

ANDHRA PRADESH PREVENTION OF BEGGING ACT, 1977

12 of 1977

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Received the assent of the President on the 30th April, 1977 and the said assent is first published on the 1st May, 1977 in the Andhra Pradesh Gazette]. An Act to consolidate and amend the law providing for the prevention of begging for the 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 Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty eighth Year of the Republic of India as follows:

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

- (1) This Act may be called the Andhra Pradesh Prevention of Begging Act, 1977.
- (2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint and they may appoint different dates for different areas.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) authorised officer means any Police Officer, or such other person as may be authorised by the Government to arrest any person under this Act;

(b) begging means,

(i) soliciting or receiving alms for one's own subsistence or for the subsistence of his dependants and includes allowing a child in his custody to solicit or receive alms;

(ii) soliciting or receiving alms, whether or not under any pretence, such as singing, dancing, fortune telling, performing tricks or offering any article for sale;

(iii) exposing or exhibiting, with the object of obtaining alms, any sore, wound, injury, deformity or disease, whether of a human being or of an animal;

(iv) having no ostensible 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;

(v) allowing one self or a child or an animal to be used as an exhibit for the purpose of soliciting or receiving alms;

(vi) entering on any private premises for the purposes of soliciting or receiving alms;

(c) Certified Institution means any institution called special home or work house, which the Government may provide and maintain for the detention, training and employment of beggars and their dependents and includes any institution certified as such under sub section (1) of Section 11;

(d) Chief Inspector means the Chief Inspector of certified institutions appointed under sub section (1) of Section 14;

(e) Child means a person who has not completed sixteen years of age;

(f) Court means the court of a Metropolitan Magistrate in the Metropolitan area of Hyderabad and that of a Magistrate of the first class or second class specially authorised by the Government in that behalf elsewhere;

(g) Government means the State Government;

(h) Notification means a notification published by the Government in the Andhra Pradesh Gazette and the word notified shall be construed accordingly;

(i) Prescribed means prescribed by rules made by the Government under this Act;

(j) Public place means any public street or road or thoroughfare or any place of public resort and includes any public conveyance or railway carriage or premises of a railway station, seaport or aerodrome;

(k) Special home means an institution, established and maintained by the Government under the provisions of this Act for detention of beggars not physically capable of ordinary manual labour, and includes any institution certified as such under sub section (1) of Section 11;

(l) Superintendent means a person placed in charge of a certified Institution, by whatever name called;

(m) Work house means an institution established and maintained by the Government under the provisions of this Act for detention of beggars physically capable of ordinary manual labour, and includes any institution certified as such under sub section (1) of Section 11.

CHAPTER 2

Begging made an Offence

3. Begging in public place an offence :-

(1) No person shall beg in a public place after the commencement of this Act and it shall be an offence punishable under this Act, if any person is found begging in a public place.

(2) Any person who is found begging in a public place shall be liable to be punished under Section 27 or dealt with in the manner provided in Chapter III.

CHAPTER 3

Arrest of Beggars and the Procedure for committing them to certified Institutions,

etc.

4. Power to produce the person found begging before a court :-

(1) Any authorised officer may arrest without warrant any person who is found begging in contravention of Section 3.

(2) Any person arrested under sub section (1) shall be informed as soon as may be, of the grounds for such arrest, and shall be produced before the nearest court within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court, together with a report explaining the circumstances under which the arrest was made.

(3) The court shall, as soon as may be, order the person to be taken before a Medical Officer, not below the rank of an Assistant Surgeon, and the medical officer shall, after examining such person, prepare and forward a medical report to the court regarding the age and physical capacity for ordinary manual labour of such person.

(4) The medical officer referred to in sub section (3) shall state in the medical report referred to therein, inter alia

(a) the age and sex of the person;

(b) whether the person is suffering from leprosy;

(c) from what, if any, communicable disease other than leprosy, the person is suffering;

(d) whether the person is an idiot or of unsound mind; and

(e) what is the general state of health and bodily condition of the person and for which kind of work, if any, he is fit.

