

The Bihar Prevention of Beggary Rules, 1954

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Rule THE-BIHAR-PREVENTION-OF-BEGGARY-RULES-1954 of 1954

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The Bihar Prevention of Beggary Rules, 1954 Published vide Notification No.

DM/RI-03/53-H.-6973-H [Dated The 12th March 1954] No. DM/RI-03/53-H.-6973-H.-In exercise of the powers conferred by clauses (a), (b), (c), (d), (e), (f), (g) and (i) of sub-section (2) of Section 12 of the Bihar Prevention of Beggary Act, 1951 (Bihar Act I of 1952), the Governor of Bihar is pleased to make the following Rules, namely:-

1. Short title.

- These Rules may be called the Bihar Prevention of Beggary Rules, 1954.

2. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context-(a)"The Act" means the Bihar Prevention of Beggary Act, 1951;(b)"Chief Inspector" means a person appointed by the State Government to be the Chief Inspector of all Certified Homes, Special Homes and Work Houses in the State either established and maintained by the State Government or declared as such under Section 10;(c)"Form" means a Form appended to these Rules;(d)"Section" means a section of the Act;(e)"Superintendent" means the Superintendent incharge of a Certified Home, Special Home of a Work House and includes any other person empowered in this behalf by the Superintendent to discharge his functions; and(f)all words and expressions used in these Rules and not defined but defined in the Act shall respectively have the same meanings as assigned to them in the Act.

3. Manner of authorising purposes under sub-clause (V) of clause (a) of Section 2.

(1)Except for the purposes of performing Chhat or Shri Satya Narayan Puja or Milad Sharif or

Muharram or Urs or Chehlum, etc., or for any other purpose which may in the opinion of the District Magistrate be of a religious or pious nature, a person desiring to solicit or receive money or food or gifts for any other purpose shall apply for a permit to the District Magistrate.(2)An application for a permit under sub-rule (1) shall contain the following particulars, namely:-(a)full name of the applicant,(b)his age,(c)his occupation,(d)his address,(e)the period, the purpose, and the manner of collection of money, food or gifts, and(f)the method of its disposal and the area within which the disposal is to be made.(3)The State Government or the District Magistrate, as the case may be, may, after making such enquiry as it or he deems fit, and if it or he is satisfied that the application may be granted, issue a permit in Form A, subject to such conditions as it or he may think fit.(4)The permit holder shall carry the permit with him while soliciting or receiving money, food or gifts and shall, on demand by a police officer, produce it for inspection.(5)A breach of any of the conditions specified in the permit shall render the permit liable to cancellation.

4. Manner of keeping persons arrested.

(1)The officer-in-charge of a police-station shall cause a person arrested under Section 4 to be detained in custody in the nearest police-station until such person is produced before the nearest Magistrate. If such person is detained in custody at a police-station, he shall, as far as possible, be kept segregated from other persons detained in custody in the said police-station :Provided that nothing in this sub-rule shall be deemed to require such person to be kept segregated from other persons detained in custody at the police-station in pursuance of the provision of this sub-rule.(2)No person shall, in pursuance of sub-rule (1), be detained in custody with a person not of the same sex:Provided that nothing in this sub-rule shall apply to a child under twelve years of age.

5. Manner of making summary enquiry under Section 5(1).

- So far as may be the procedure prescribed in the [Code of Criminal Procedure, 1898] [Now 1973 (Act II Of 1974).], for the trial of summons cases, and for recording evidence therein shall be followed in making an enquiry under sub-section (1) of Section 5.

6. Cleansing and medical examination of persons remanded to or detained in Certified Home, Special Home or Work House.

(1)Every person remanded to or detained in custody, in a Certified Home, Special Home or Work House, as the case may be, shall-(i)submit himself to-(a)a preliminary medical examination and such medical treatment as may, in the opinion of the medical officer in charge of such Certified Home, Special Home or Work House, be necessary;(b)such trimming or shaving of the hair on any part of the person as may, in the opinion of such medical officer, be necessary for the administration of medical treatment or for securing cleanliness and health;(c)a thorough cleansing and washing of the body with such materials as may be provided and a complete removal of clothing in order to secure this object;(ii)wear such clothes as may be provided by the Superintendent.(2)(a)The medical officer who in pursuance of the provisions of Section 7 examines a person received in a Certified

