

The Uttar Pradesh Prohibition Of Beggary Act, 1975

UTTAR PRADESH

India

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Act 36 of 1975

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The Uttar Pradesh Prohibition Of Beggary Act, 1975 Act No. 36 of 1975 [14th August, 1975] An Act to provide for the prevention of beggary and matters connected therewith. It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows:--

1. Short title extent, application, commencement and effect

(1) This Act may be called the Uttar Pradesh Prohibition of Beggary Act, 1975. (2) It extends to the whole of Uttar Pradesh. (3) The provisions of this Act shall apply to such city, municipality, notified area or town area or part thereof or such other local area with effect from such date as the State Government may, by notification, specify in this behalf, and different dates may be appointed for different areas and different provisions of this Act. (4) The State Government may, by notification in the official Gazette direct that the provisions of this Act shall in the first Instance apply only to children, and by subsequent notifications from time to time direct the application of this Act to other categories of persons. (5) On the commencement of this Act in any area of the State and to any class of persons in the manner provided in sub-sections (3) and (4) all corresponding laws in force in that area shall in relation to that class of persons cease to have effect and the provisions of section 6 of the U.P. General Clauses Act, 1904 shall apply to such cessation as they apply to the repeal of an enactment.

2. Definitions

In this Act, unless the context otherwise requires: --(a) 'begging', with its cognate expressions and grammatical variations means soliciting or receiving alms in a public place, whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or offering any article for sale, and includes--(i) entering on any private premises for the purpose of soliciting or receiving alms; (ii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of a human being or animal; (iii) 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;(iv)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 authorized by any law or authorized in the manner prescribed;(b)'Certified Institution' means any institution which the State Government provides and maintains for the detention, training and employment for beggars and their dependents and includes an institution certified as such under section 16;(c)'Child' means a person below the age of sixteen years;(d)'Court' means the court of a Judicial Magistrate of the first class or of the second class or any other court exercising criminal jurisdiction in the area in which this Act is in force;(e)'Juvenile Court' has the meaning assigned to it in the Uttar Pradesh Children Act, 1951;(f)'prescribed' means prescribed by rules made under this Act;(g)'public place' means any place to which for the time being the public have or are permitted to have access, whether on payment or otherwise, and includes any railway carriage, vehicle or vessel or railway or bus station;(h)'Committee' means the State Destitutes Relief Committee constituted under section 3.

3. State Destitute Relief Committee

(1)The State Government may, by notification in the official Gazette constitute a State Destitutes Relief Committee.(2)The Committee shall consist of a Chairman and such number of other members as may be prescribed.(3)The Chairman and other members shall be appointed by the State Government and shall, unless the appointment is terminated earlier by the State Government, hold office for a term of three years from the date of appointment.(4)Any vacancy in the committee caused by resignation or otherwise shall be filled by the State Government by fresh appointment.(5)Save as otherwise provided in this section the terms and conditions of appointment of the Chairman and other members of the Committee shall be such as may be determined by the State Government.

4. Acts of the committee not to be invalidated by vacancy

No act or proceeding of the Committee shall be deemed to be invalid by reason merely of any vacancy or any defect in the constitution of the Committee.

5. Powers and functions of the Committee

The Committee shall--(a)advise the State Government on matters concerning prohibition of beggary and the provision of relief to destitutes;(b)prepare and submit to the State Government schemes for the purpose of providing relief to destitutes;(c)supervise, direct and control all matters relating to the administration of relief to destitutes; and(d)exercise such other powers and perform such other functions and duties as may be specified by or under this Act.

6. Staff of the Committee

(1)There shall be a Secretary of the committee who shall be appointed by the State Government on

such terms and conditions as the State Government determine;(2)Subject to any general or special orders of the State Government Committee may, for the purpose of enabling it to perform its functions efficiently or to exercise its powers appoint such other officers or employees as it may think fit and determine their functions and conditions of service.

7. Local Relief Committees

(1)The Committee may, for the purpose of carrying out the provisions; of this Act in any local area, constitute a Local Relief Committee in such manner as may be prescribed.(2)The Local Relief Committee shall, subject to the control of the State Destitutes Relief Committee, perform such functions as may be prescribed or assigned to it by or under this Act.

8. Prohibition of begging

No person shall beg-within an area to which this Act applies.

9. Power to arrest person found begging

(1)Any police officer may arrest without warrant any person who is found begging and shall take or send the person so arrested to a Court:Provided that no person entering upon any private premises for the purpose of soliciting or receiving alms shall be arrested or shall be liable to any proceedings under this Act, except upon an oral or written complaint to such-police officer by any occupier of the premises.(2)The provisions of sections 50, 51, 52, 56 and 57 of the Code of Criminal Procedure, 1973 shall, so far as may be, 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.