5. Summary inquiry by the court in respect of persons found begging and produced before it :-

(1) The court before whom the person is produced under sub section (2) of Section 4, shall on receipt of the medical report referred to in sub section (3) of that section, make a summary inquiry into the facts and circumstances of the case and also age, character and the physical capacity for ordinary manual labour of the person produced before it.

(2) During such inquiry the court shall explain to such person the

facts alleged against him in the report of the authorised officer and record any statement which he may wish to make with reference thereto.

(3) If such person disputes the correctness of the report of the authorised officer in any material respect, the court shall proceed, as nearly as may be, in accordance with the procedure laid down for the trial of summons cases in the Code of Criminal Procedure, 1973.

(4) If the inquiry 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.

(5) For the purposes of inquiry, the court may examine the medical officer as a witness and shall reduce the examination to writing.

6. Orders of the court on completion of inquiry in regard to person produced before it under Section 4 :-

(1) If on completion of the inquiry, the court is not satisfied that the person was guilty of the offence under Section 3, it shall order that such person shall be released forthwith.

(2) If on completion of the inquiry the court is satisfied that such person is guilty of the offence under Section 3, it shall record a declaration that the person is a beggar and shall make further orders as provided in sub section (3) or sub section (4) or sub section (5) as the case may be, unless he is in the opinion of court, a leper or a lunatic, in which case the court shall make further orders as provided in sub section (6).

(3) If the Court finds that the person who is declared a beggar under sub section (2) is a child, it may, subject to the provisions of Section 7, deal with the case in any manner specified in Section 28 of the Andhra Pradesh (Andhra Area) Children Act, 1920, in accordance with the provisions of that Act.

(4) If the Court finds that the person who is declared a beggar under sub section (2) has completed sixteen years of age and is physically capable of ordinary manual labour, it may, instead of sentencing him under Section 27, order his detention in a work house for a specified period not less than one year but not exceeding three years:

Provided that if the Court is satisfied from the circumstances of the

case that the person declared a beggar under sub section (2) is not likely to beg again, it may,

(i) instead of releasing him on probation of good conduct under clause (ii) release such person after due admonition on his giving an undertaking in writing that he will not again commit an offence under Section 3.

(ii) direct that he be released on his entering into a bond with or without sureties to appear and receive sentence when called upon during such period as the Court may direct and in the mean time to be of good behaviour.

(5) If the court finds that the person who is declared a beggar under sub section (2) has completed sixteen years of age but is not physically capable of ordinary manual labour, it may, instead of sentencing him under Section 27, order his detention in a special home for such period as the Court may deem fit.

(6)

(a) If the Court is of opinion that the person who is declared a beggar under sub section (2) is a leper or a lunatic, it shall record a finding to that effect and shall direct that detention ordered shall be undergone by the beggar

(i) if a leper, in a leper asylum appointed under Section 3 of the Lepers Act, 1898, and certified under Section 11 of this Act;

(ii) if a lunatic, in an asylum established or licensed under Section 84 of the Indian Lunacy Act, 1912 and certified under Section 11 of this Act.

(b) Notwithstanding anything in the Lepers Act, 1898, or in the Indian Lunacy Act, 1912, in respect of any leper asylum or lunatic asylum referred to in clause (a) the Superintendent of such leper asylum or the person in charge of such lunatic asylum, as the case may be, shall also have authority to detain persons sent thereto in such asylum in accordance with the direction of the Court under this section.

