.**

(1)Where a person is brought before a Court under section 3, 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, a 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 the 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 Work House, Special Home, Special Home or Certified Home in accordance with the provisions of section 7 for a period of not less than one year and not more than three years :Provided that if the court is satisfied from the circumstances of the case that such person is not likely to beg again, it may release him after due admonition on a bond for his abstaining from begging 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 an order under this section, the court shall have regard to the following consideration that is to say :-(a)the age and character of the beggar;(b)the circumstances and conditions in which the beggar is living;(c)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 or dependents, to the parent or guardian concerned and may give the beggar or 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 by the court to the Chief Inspector.(9)Notwithstanding anything in this section when the person found to be a beggar under sub-section (4) is a child who was found begging in any area in which the East Punjab Children Act, 1949, is in force, the court shall, instead of making any order under sub-section (5) forward the child along with the proceedings to a juvenile court as defined in clause (i) of section 3 of that Act, and the juvenile court may make such further inquiry as it may deem fit and pass such sentence or order for the detention of the child in a certified school or otherwise as it might have passed if the child were a person described in clause (a) of sub-section (1) of section 8 of that Act and had been originally tried by it under that section. For the purpose of this sub-section the court may, if necessary, cause the beggar to be examined by a medical officer.

#### **5. Penalty for begging after detention as beggars.**

(1)Whoever having been previously detained in a Certified Institution in accordance with the provisions of section 4 is found begging, shall on conviction be punishable as is 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 not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period.(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 the Certified Institution and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

## **6. Power of court to detain dependents of convicted beggars.**

- When the court has ordered the detention of a person in a Certified Institution under section 4 or section 5 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 such an order is made such dependent person or his parent or guardian, as the case may be, shall be given an opportunity of showing cause why it should not be made.

## **7. Report of Medical Officer before committal.**

(1)The court which finds a person to be guilty of an offence of begging under section 4 or section 5, shall, before passing any sentence of his committal to a Certified Institution, send such person to the Medical Officer incharge of the local civil hospital or to the medical officer attached to the local Work House, if any, and call for a report about his age, physical capacity for ordinary manual labour and also whether he is suffering from any infectious or contagious disease.(2)If the medical officer certifies that the said person is not a child, is physically capable of ordinary manual labour and is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Work House.(3)If the medical officer reports that the said person is a child or is physically incapable of ordinary manual labour but is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Special Home.Provided that nothing in this sub-section shall apply to a child to whom sub-section (9) of section 4 applies.(4)If the medical officer reports that the said person is suffering from any infectious or contagious disease, the Court shall pass a sentence for committal of such person to a Certified Home, but if there is no such Certified Home for the reception of such persons, the Court may stop further enquiry and release him.

## **8. Punishment for escape from a certified Institution.**

- Whoever escapes from a Certified Institution 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 punishable with fine which may extend to one hundred rupees or with imprisonment which may extend to three months.

## **9. 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, 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 purposes 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.

## **10. Bonds taken under Act 5 of 1898.**

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

## **11. Appeals.**

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

## **12. Power of State Government to release from certified Institutions.**

- If the State Government at any time, of its own motion or on application made to it, is satisfied that a person convicted under section 4 or section 5 and committed to a Certified Institution has been cured of a 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 State Government may, by order, direct that the person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

## **13. Provisions of certified institutions.**

(1)The State 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. Any such Certified Institution may include provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.(2)Every Certified Institution shall be under the charge of a Superintendent.

## **14. Appointment of Chief Inspector and other authorities.**

(1)For carrying out the purposes of this Act, the State 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 fit 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 State Government directs, but shall act under the direction of the Chief Inspector.(2)Every Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector.

## **15. Visiting committee.**

- For every certified Institution, the State Government shall appoint a Visiting Committee in such manner as may be prescribed and assign such powers, duties and functions to the Committee as may be prescribed.

## **16. Advisory committee.**

(1)The State Government may, for the whole or any part of the State, constitute an Advisory Committee consisting of such persons, exceeding twenty-one in number, as it may be appointed: Provided that where a local authority has agreed to render such financial assistance is the State Government may consider proper in each case for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction of the local authority are detained, the State Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.(2)The Advisory Committee constituted under sub-section (1) in any area or any member thereof, may visit at all reasonable times any Certified Institution, in which beggars from that area are detained, after due notice to the Superintendent of that Institution.(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 State 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 one in which beggars from that area are detained, and disburse the collections in the prescribed manner;(c)advise the State Government, through the Chief Inspector as regards the certification of any Institution as Certified Institution or the de-certification of any Certified Institution within the area;(d)advise the State Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the State Government.

## **17. Power to make rules.**

(1)The State Government may, by notification and subject to the condition of previous publication, 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 :(a)the manner of authorising a purpose under clause (1) of section 2;(b)the manner of keeping persons arrested under sub-section (1) of section 3;(c)the manner of making summary inquiry under sub-section (1) of section 4;(d)the manner in which and the place at which the persons sentenced under section 5 shall serve their periods of imprisonment;(e)the management of Certified Institutions, the detention of persons committed to them and the maintenance, care, treatment and instruction of such persons including all matters relating to their diet and accommodation as well as their labour and general conduct;(f)the powers and duties of the officers appointed under section 14;(g)the determination of the number of officers and servants to be employed under this Act and their salaries and allowances, and other conditions of service and the authority competent to appoint such officers and servants and impose penalties on them;(h)the discharge of persons from Certified Institutions;(i)the nature, incidents and maximum periods of punishments to be imposed on persons detained in Certified Institutions for breach of any rules or for failure or neglect to accept any employment outside such

Institutions which may be secured for them;(j)the manner of appointing a Visiting Committee under section 15 and the powers, duties and functions thereof;(k)the conduct of business by visiting and Advisory Committee and their Constitution : and(l)any other matter which has to be or may be prescribed.(3)Every rule made under this section shall be laid as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## **18. Repeal and saving.**

(1)The Punjab Prevention of Beggary Ordinance, 1976 (Punjab Ordinance No. 8 of 1970), is hereby repealed.(2)Notwithstanding such appeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act and commenced on the 21st September, 1970.-----