

Bihar Prevention Of Beggary Act, 1951

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An Act To Check Begging and Reclaim Children Accompanying Beggars and Make Them Useful Citizens. Whereas it is expedient to check begging and reclaim children accompanying beggars and make them useful citizens; It is hereby enacted as follows :-- 1 .This Act received the assent of the Governor on the 8th January, 1952, and the assent was first published in the Bihar Gazette on the 23rd January, 1952.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Bihar Prevention of Beggary Act, 1951.
- (2) It extends to the whole of the State of Bihar.
- (3) It shall come into force in such area or areas and on such date or dates as the State Government may, by notification, from time

to time, appoint and the State Government may in like manner withdraw or rescind such notification.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(a) "begging" means--

(i) soliciting alms in a public place, or in or about a temple, mosque or other place of public worship, whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or selling articles;

(ii) entering on any private premises for the purpose of soliciting alms;

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

(iv) having no visible means of subsistence and wandering about or remaining in any public place or in a temple, mosque or other place of public worship in such condition or manner as makes it likely that the person doing so exists by soliciting alms;

(v) allowing himself to be used as an exhibit for the purpose of soliciting alms, but does not include soliciting money or food or gifts for a purpose authorised by any law or authorised in the prescribed manner by the District Magistrate or by the State Government:

Provided that the State Government may, by general or special order, direct that "begging" shall not include soliciting alms in or about any temple or mosque or any other place under such terms and conditions and on such occasions as may be specified in the order;

(b) "Certified Home" means a home certified by the State Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious disease notified in this behalf by the State Government;

(c) "Court" means the court of a Magistrate of the first class;

(d) "Fund" means the Prevention of Beggary Fund established under sub-section (1) of section 11 in respect of any local area to which this Act applies;

(e) "Juvenile Court" means a Court empowered by or under section 8 of the Reformatory Schools Act, 1897 (VIII of 1897);

(f) "police officer" means a police officer not below the rank of an

assistant sub-inspector of police;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "public place" means any highway, public park or garden or any railway station or railway train and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and includes any open space to which for the time being the public have or are permitted to have an access, whether on payment or otherwise;

(i) "Reformatory school" means a school established and maintained by the State Government under the Reformatory Schools Act, 1897 (VIII of 1897);

(j) "Special Home" means a home notified by the State Government, as suitable for the reception of beggars, not physically capable of ordinary manual labour, but not suffering from leprosy or any other infectious or contagious disease and children below the age of ten years who are committed to a Special Home under any of the provisions of this Act; and

(k) "Work House" means a place notified by the State Government as suitable for the reception of beggars, physically capable of ordinary manual labour, who are committed to a Work House under any of the provisions of this Act.

3. Begging An Offence Under This Act :-

If any person is found begging within an area to which this Act applies, he shall be guilty of an offence under this Act.

4. Power To Require Persons Found Begging To Appear Before Court :-

(1) Any police officer or other person authorised in this behalf by the District Magistrate 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 alms shall be so arrested or shall be liable to any proceedings under this Act except upon a complaint of the occupier of the premises.

(2) 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.

1. Now see Code of Criminal Procedure, 1973.

5. Summary Inquiry In Respect Of Persons Found Begging And Their Detention :-

(1) Where a person is brought before the Court under section 4, 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 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 declaration that the person is a beggar. The Court shall also determine after making an inquiry in the manner prescribed whether the person was born in the State of Bihar and ordinarily resides therein and shall include the findings in the declaration. The Court shall make further order as is in this section hereinafter provided.

(5) The Court shall order the person declared as beggar under subsection (4) to be detained in a Work House, Special Home or, as the case may be, in a Certified Home in accordance with the provision of section 7 for a period of not less than one and not more than three years;

Provided that if the Court is satisfied from the circumstances of the case that the person declared under sub-section (4) is not likely to beg again, it may release the beggar after due admonition on a bond for the beggars abstaining from begging and being of good behaviour being executed with or without sureties, as the Court may require, by the beggar or any other person whom the Court considers suitable.

(6) Notwithstanding anything in this section, when the person declared as beggar under sub-section (4) is a child not below the age of five years, the Court shall, instead of making any order under sub-section (5), submit the proceedings and forward the child to a Juvenile Court which may make such further inquiry (if any) as it may think fit and pass such sentence or order for the detention of the child in a Reformatory School or otherwise, as it might have passed if the child had been originally tried by it under section 8 of the Reformatory Schools Act, 1897 (VIII of 1897). For

the purpose of this sub-section, the Court may, if necessary, cause the beggar to be examined by a medical officer.

6. Penalty For Begging After Detention As Beggar :-

(1) Whoever having been previously detained in a Work House, Special Home or, as the case may be, a Certified Home in accordance with the provision of section 5 is found begging shall on conviction be punished as is hereinafter in this section provided.

