

The Bombay Prevention Of Begging Act, 1959 [Delhi Extension]

DELHI

India

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Act 10 of 1960

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The Bombay Prevention Of Begging Act, 1959 [Delhi Extension](Bombay Act X of 1960)As extended to the Union Territory of DelhiAn Act to consolidate and amend the law relating to beggars for the purpose of making uniform and better provision for the prevention of begging in the State of Bombay and for matters connected therewith.Where it is expedient to make uniform and better provision for the prevention of begging in the State of Bombay; for the detention, training and employment of beggars and their dependents in certain institutions; for the custody, trial and punishment of beggar offenders. And for these and other purposes to consolidate and amend the law relating to beggars. It is hereby enacted in the Tenth year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title, extent, commencement and repeal of corresponding laws and provisions.-

(1)This Act may be called the Bombay Prevention of Begging Act, 1959.(2)It extends to the whole of the Union Territory, Delhi.(3)It shall come into force on such date as the Chief Commissioner may by notification in the Delhi Gazette, appoint.

2. Definitions.-

(1)In this Act, unless the context otherwise requires,-(i)“Begging” means-(a)Soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortune telling, performing or offering any article for sale;(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 of diseases whether of a human being or 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 exist soliciting or receiving alms;(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 given for a purpose authorizes by any law, or authorized in the manner prescribed by the Deputy Commissioner or such other officer as be specified in this behalf by the Chief Commissioner.(ii)“Certified Institution” means any institution which the Chief Commissioner 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;(ii-a) “Chief Commissioner” means the Chief Commissioner of Delhi;(iii)“Chief Inspector” means the person appointed to be 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;(v)“Children Act” means the law for the time being in force in the Union Territory of Delhi relating to neglected and delinquent children and providing for their care, protection and other matters;(vi)“Court” means any court exercising criminal jurisdiction in the area in which this Act is in force;(vii)“prescribed” means prescribed by rules made under this Act;(viii)“Probation Officer” means an officer appointed to be Probation Officer under sub-section (1) of section 17;(ix)“public place” includes a railway compartment;(x)“Reception Centre” means an institution for the receiving and temporary detention of beggars provided by the Chief Commissioner or certified to be such under sub-section (1) of section 12;(xi)“Superintendent” means a Superintendent of a Receiving Centre or a Certified Institution, as the case may be.

Chapter II

Procedure for dealing with beggars and beggar offenders

3. Power of courts.

The powers conferred on courts by the Act shall be exercised only by the High Court, a Court of Sessions, 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 of require person found begging to appear before court. –

(1)Any police officer, or other person authorized in this behalf in accordance with rules made by the Chief Commissioner 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 so arrested or shall be liable to any proceedings under this Act except under a complaint by the occupier of the 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 (V of 1898) 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 a court.

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

(1) Where a person who is brought before the court under the last preceding section 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 reference 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 the last preceding sub-section 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 the beggar's abstaining from begging and being of good behavior, 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 Act, the court shall have regard to the following considerations, that is to say:—(i) the age and character of the beggar, (ii) the circumstances and conditions in which the beggar was living, (iii) reports made by the Probation Officer, and (iv) 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 under the sub-section immediately preceding, 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 case of dependents) to the guardian concerned and may give the beggar 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 in this section, when the person found to be a beggar as aforesaid is a child who is 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 for being dealt with under that Act. For the purpose of ascertaining the age of the person the court may, if necessary, cause the beggar to be examined by a medical officer.

6. Penalty for begging after detention as beggar.-

(1) Whenever, having been previously 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 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 in a summary way.

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 manner prescribed.(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 (V of 1898).

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

(1)When the court has ordered the detention of a person in a Certified Institution under section 5 or section 6 it may, often 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 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 for being dealt with there under:Provided that where the dependent person is the beggar's own child, being a 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 detain in a Certified Institution without being separated from the mother as regards the place of detention until it attains the age of five years; and there after person to be kept in the prescribed manner until he can be brought before a court.(3)For the purpose of this section, the Court if necessary cause the dependent person to be arrested and brought before itself and caused to be examined by a medical officer. The provisions of Section 61 of the Code of Criminal Procedure, 1898 (V of 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 can be brought before a court.