Home, Special Home or Work House, as the case may be, shall carefully and thoroughly examine all parts of the body of such person and shall-(i)record the result of his examination in Form 'B' if such person is in good health, and in Form 'C' if he is not in good health.(ii)keep a copy of such record in the history sheet of such person, and(iii)report the result of his examination to the Superintendent:Provided that such medical examination in case of a female shall be carried out by a lady doctor either at the local hospital or at the Certified Home, Special Home or Work House, as may be convenient.(b)The Medical officer shall, where necessary, arrange in the Certified Home, Special Home, or Work House, as the case may be, for any immediate medical treatment of the person found to be a contagious leper or lunatic pending further orders of the Court.(3)Without prejudice to the provisions of any Rules, a minimum physical force necessary may be used to secure compliance with all or any of the provisions of sub-rule (1) or (2).

7. Persons remanded by Court to, and those detained in a Certified Home, Special Home or Work House, to be kept separate.

- A person received in a Certified Home, Special Home, or Work House, as the case, may be, on remand by a Court shall, as far as possible, be kept segregated from the persons undergoing a term of detention sentenced under the Act and shall be allowed reasonable facilities in connection with the hearing of his case.

8. Articles found on search and inspection to be entered in register.

(1)in every Certified Home, Special Home or Work House, as the case may be, a register shall be maintained showing money and other articles found with or on persons received therein including ornaments and jewelleryes.(2)On a person being received in sub-centre or institution the money, ornaments and jewelleryes and other articles found with of on him on search and inspection and taken possession of shall be entered in such register, and the entries relating to him shall be read over to him, and in token of the correctness of such entries, his signature shall be taken in the presence of the Superintendent.(3)Entries shall be made in such register showing in respect of every such search-(a)what articles, if any, are respectively destroyed, sold and stored;(b)in the case of articles sold, the amounts realised;(c)the return to him of any money, ornaments and jewelleryes or articles under the provisions of Rule 11, and(d)the payment to him of the amounts mentioned in clause (b).(4)All entries in such register shall be attested by the Superintendent.

9. Disposal of articles.

- Any article other than money or ornaments and jewelleryes belonging to a person received or detained in a Certified Home, Special Home or Work House, as the case may be not being a person kept in such centre under Rule 4, shall be disposed of as follows, namely-(a)if it consists of obscene pictures or literature, tobacco snuff, opium, any drug or liquor or perishables of the value of five rupees or less it shall be destroyed;(b)if it consists of perishables of the value of more than five rupees, it shall be sold by auction as soon as possible and the proceeds kept in safe custody by the Superintendent;(c)the clothing, bedding or other articles of such person shall be destroyed, if the

Superintendent considers it essential on hygienic grounds or considers them to be worthless, or if the clothing or bedding is ragged; and the clothings bedding and other articles of persons found to be suffering from any infectious or contagious disease shall be burnt;(d)clothing, bedding and other articles not covered by the provisions of sub-rules (a), (b) and (c) shall, after being washed and disinfected, if necessary be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

10. Staff not to buy articles auctioned.

- No. person employed in a Certified Home, Special Home or a Work House shall, whether directly or indirectly, bid at the auction or purchase, any article auctioned under these Rules.

11. Disposal of articles after passing of Court's order.

(1)On a Court making an order, other than an order of detention in respect of any person, his money and ornaments and jewelleries and such of his articles as are not destroyed or disposed of together with the proceeds of such of his articles as have been sold, shall, at the time of his release, be handed over to him in the presence of the Superintendent, who shall take his signature or thumb impression in the column provided for the purpose in the register maintained under Rule 8 in token of his having received back such money, ornaments and jewelleries, articles or proceeds.(2)(a)On an order of detention being made by a Court in respect of any person, the Superintendent shall order such person's money and ornaments and jewelleries and his clothing, bedding and other articles if any stored under clause (d) of Rule 9 together with the sale-proceeds realised under clause (b) of Rule 9 to be kept in safe custody and handed over to him at the time of his release.(b)Any article, ornaments and jewelleries or money belonging to such person, may with his consent, and with the approval of the Superintendent, be delivered to his friends or relatives at any time during the period of his detention; or the same may be sold and the sale-proceeds disposed of in such manner as the person may desire.(c)At the time of the release of such person, the articles, ornaments and jewelleries or money kept in safe custody shall be handed over to him and an entry made in that behalf in the register maintained under Rule 8. Such entry shall be signed by the Superintendent.