7. Order of court in regard to beggar who is a child :-

Where the Court dealing with any case under sub section (3) of Section 6 finds that the person concerned,

(i) has no home or settled place of abode or ostensible means of

subsistence, or has no parent or guardian, or has a parent or guardian who does not exercise proper guardianship or

(ii) is destitute and both his parents are or his surviving parent or in the case of an illegitimate child his mother, is undergoing imprisonment; or

(iii) is under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to have such care, it may order him to be sent to a school established or certified under the relevant law for the time being in force relating to children:

Provided that where the Court is satisfied that it is inexpedient to send the offender to such school by reason of his bodily ailment or incapacity or other cause, the Court may, if separate accommodation is provided in a special home for persons who have not completed sixteen years of age, order his detention in such home for a specified period not exceeding three years:

Provided further that where the Court is satisfied that the parent or guardian of the person concerned who is bound to maintain him has sufficient means but fails to maintain him, it may order such parent or guardian to maintain him or to contribute for his maintenance such amount as may be specified in that order.

8. Court's finding regarding age to be final :-

Where a court has arrived at a finding regarding the age of a person dealt with by it under Section 5, such age shall, for the purpose thereof, be deemed to be his true age, and no order or judgment of the court shall be deemed to be invalid or be liable to be questioned in appeal or revision on the ground that the age of such person was not correctly determined by the court.

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

(1) When the court has ordered the detention of a person for any period in a certified institution under Section 6 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 the certified institution for a like period:

Provided that no such order shall be made unless the dependent person has been given an opportunity of showing cause against such order.

- (2) Where the dependent person is a child, the court may,
- (a) place the child in the custody of any suitable person, whether a relative or not, who is willing to undertake the care of such child; or
 - (b) send him to a school established or certified under the relevant law for the time being in force relating to children:

Provided that where the dependent person is the beggar's own child who has not completed five years of age and the beggar is an able bodied mother not being a leper or a lunatic the child may be ordered to be detained in the same certified institution in which the mother is detained without being separated from the mother until it completes five years of age and thereafter dealt with as provided in this sub section.

10. Seizure and disposal of animals exposed or exhibited for extorting alms :-

(1) Any authorised officer effecting under sub section (1) of Section 4 the arrest of a person who is 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 authorised officer may remove the animal to any infirmary appointed under Section 6 of the Prevention of Cruelty to Animals Act, 1890, for detention therein and thereafter the provisions of that Act shall mutatis mutandis, apply to such animal.

CHAPTER 4

Certified Institutions and the Authorities for their Management

11. Provisions of Certified Institutions :-

(1) The Government shall establish and maintain one or more workhouses and one or more special homes at such place or places as they think fit, or may certify any institution not established and maintained by the Government, to be a work house or special home for the purposes of this Act.

(2) Separate accommodation for males and females shall be provided in each such certified institutions.

12. Certified institutions to be under a Superintendent :-

(1) Every certified institution shall be under the charge of a Superintendent who shall exercise such powers and perform such

functions as are assigned to him by or under this Act.

(2) Every certified institution shall make provision for the residence, maintenance, physical exercise and medical care of its inmates.

(3) Every certified institution may, for the general public uplift of its inmates, provide for the following matters, namely:

(a) training in arts and crafts;

(b) training in agriculture and poultry;

(c) establishment of an industry;

(d) primary education;

(e) education in morals and conduct in every day life;

(f) health and medical care.

13. Advisory Committee :-

(1) The Government may constitute for one or more certified institutions, an Advisory Committee consisting of such number of persons not exceeding twenty but not less than nine as they may appoint;

Provided that two of such persons shall be persons nominated by each local authority for whose local area the certified institution or institutions are established or certified.

(2) The Advisory Committee constituted under sub section (1) or any member thereof may visit at all reasonable times and after due notice to the Superintendent of any certified institutions in which beggars are detained.

(3) The Advisory Committee may also

(i) tender advice as regards management, to the Superintendent of the certified institution through the Chief Inspector or such officer as the Government may specify;

(ii) collect subscriptions towards the recurring as well as non recurring expenditure of any or all certified institutions within its jurisdiction and disburse the collections to them in the prescribed manner;

(iii) advise the Government through the Chief Inspector as regards the establishment of additional certified institution or the abolition

of any certified institution within its jurisdiction;

(iv) advise the Government generally on the working of this Act in its jurisdiction and particularly on any point referred to it by the Chief Inspector or any other officer specified by the Government.