10. Inquiry in respect of persons found begging

(1)Where a person is brought before the Court under section 9 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:Provided that the Court may, pending inquiry, release a person on furnishing bond, with or without sureties, that during the inquiry, he shall not resort to begging and shall attend the Court whenever required.(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)If a person is found to be a beggar under the last preceding sub-section the Court may pass any of the following orders, namely-(a)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 that person on a bond, with or without sureties, for his abstaining from begging, and being of good behaviour during

the period in which the bond is in force;(b)The Court may order him to be detained in a Certified Institution for a period which shall be not less than one year and may extend up to two years:Provided that the court may, by a subsequent order, and for reasons to be recorded, reduce the period of such detention.(6)In passing any order under the provisions of this Act, the Court shall have regard to the following, that is to say--(a)the age and character of the person charged with begging,(b)the circumstances and conditions in which that person was living, and(c)such other matters as may, in the opinion of the Court, be necessary to be taken into consideration in the interests of such person.(7)A copy of the order made under sub-section (5) shall be sent forthwith to the Superintendent of the Certified Institution.

11. Special provision for child beggars

(1)Notwithstanding anything contained in this Act, where it is found that a person against whom an inquiry is to be held under section 10 is a child, the Court shall, if the provisions of Uttar Pradesh Children Act, 1951 are applicable in that local area, forward the child to a Juvenile Court which shall deal with him in accordance with the provisions of that Act.(2)For ascertaining the age of a person for the purpose of sub-section (1) the Court may cause him to be examined by a registered medical practitioner or take such other evidence as it considers necessary.

12. Penalty for subsequent offences

(1)Whoever, having been previously detained in a Certified Institution under this Act, is found begging, shall on conviction be punished as hereinafter 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 which shall not be less than one year and may extend up to 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 in a Certified Institution, for a period of five years and may convert any period of such detention (not exceeding two years) into a sentence of imprisonment extending to a like period.

13. Keeping of child below 5 years wholly dependent on beggar

Where the court has ordered the detention of a person in a Certified Institution under section 10 or section 12 it may, after making such inquiry as it thinks fit, order any child below the age of five years wholly dependent on such person, to be kept in the Certified Institution during the whole or part of the period of his detention.

14. Recovery of costs of maintenance from the beggar or his relatives

(1)The Court which makes an order for the detention of any person in a Certified Institution under section 10 or section 12 may make an order that the parent or any other person liable to maintain him shall, if able to do so, contribute to his maintenance in the prescribed manner.(2)If the Court is satisfied that the person against whom an order for detention is made under section 10 or section 12

has, any property or is entitled to a share in any property, it may direct that such costs of maintenance as may be specified in the order shall be recovered from his property of share in the property as the case may be.(3)Before making any order under sub-section (1) or (2) the Court shall afford opportunity to the person against whom an order is proposed to be made under the aforesaid provisions to show cause against the same.(4)Any order made under this section may, on the application made by the party liable, or otherwise, be varied by the Court.(5)Any sum ordered to be recovered under sub-section (1) or (2) shall be recovered as if, it were fine imposed by a Court of Criminal Jurisdiction.

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

Whoever employs or causes any person to beg or whoever having the custody, charge or care of a child, connives at, induces or encourages him or whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punished with imprisonment for a term which shall not be less than one year and may extend up to three years.

16. Punishment for refusing to go to a Magistrate etc.

Any person refusing or failing to accompany a police officer or any other person authorised in this behalf to appear before a Court or Magistrate or to be taken to a Certified Institution or other place, when required under this Act, shall on conviction be punished with imprisonment for a term which may extend to six months or with fine or with both.

17. Certified Institution

(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.(2)Every such Certified Institution shall be under the charge of a Superintendent who shall be appointed by the State Government on such terms and conditions as may be prescribed.(3)In any such Certified Institution, there shall, so far as practicable, be made provision for the teaching of agricultural, industrial and other pursuits and for the general education and the medical care of the inmates.

18. Management and discipline

Any person who is detained in a Certified Institution under this Act shall be subject to such rules of management and discipline including the taking of manual or other work and the awarding of punishment for breach of any such rules, as may, from time to time be prescribed.

19. Transfer of detenus

Subject to such conditions as may be prescribed any person detained in a Certified Institution under this Act may be transferred to any other Certified Institution provided that the total period of detention of such person shall in no case be increased by such transfer: Provided further that no person shall be transferred to any other State without the consent of the Government of that State.

20. Arrest of person escaping from Certified Institution

Any person who leaves a Certified Institution without the permission of the Superintendent thereof or any other lawful excuse, or fails to return after the expiry of the period of absence permitted under this Act, may be arrested by any police officer without warrant or by an officer of the Certified Institution authorised in this behalf by the State Government and shall be sent back to the Certified Institution.