(2) When a person is convicted for the first time under sub-section (1), the Court shall order him to be detained in a Work House, Special Home or Certified Home, as the case may be, for not less than three years and not more than seven years and may convert any period of such detention not exceeding one year into a sentence of imprisonment extending to a like period:

Provided that if the Court, at any time after the passing of the sentence, of its own motion or on application, is satisfied that the person sentenced under this sub-section is not likely to beg again, it may release the person after due admonition on a bond for his abstaining from begging and being of good behaviour being executed with or without sureties, as the Court may require, by the person or any other person whom the Court considers suitable.

(3) When a person is convicted for the second or subsequent time under sub-section (1), the Court shall order him to be detained for ten years in a Work House, Special Home, or Certified Home, as the case may be, and may convert any period of such detention not exceeding two years into a sentence of imprisonment extending to a like period.

7. Report Of Medical Officer Before Committal :-

(1) The Court which finds a person be guilty of an offence of begging under section 5 or 6 shall, before passing a sentence of his committal to a Work House or a Special Home or a Certified Home, send such person to the medical officer incharge of the local civil hospital, or the police hospital or to the medical officer attached to the local Work House, if any, and call for a report about his age, physical capacity for ordinary manual labour and also whether he is suffering from any infectious or contagious disease likely to spread among the other inmates of the Work House or Special Homes.

(2) If the medical officer certified that the said person is above the age of ten and capable of ordinary manual labour and is also not suffering from any infectious or contagious disease, the Court shall,

in case of a first offence, pass a sentence for committal of such person to a Work House.

(3) If the medical officer reports that the said person is below the age of ten or is physically incapable of ordinary manual labour, but is not suffering from any infectious or contagious disease, the Court shall, in case of a first offence, pass a sentence for committal of such person to a Special Home.

(4) If the medical officer reports that the said person is suffering from any infectious or contagious disease, the Court shall in case of a first offence, pass a sentence for committal of such person to a Certified Home, but, if there is no such Certified Home for the reception of such person, the Court may stop further inquiry and release him.

8. Punishment For Escape From Work House, Special Home Or Certified Home :-

Whoever escapes from a Work House, Special Home or a Certified Home to which he has been committed on conviction under the provisions of this Act before the expiry of the period for which he has been committed, if he is of more than sixteen years of age, shall be punished with fine which may extend to one hundred rupees or with imprisonment which may extend to three months:

Provided that if the person is below the age of sixteen, he shall be punished with fine which may extend to two hundred rupees or with imprisonment which may extend to six months.

9. Release Of A Person Sentenced Under Section 5 Or 6 And Committed To A Work House, Special Home Or Certified Home :-

If the State Government, at any time, of its own motion or on application, is satisfied that a person convicted under section 5 or 6 and committed to a Work House or a Special Home or a Certified Home has been cured of a disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the State Government may, by order, direct that the person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

10. Notification Of Work House, Special Home And Certified Home :-

The State Government may establish and maintain a Work House, a Special Home or a Certified Home for any area to which this Act applies or may from time to time declare, by notification, any house as a Work House, a Special Home or a Certified Home for the purposes of this Act.

11. Fund :-

(1) For the purposes of this Act, there shall be established by such authority as may be prescribed for every local area to which the Act applies, a fund which shall be called the Prevention of Beggary Fund for such area and that fund shall, subject to such directions as may, from time to time, be given by the State Government, be administered and controlled by the prescribed authority.

(2) There shall be placed to the credit of the said fund -

(a) all sums which may be allotted out of the Consolidated Fund of the State for the purposes of carrying out the provisions of this Act;

(b) all contributions, donations or subsidies received from any local authority or private person or any philanthropic institution;

(c) any other sum which the State Government or any subordinate authority empowered by it may direct that the sum shall be credited to the fund.

12. Rule Making Power :-

(1) The State Government may, by notification, and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

(a) the manner of authorising a purpose for which soliciting money or food or gift is permissible under sub-clause (v) of clause (a) of section 2;

(b) the manner of keeping persons arrested under sub-section (2) of section 4;

(c) the manner of making summary inquiry under sub-section (1) of section 5 and the manner in which the inquiry, as regards birth and residence, shall be made under sub-section (4) of section 5;

(d) the management of Work Houses, Special Homes and Certified Homes, the detention of persons committed to such Houses and Homes, and the maintenance, care, treatment and instruction of

such persons including all matters relating to their diet and accommodation as well as their labour and general conduct;

(e) the determination of the number of officers and servants to be employed under this Act and their salaries and allowances, and other conditions of service and the authority competent to appoint such officers and servants;

(f) the discharge of persons from Work Houses, Special Homes and Certified Homes;

(g) the nature, incidents and maximum periods of the punishments to be imposed on persons detained in Work Houses, Special Homes and Certified Homes for breach of any rules or for failure or neglect to accept any employment outside such Work Houses and Special Homes which may be secured for them;

(h) the determination of the authority empowered to administer and control the Fund under section 11; and

(i) any other matter which is required to be or may be prescribed.

13. Savings :-

Nothing in Act shall apply to vagrants within the meaning of European Vagrancy Act, 1874 (IX of 1874).