

## **Delhi Prevention of Begging Rules, 1960**

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## **Delhi Prevention of Begging Rules, 1960**

Delhi Prevention of Begging Rules, 1960

### **1. Short title :-**

These rules may be called the Delhi Prevention of Begging Rules, 1960.

### **2. Definitions :-**

In these rules unless context otherwise requires,

- (1) "Act" means the Bombay Prevention of Begging Act, 1959 as in force in the Union Territory of Delhi;
- (2) "Certified Institution" includes "Receiving Centre";
- (3) "Form" means a form appended to these rules;
- (4) "Probation Officer" means an officer appointed under Section 17 of the Act.

### **3. Manner of authorising purpose for soliciting or receiving money or food or gifts :-**

(1) A person desiring to solicit or receive, money or food or gifts for any purpose shall apply for a permit to the Deputy Commissioner, Delhi; The application shall contain the following particulars:

- (a) full name of the applicant,
- (b) his age,
- (c) his occupation,
- (d) his address,
- (e) the period, the purpose, and the manner of collection of money, or food or gifts,
- (f) the method of its disposal and the area within which the disposal is to be made.

(2) The Deputy Commissioner may, after making such inquiry as he deems fit, and in consultation with the Chief Inspector of Certified Institutions, issue a permit in Form 'A', subject to such conditions as he may think it necessary to impose.

(3) The permit holder shall carry the permit with him while soliciting or receiving money, food or gifts and shall, on demand, by

a police officer, produce it for inspection.

(4) A breach of any of the conditions of a permit shall render the permit liable to cancellation.

(5) If the Deputy Commissioner is of opinion that a permit should not be issued to the applicant, he shall, as soon as may be, inform the applicant accordingly.

(6) The Chief Commissioner may issue, or order the issue by the Deputy Commissioner of, a permit to any person and in respect of any place or area irrespective of such permit having been refused under sub-rule (5).

#### **4. Person authorised for the purposes of Section 4 :-**

Every Superintendent shall be a person authorised for the purposes of Section 4.

#### **5. Manner of keeping persons arrested :-**

(1) The officer-in-charge a police station or a person authorised under Section 4 shall cause a person arrested under Section 4 or Section 9, until he can be brought before a court, to be kept in the nearest Receiving Centre or at the police station. If kept at the police station such person shall, as far as possible, be kept apart from other persons in custody therein :

Provided that nothing in this sub-rule shall require his being kept apart from persons kept at the police station in pursuance of this sub-rule.

(2) No person shall in pursuance of sub-rule (1) be kept with a person of a different sex:

Provided that nothing in this sub-rule shall apply to a child under twelve years of age.

#### **6. Manner of summary inquiry under Section 5 (1) :-**

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

#### **7. Contribution of parent or other person :-**

(1) The court making an order under sub-section (1) of Section 8 of the Act may direct the parent or other person liable to maintain the

person detained in a Certified Institution, to pay in court, in advance, in the beginning of each month a sum of money as the court may think fit, not exceeding Rs. 30 per month towards the maintenance of such person.

(2) All such recoveries shall be credited by the courts into Government Treasury as Miscellaneous Receipts to Government.

**8. Cleansing and medical examination of persons remanded to or detained in Receiving Centre or Certified Institution :-**

(1) Every person remanded to or detained in a Receiving Centre or a Certified Institution shall

(a) submit to

(i) a preliminary medical examination and such medical dressing as may, in the opinion of the Medical Officer, be necessary;

(ii) such trimming or shaving of the hair on any part of the person as may, in the opinion of the Medical Officer, be necessary for the administration of medical treatment or for securing cleanliness and health;

(iii) thorough cleansing and washing of the body with such materials as may be provided and the complete removal of clothing in order to secure this object;

(b) Wear such clothes as may be prescribed by the Superintendent.

(2)

(a) Notwithstanding anything hereinbefore contained, a Medical Officer who in pursuance of the provisions of sub-section (1) of Section 26 of the Act examines a person shall carefully and thoroughly examine all parts of the body of such person and shall

(i) record the result of his examination in Form B if the person is in good health and in Form C if he is not in good health,

(ii) keep a copy of such record, in the history sheet of the person concerned, and

(iii) report the result of his examination to the Superintendent :

Provided that a female shall be examined in the female section of the Receiving Centre and as far as possible by a Lady Medical Officer.

(b) The Medical Officer shall arrange in the Receiving Centre for any immediate medical treatment of the person found to be a contagious leper or a lunatic pending further orders of the court under sub-section (3) of Section 26 of the Act.