21. Detention of persons suffering from certain diseases

(1) Where it appears to the State Government or any person authorised by the State Government in this behalf that any person detained in a Certified Institution under this Act is a leper, or of unsound mind, the State Government, or the person so authorised, as the case may be, may order the removal of that person to a leper asylum or a mental hospital or other place of safe custody. (2) Subject to the provision of the Lepers Act, 1898 and the Indian Lunacy Act, 1912, no such person as aforesaid shall be detained in a leper asylum or mental hospital or other place, as the case may be for a term inclusive of the period of detention undergone in a Certified Institution, which would exceed the total period for which he has been ordered to be detained in a Certified Institution under section 10 or section 12. (3) Where it appears to the State Government or any person authorised by it in this behalf that the person has ceased to be of unsound mind or is cured of leprosy, the State Government or such other person shall by order direct him to be sent back to the Certified Institution, if still liable to be detained and shall otherwise direct him to be discharged. (4) Subject to the provisions of this section where the removal of a beggar due to unsoundness of mind or leprosy is immediately necessary, it shall be open to the superintendent of a Certified Institution to proceed in the prescribed manner until such time as the order of the State Government or any other person authorised in that behalf can be obtained, as aforesaid.

22. Temporary or unconditional release before expiration of the period of detention

(1) Subject to such conditions as may be prescribed, the State Government or any other person authorised in this behalf may at any time grant permission to a person detained in a Certified Institution to absent himself for short periods or may at any time release such person conditionally and issue him a licence therefor. (2) Subject to such conditions as may be prescribed, a licence issued under sub-section (1) may at any time be revoked and there upon the person released on such licence shall surrender and in case of default shall be arrested and sent to a Certified Institution for

detention until the expiry of the term for which he had been ordered to be detained under section 10 or section 12.(3)The period during which any person is absent from a Certified Institution by permission or 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. Notwithstanding anything contained in the foregoing provisions, the State Government may, if it is satisfied that a person detained in a Certified Institution will abstain from begging, direct at any time that he shall be released 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.

23. Medical examination of the beggar

(1)A person ordered to be detained in a Certified Institution under 'this Act shall, as soon as may be, after his arrival at a Certified Institution be examined by a Medical Officer.(2)The Medical Officer shall report about the age and general state of health and mental and bodily condition and in particular whether the person is a leper or whether he is suffering from any infectious or contagious disease and whether he is capable of rendering any kind of manual labour.(3)The report of the Medical Officer referred to in sub-section (2) shall be forwarded to the Superintendent of such Certified Institution and a copy of the report shall also be sent to the State Government or a person authorised in that behalf for such action as may be deemed fit.

24. Search in Certified Institution

The Superintendent of a Certified Institution may direct that any person received in the Certified Institution shall be searched, that he shall be cleansed, that his personal effects shall be inspected and that any money or other thing found with him 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.

25. 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 any officer empowered by rules in this behalf.(2)Whoever refuses to allow his finger prints to be taken under subsection (1) shall on conviction be liable to imprisonment for a term which may extend to three months.

26. Seizure and disposal of animals

(1)Any police officer arresting a person under section 9 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)Any animal seized under sub-section (1) may be removed to the nearest veterinary hospital and shall be disposed of in accordance with the orders of the Court.

27. Offences to be cognizable and non-bailable

All offences under this Act shall be cognizable and non-bailable.

28. Appeal and revision

For the purposes of appeal and revision under the Code of Criminal Procedure, 1973 and order of detention passed under this Act shall be deemed to be a sentence of imprisonment.

29. Persons to be deemed public servants

All persons empowered to perform any function by or under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

30. Bonds taken under this Act

The provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to bonds taken under this Act

31. Rules

(1)The State Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: --(a)The powers, functions and duties of the Committee;(b)the constitutions, powers, functions, and duties of the Local Relief Committees;(c)the manner in which a person arrested under section 9 is to be kept until he can be brought before a court;(d)the manner of making summary inquiry under sub-section (1) of section 10;(e)the manner in which contribution for the maintenance of a person detained in a Certified Institution may be made under subsection (1) of section 14;(f)the management and discipline including the taking of manual or other work and the awarding of punishment for breach of rules in respect of the person detained in a Certified Institution;(g)the conditions subject to which a person may be transferred from one Certified Institution to another in the State or outside the State;(h)the manner of and the conditions for the removal of any person from Certified Institution owing to unsoundness of mind or any other reason under sub-section (4) of section 21;(i)the conditions of permission for temporary absence from a Certified Institution and the conditions of licence for temporary release under sub-section (1) of section 22;(j)the manner in which the medical examination of a beggar is to be held under section 23;(k)the manner of disposal of things found in possession of a person detained in Certified Institution under section 24;(l)fees in respect of any of the matters provided by or under this Act;(m)any other matter which is required to be or may be prescribed.(3)All rules made under this section shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications

or annulment as the Houses of the Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.