12. Persons detained in a Certified Home, Special Home or Work house forbidden to do certain acts.

- A person detained in a Certified Home, Special Home or a Work House, as the case may be, shall not-(i)refuse to receive any training arranged or ordered for him or to do any work allotted to him;(ii)manufacture any article without the knowledge or permission of the officers incharge of the different industries;(iii)misbehave or quarrel with any other inmate;(iv)fail to assit in the maintenance of discipline or to give assistance to an officer when called upon to do so;(v)do or omit to do any act with intent to cause to himself any illness, injury or disability;(vi)give a false answer to any question or refuse to give a true account of his movements;(vii)cause any disturbance or violence or omit to assist in suppressing any disturbance;(viii)do any act or use any language calculated to hurt or offend the feelings and prejudices of a fellow inmate;(ix)commit a nuisance or

any act of indecency in any part of the institution or refuse to obey any orders issued for proper sanitation;(x)disobey any order regulating the cleanliness of his person, clothing, bedding, utensils or any other articles;(xi)secrete any article ^ .whatsoever or damage any part of the kit of any other inmate or any property or implement of the institution;(xii)refuse to eat food prescribed by the diet scale or wilfully destroy any food or render it unpalatable or unwholesome;(xiii)leave without permission the working party to which he is assigned of the part of the premises or grounds in or at which he may be required to be present at any particular time;(xiv)receive or possess or partake of any of the prohibited articles mentioned in Rule 13;(xv)resist or obstruct an officer in the execution of his duty or refuse or omit to obey any lawful order of an officer or refuse to perform or omit to perform work or duties in the manner indicated for that purpose.

13. Prohibited articles.

(1)No person shall, except with the permission of the Superintendent, or the Medical Officer incharge of a Certified Home, Special Home or a Work House, carry a prohibited article into such institution.(2)The following shall be deemed to be prohibited articles for the purposes of this Rule, namely :-(i)alcohol and spirit of every description;(ii)bhanga, ganja and opium;(iii)betel;(iv)drugs of every description;(v)matches and materials for producing fire;(vi)implements of gambling;(vii)any implements capable of causing hurt or facilitating escape;(viii)snuff and tobacco;(ix)any other articles specified in an order in this behalf by the Superintendent.

14. Functions of Chief Inspector.

- The Chief Inspector shall be responsible for the supervision of all Certified Homes, Special Homes and Work Houses in the State and for this purpose he may visit such Homes and Work Houses, inspect the records thereof, and if necessary, recommend suitable action in respect of any inmate or against any act of the Superintendent or the Managing Committee to the Managing Committee or the State Government, as the case may be.

15. Functions of the Superintendent.

- A Superintendent shall be appointed by the Managing Committee with the prior approval of the Chief Inspector and shall be responsible for all matters relating to medical examination, health, discipline, labour, punishment and control of the persons remanded to or detained in such Certified Home, Special Home or Work House. He shall also be responsible for the proper maintenance of the records and registers and for the disposal of articles under these Rules.

16. Constitution of Managing Committee.

(1)The Management of a Certified Home, Special Home or Work House, as the case may be, shall vest in a Managing Committee which shall be appointed by the State Government.(2)A Managing Committee shall consist of the District magistrate who shall be the Chairman, the Sub-divisional Magistrate, one other official and four non-officials to be nominated by the State Government of

whom one at least shall be a lady.(3)In the absence of the District Magistrate, the Sub divisional Magistrate shall act as Chairman and in the absence of the Sub-divisional Magistrate, the members present at a meeting shall elect one of their members to preside over the meeting.(4)Non-official members shall hold office for a period of one year from the date of appointment and for such further period, if any, as the State Government may, by general or special order,- direct in that behalf.(5)The tenure of appointment of a non-official member may be terminated by the State Government at any time without assigning any reason.(6)A non-official member shall be eligible for re-nomination on the expiry of his term of office.(7)Any casual vacancy among the non-official members shall be filled by nomination of another non-official who shall hold office so long as the person in whose place he is nominated would have held office if the vacancy had not occurred.(8)Non-official members shall not be entitled to any allowances for their visits to the Certified Home, Special Home or Work House as the case may be.