10. Powers of Chief Commissioner to order for the detention of incurably helpless beggars.-

When any person who is detained in a Certified Institution under section 5, section 6 or section 9 is considered, whether on an application by him to the Chief Commissioner or otherwise by the Chief Commissioner to be blind, a cripple or otherwise incurably helpless, the Chief Commissioner may order that he shall after the expiry of the period of detention be further detained indefinitely in a

Certified Institution: Provided that the Chief Commissioner may release any such inmate to any person whom the Chief Commissioner considers suitable executes a bond with or without sureties as the Chief Commissioner may require, making himself responsible for the housing and maintenance of such inmate 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 a child to solicit or receive alms or whoever uses another person as an exhibit, shall be punished with imprisonment for a term which may extend to three years but which shall not be less than one year.

Chapter III

Receiving centres and certified institutions

12. Provision of Receiving Centers.-

(1) The Chief Commissioner may provide and maintain one or more Receiving Centres at such places as it think fit, and may certify any institution to be a Receiving Centre for the purposes of this Act. (2) Every such Receiving Centre shall be under the control of a Superintendent.

13. Provisions of Receiving Centres/Certified Institution.-

(1) The Chief Commissioner may provide and maintain one or more Certified Institution at such place or places as he 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 general education and medical care of the inmate. (2) Every such Certified Institution shall be under the charge of a Superintendent.

14. Visiting Committees.-

(1) For every Receiving Centre and every Certified Institution, the Chief Commissioner shall appoint a Visiting Committee in such manner as may be prescribed.

15. Advisory Committee.-

(1) The Chief Commissioner may constitute an Advisory Committee consisting of such persons, not exceeding twenty –one in number as he may appoint. Provided that where a local authority has agreed to render such financial assistance as the Chief Commissioner may consider proper in each case, for the maintenance of the Certified Institutions in which beggar from the area subject to the jurisdiction of the local authority are detained, the Chief Commissioner shall appoint such number

of persons as he deems fit on the Advisory Committee representing the local authority.(2)The Advisory Committee constituted under sub-section (1) of any member thereof, may visit at all reasonable times and after the due notice to the Superintendent, any Certified Institution in which beggars are detained.(3)The Advisory Committee may also-(a)tender advice as regards management, to any Certified Institutions through the Chief Inspector or such other officer as the Chief Commissioner may specify,(b)collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions and disburse the collections in the prescribed manner,(c)advise the Chief Commissioner through the Chief Inspector as Certified Institutions or the desertification of any Certified Institutions, or(d)advise the Chief Commissioner 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 Chief Inspector or any officer specified by the Chief Commissioner.

16. Payment of contribution by local authority 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 Certified Institution shall make payment of that sum to the Central Government before a date prescribed in that behalf.(2)If any sum is not paid by a local authority before the prescribed date, the Chief Commissioner may make an order directing any person, who for the time being has custody of any money on behalf of the local authority as its officer, treasurer, banker or otherwise to pay the sum from such money, as he may have in his hands or may from time to time receive, to the Central Government and such person shall be bound to obey such order. Every payment made pursuant to such order shall be sufficient discharge to such person from all liability to the local authority so held by him.

17. Appointment of Chief Inspector, Additional Chief Inspector, Inspector, Assistant Inspectors and Probation Officer.-

(1)for carrying out the purposes of this Act, the Chief Commissioner may appoint a Chief inspector of Certified Institutions and Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officer as he think 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 Chief Commissioner directs but shall act under the direction of the Chief Inspector.(2)Every Receiving Centre and Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector, Inspector, Assistant Inspector or a Probation Officer.

18. Search in receiving centre and Certified Institutions.-

The Superintendent of a Receiving Centre or a Certified Institutions may order that any person received in the Receiving Centre or a Certified Institution shall be searched, that he shall be cleansed, that his personal affects shall be inspected, and that any money or valuables found with or on the person shall be kept in the custody of such Superintendent, and that any effects other than

money or valuables so found shall be disposed of in the prescribed manner. 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 or on the person shall be disposed of in the prescribed manner. Where the court passes an order other than an order of detention with regard to any such person, his money and valuables shall be returned to him and if his clothing has been destroyed, he shall be provided with fresh clothing. The expenses of prevailing such clothing shall be paid out of money provided by the Parliament: Provided that a female shall be searched only by a female, and with due regard to decency.

19. Management and discipline.-

Persons remanded to or detain in, receiving Centre 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 of 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 the section immediately proceeding, the Chief Inspector, the Inspector or Superintendent may report to the court the case of any person detained in a Certified Institution who habitually and willfully disobeys or neglects to comply with any rule referred to in that section; and the court may thereupon, if satisfied that the person has willfully disobeyed or neglected to comply with any such rule, convert the balance of the period of his detention in comply with any such rule, convert the balance 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 conditions prescribed, the Chief Inspector may direct any person detained in a Receiving Centre or Certified Institution to be transferred there from to another Receiving Centre or Certified Institution in the Union Territory of Delhi: 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 Chief Commissioner or court under section 26.