14. Appointment of Chief Probation Inspector and Assistant Inspectors :-

(1) The Government may appoint a Chief Inspector of certified institutions for the State, and Inspector and as many Assistant Inspectors as may be necessary for one or more certified institutions functioning in any area, for exercising the powers and performing the functions conferred on or entrusted to them by or under this Act.

(2) The Government may, by general or special order define the limits within which the Inspector or each Assistant Inspector shall exercise the power and perform the functions conferred on or entrusted to the Inspector or Assistant Inspectors by or under this Act.

(3) Subject to the provisions of this Act the Inspector and all Assistant Inspectors shall perform their functions under the general superintendence and control of the Chief Inspector and the Chief Inspector may, in addition to the powers and functions conferred on or entrusted to him, exercise any power or perform any function so conferred on or entrusted to an Inspector or Assistant Inspector.

(4) The Chief Inspector, Inspector or Assistant Inspector shall inspect every certified institution as often as necessary, but not less than once in every six months.

CHAPTER 5

Management of and Discipline in Certified Institutions

15. Mode of securing admission to certified Institutions, etc. :-

(1) Any beggar may present himself for admission into any certified institution and the Superintendent of the Institution shall, after satisfying himself that he is a beggar, admit him to such institution.

(2) Any beggar desirous of admission into a certified institution under sub section (1) shall, before his admission execute an agreement to the effect that he shall abide by the rules and regulations of the institutions and comply with such general and

special directions and orders as may be given at any time by the Superintendent of the institution.

(3) Such beggar may be transferred from one certified institution to another.

16. 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 6, the court which ordered the detention shall forthwith forward him to the nearest certified institution with a copy of the order of detention and the person shall thereupon be handed over to the custody of the Superintendent of the institution, who shall detain him in the institution.

(2) When any such person has been sentenced to imprisonment, the court passing the sentence of imprisonment, shall forthwith forward a warrant to 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 certified institution.

17. Search of beggar received in certified Institutions and disposal of property of beggar :-

(1) The Superintendent of a certified institution may order that any person received in the certified institution shall be searched, that his personal effects shall be inspected, that any money or valuables found with or on the person shall be kept in the custody of the Superintendent or disposed of in the prescribed manner, and that any effects to her than money or valuables so found shall be disposed of in the prescribed manner:

Provided that a woman or female child shall be searched by a woman only and with due regard to decency.

(2) Where any such person is released or discharged from the certified institution his money and valuables, if any kept with the Superintendent shall be returned to him and if his clothing has been destroyed, he shall be provided with fresh clothing and the

expenses therefor shall be borne by the Government.

18. Management and discipline :-

Persons detained in 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 for breach of any such rules, as may from time to time, be prescribed.

19. Disciplinary imprisonment :-

Without prejudice to any disciplinary action that may be taken under Section 18, the Chief Inspector may report to the court the case of any person detained in a certified institution who habitually or wilfully refuses or neglects to comply with all or any of the rules referred to in Section 18 and the court may, if satisfied that the person has wilfully refused or neglected to comply with such rules convert any period of his detention in a certified institution not exceeding three months into a term of imprisonment to a like period.

20. Transfer from one certified institution to another :-

(1) The Chief Inspector may direct that any person detained in a certified institution may be transferred therefrom to another certified institution.

(2) In directing such transfer, the Chief Inspector shall have due regard to the medical report referred to in sub section (3) of Section 4 and the directions, if any, made by the court under sub section (6) of Section 6.