17. Meeting of Managing Committee.

(1)The Managing Committee shall hold meetings at such intervals as may be necessary, not being less than once a quarter, to enable it to enquire into all matters affecting the welfare of every inmate remanded to or detained in a Certified Home, Special Home or Work House or relating to the efficient administration of such Certified Home, Special Home or Work House.(2)The Superintendent shall be the ex-officio Secretary of the Managing Committee and shall have the right to speak at, and otherwise take part in, any meeting of the Managing Committee but shall not be entitled to vote. He shall issue notices and maintain records of all proceedings of all meetings and shall carry on all correspondence on behalf of the Managing Committee.All matters referred to the Managing Committee shall be addressed to the Secretary who shall as soon as possible place the same before the Chairman. The Chairman shall fix the date and time of a meeting of the Managing Committee and shall also settle the agenda of the meeting.Three members shall form quorum at a meeting. If at any meeting the quorum is not present, the Chairman shall adjourn the meeting to such other date as he thinks fit and for any such adjourned meeting no quorum shall be necessary.The proceedings of the Managing Committee shall be recorded by the Secretary and signed by the Chairman and confirmed at the next meeting.

18. Duties of Managing Committee.

- it shall be the duty of the Managing Committee-(a)to examine and pass the accounts;(b)to keep a minute book in which its proceedings will be recorded;(c)to satisfy itself that necessary measures for medical examination, health, discipline, labour punishment and control are being taken;(d)to give every inmate an opportunity of making applications and complaints to it and to enquire into the same;(e)to inspect all registers and the records of inmates; and(f)to recommend to the State Government the discharge or release of any inmate under Section 9.

19. Penalties.

- If a person contravenes any of the provisions of Rule 12, he shall be liable to a penal diet for a period not exceeding three days at a time with an interval of not less than twelve days between the

service of one penal diet and another.

20. Report of certain cases to Chief Inspector.

- The Superintendent shall report to the Chief Inspector the case of any person detained in a Certified Home, Special Home or Work House, as the case may be, who habitually and wilfully disobeys or neglects to comply with the provisions of Rule 12. Form 'A' [See Rule 3(3)] Name No. Address is permitted to solicit or receive money/food/gifts.....for the purpose ofat the following places.....within the following areas.....during the period commencing on the.....and ending on the the..... subject to following conditions:(i) This permit shall be carried by the holder when collecting alms and, on demand by any police officer, be produced for inspection. It shall not be transferable.(ii) The collection shall be used only for the purpose mentioned above.(iii) The manner of the collection shall be as under.(iv) This permit shall be liable to cancellation for breach of any of its conditions. Given under my hand and seal this.....day of

200.

Secretary to Government/District Magistrate. Form 'B' [See Rule 6(2)] Form of Medical Examination

Name (Full) Age.

No. Detained Sex Wt. Ht.

Identification marks

General State of Health.

Fit for Work at Institution.

Remarks.

Date.

Signature of the Medical Officer. Form C [See Rule 6(2)] Form of Medical Examination

Name of the Receiving Centre.

Admission No.

(A) Name in full

Married or Single

Caste

Age Sex

Identification marks

Date of admission in the Receiving Centre

Weight

Height.

General state of health, bodily condition and previous history for which kind of work if any, he/she is fit. (B) Result of medical examination.

- 1. Eye.**
- 2. Mouth.**
- 3. Teeth.**
- 4. Nose.**
- 5. Throat.**
- 6. Ear.**
- 7. Heart.**
- 8. Lungs.**
- 9. Liver.**
- 10. Spleen.**
- 11. Skin.**
- 12. Blood test, if any.**
- 13. Mentality.**