22. Release of licence.-

(1) Subject to such conditions as are prescribed- (a) the Chief Inspector or the Superintendent of the Certified Institution may at any time grant permission to a person detained in a Certified Institution to absent himself for short period and (b) the Chief Inspector may at any time release such person conditionally and issue him a licence therefore. (2) Any such licence shall be in force until the expiry

of the term for which the person was ordered to be detained in Certified Institution, unless sooner revoked.(3)The period during which such person is absent from a Certified Institution by permission are by licence as aforesaid shall, for the purpose of computing his term of detention in a Certified Institution, be deemed to be part of his detention.

23. Revocation of licence.-

(1)Subject to such conditions as are prescribed, the Chief Inspector may at any time revoke a licence issued 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 provisions of sub-section (1) of section 25 shall as far as may be applied.

24. Unconditional release.-

At any time after the expiration of three months from the commencement of the release on licence of any person 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 Chief Commissioner his unconditional release. The Chief Commissioner 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.

Chapter IV

Miscellaneous

25. Procedure on order of detention or 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. The person shall thereupon be handed over into the custody of the Superintendent of the Receiving Centre and shall be detained in the Receiving Centre until he is sent there from 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. 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 applied.(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 leprosy patients and lunatics.-

(1)where it appears to the Chief Commissioner that any beggar detained in a Certified Institution under any order of a court is of unsound mind or a leper, the Chief Commissioner 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 other place of safe custody, there to be kept and treated as the Chief Commissioner direct during remainder 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 law.(2)Where it appears to the Chief Commissioner that the beggar has ceased to be of unsound mind, or is cured of leprosy, the Chief Commissioner shall, by an order direct to the person having charge of the beggar if still liable to be kept in custody to send him to the Certified Institution from which he was removed or if the beggar is no longer liable to be kept in custody order him to be discharged.(3)The provisions of section 31 of the Indian Lunacy Act, 1912, (IV of 1912) or (subject to the provisions of sub-section (2) of section 14 of the Lepers Act, 1898 (III of 1898) 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 (IV of 1912), or the Lepers Act, 1898 (III of 1898), 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 Chief Commissioner 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 authorities authorized in this behalf by the Chief Commissioner and send 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 Chief Commissioner may direct any person detained in a Certified Institution to be transferred there from to any Institution of a like nature in any other Part India in respect of which provision similar to that in the Union Territory of Delhi 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

Administrator in the case of a Union Territory.(2)The Chief Commissioner may in consultation with the Superintendent, 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 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 or 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 order 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 or extorting alms.-

(1)Any police officer or other person, effecting under sub-section (1) of section 4 of 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 an infirmary appointed under section 6B of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), for detention therein pending its production before a court.The court before which the person found begging is brought may direct that the animal shall be treated and care 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 authorized by the rules made under section 15 of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890) certifies that its is incurable or cruelty cannot be removed without cruelty, that it shall be destroyed; and the court may also order that after release from the infirmity, 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 if its fitness for discharge issued by the veterinary officer incharge of the area in which the infirmary is situated or such other veterinary officer as has been authorized by rules made under section 15 of the Prevention of Cruelty to Animal Act, 1890, (XI of 1890).

31. Offence to be cognizable and non-cognizable.-

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 with the meaning of the Indian Penal Code (XIV of 1860).

33. Bonds taken under Act V of 1898. –

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

Chapter V

34. Appeals

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

35. Rules.

(1)The Chief Commissioner may by notification in the Delhi Gazette and subject to the condition of previous publication, make rules, for carrying out the purpose 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 authorizing a purpose under clause (i) of sub-section (3) of section 2;(b)the manner of keeping persons arrested under sub-section (3) of section 4 or 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 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;(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 affects and the money and valuable referred to in section 18 shall be made disposed of;(i)the management and discipline of persons detained in 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 transfer under section 21;(k)the conditions subject to which a person may be released on licence under section 22;(l)the conditions subject to which a licence 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.

36. Removal of difficulties.-

If any difficulty arises in giving effect to the provisions of this Act, the Delhi Gazette make such provisions or give such directions as appears to him to be necessary for removing the difficulty.