21. Release on licence :-

(1) The Chief Inspector may at any time grant permission to a person detained in a certified institution to absent himself for short periods or release him by granting a licence on such terms and conditions as may be prescribed:

Provided that in urgent cases, the Superintendent of a certified institution may grant such permission for any period not exceeding fifteen days.

(2) Any licence granted under sub section (1) shall be in force until the expiry of the term for which the person was ordered to be detained in a certified institution unless sooner revoked.

(3) The period during which such person is absent from a certified institution during the continuance of a permission or a licence granted to him under sub section (1) shall for the purpose of computing his term of detention in a certified institution be deemed to be part of his detention.

22. Revocation of licence :-

(1) The Chief Inspector may at any time revoke a licence granted under sub section (1) of Section 21 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 nearest certified institution together with a copy of the order of detention, and thereupon the provisions of sub section (1) of Section 16 shall, so far as may be, apply.

23. Power to release :-

If the Government at any time, of their own motion or on application made to them, are satisfied that a person convicted under Section 6 or Section 27 and committed to a certified institution, has been cured of the 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, they, 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.

24. Arrest of person escaping from certified institution :-

Any person who leaves a certified institution without the permission of the Superintendent or fails to return thereto after the expiry of the period of absence permitted under sub section (1) of Section 21 may be arrested by an authorised officer, without warrant, and sent back to the certified institution.

25. Transfers between certified institution and institution of like nature in different parts in India :-

The Government may direct any person detained in a certified institution in this State to be transferred therefrom to any institution of a like nature in any other State in respect of which provision similar to that in this State is made by the Government of that other State under any law in force therein:

Provided that no such transfer shall be made without the previous consent of the Government of that other State.

26. Power to take finger prints :-

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 Commissioner of Police or any officer empowered by him in this behalf in the cities of Hyderabad and Secunderabad and by the District Magistrate or any officer empowered by him in this behalf elsewhere.

CHAPTER 6

Miscellaneous

27. Penalty for begging :-

(1)Whoever is found begging in contravention of the provisions of Section 3 shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but shall not be more than two years or with fine which may extend to two hundred rupees or with both.

(2) Whoever, after having been convicted under sub section (1), is again convicted for a second time, he shall be punished with imprisonment for a term which shall be not less than two years but shall not be more than three years.

(3) Whoever, after having been convicted under sub section (2), for a second time, is convicted again he shall be punished with imprisonment for a term which shall not be less than three years but shall not be more than five years.

28. 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 or causes the employment of a child to solicit or receive alms or whoever uses another person or a corpse as an exhibit for the purpose of begging, shall on conviction, be punished with imprisonment for a term which shall not be less than two years but shall not be more than seven years and in case he is a beggar, thereafter with detention in a certified institution for a period of not less than one year and not more than three years or with imprisonment for a further term which may extend to one year in lieu of such detention.

29. Penalty for refusing to give finger prints :-

Whoever refuses to allow his finger prints to be taken under Section 26 shall, on conviction, be liable to have his period of detention in a certified institution not extending to a like period.

30. Certain offences to be cognizable and non bailable :-

The offence under Section 28 of this Act shall be cognizable and non bailable.

31. Persons to be deemed public servants :-

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

32. Detention to be deemed imprisonment for purposes of appeal and revision :-

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

33. Power to make rules :-

(1) The Government may, by notification, and subject to the condition of previous publication, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days, which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification, or annulment shall be without prejudice to the validity of any thing previously done under that rule.

34. Repeal and savings Act XII of 1945 :-

The Andhra Pradesh (Andhra Area) Prevention of Begging Act, 1945, the Andhra Pradesh (Telangana) Prevention of Beggary Act, 1350 F. and the Andhra Pradesh Prevention of Begging Ordinance, 1976 are hereby repealed; and upon such repeal the provisions of

Sections 8 and 18 of the Andhra Pradesh General Clauses Act 1891, shall apply as if the said Acts and Ordinance had been repealed and re enacted by the Andhra Pradesh Act.