(3) Without prejudice to the provisions of any rule, the minimum physical force necessary may be used to secure compliance with all or any of the provisions of sub-rule (1) or (2).

**9. Persons remanded by court to, and those detained in Receiving Centres to be kept separate :-**

A person received in a Receiving Centre on remand by a court shall, in such Centre, as far as possible, be kept apart from persons undergoing a term of detention and shall be allowed all reasonable facilities in connection with the hearing of his case.

**10. Person received in Receiving Centres and Certified Institutions to be kept apart from other inmates :-**

Every person received in a Receiving Centre or Certified Institution shall be kept apart from other persons on such Centre or Institution, unless the Superintendent is satisfied on a medical report that it is not necessary to do so.

**11. Articles found on search and inspection to be entered in register :-**

(1) In every Receiving Centre and Certified Institution a register of money, valuables and other articles found with or on persons received therein shall be maintained.

(2) On a person being received in such Centre or Institution, the money, valuables and other articles found with or on him on search and inspection under Section 18 and taken possession of shall be entered in such register, and the entries relating to him shall be read over to him in the presence of a witness and the Superintendent and in token of correctness of such entries his signature taken in the presence of the witness and the Superintendent.

(3) Entries shall be made in such register showing in respect of every such search

(a) what articles, if any, are respectively destroyed, sold and stored;

(b) in the case of articles sold the amount realised for them ;

(c) the return to him of any money, valuables or articles under the provisions of Rule 14;

(d) the payment to him of the amounts mentioned in clause (b).

(4) All such entries in such register shall be attested by the Superintendent.

**12. Disposal of property :-**

The property other than money or valuables belonging to a person received or detained in a Receiving Centre or Certified Institution not being a person kept in such centre under Rule 5, shall be disposed of as follows, namely

(a) if it consists of obscene pictures or literature, tobacco, snuff, opium, drug or liquor, or perishable articles of trivial value it shall be destroyed;

(b) if it consists perishable articles of more than trivial value, it shall be sold -by auction as soon as possible and the proceeds kept in safe custody by the Superintendent;

(c) the clothing, bedding or other articles of such person shall be destroyed if the Superintendent considers it essential on hygienic grounds or considers them to be worthless, or if the clothing and bedding is ragged; and the clothing, bedding and other articles of persons found to be suffering from any infectious or contagious disease shall be burnt;

(d) clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall, after being washed and disinfected, if necessary be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

**13. Staff not to buy articles at auction :-**

No person on the staff of a Receiving Centre or Certified Institution shall, whether directly or indirectly, bid at the auction of, or purchase, any property auctioned under these rules.

**14. Disposal of property after passing of Courts order :-**

(1) On a court making an order other than an order of detention in respect of any person, his money and valuables and such of his articles as are not destroyed or disposed of, together with the proceeds of such of his articles as have been sold, shall at the time

of his release be handed over to him in the presence of the Superintendent and the Superintendent shall take his signature or thumb impression in the column provided for the purpose in the register maintained under Rule 11, in token of his having received such money, valuables, articles and proceeds.

(2)

(a) On an order of detention being made by a court in respect of any person, the Superintendent shall order such person's money and valuables and his clothing, bedding and other articles, if any, stored under clause (d) of Rule 12 together with the sale proceeds realised under clause (b) of Rule 12 to be kept in safe custody and handed over to him at the time of his release.

(b) Any property, valuables or money belonging to such person, may with his consent and with the approval of the Superintendent, be delivered to his friends or relatives at any time during the period of his detention; or the same may be sold and the sale proceeds disposed of in such manner as the person may desire.

(c) When such person is transferred from one Certified Institution to another, all his property, valuables and money in the custody of the Superintendent shall be sent along with him to the Superintendent of the Certified Institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

(d) At the time of the release of such person, the property, valuables or money kept in safe custody shall be handed over to him and an entry made in that behalf in the register maintained under Rule 11. Such entry shall be signed by the Superintendent.

### **15. Persons detained in a Certified Institution to be under discipline :-**

A person detained in a Certified Institution shall not

(i) refuse to receive any training arranged or ordered for him or to do the work allotted to him;

(ii) manufacture any article without the knowledge or permission of the Superintendent of the Institution;

(iii) misbehave or quarrel with any other inmate;

(iv) omit to assist in the maintenance of discipline or to give

assistance to an officer when called upon to do so;

(v) do or omit to do any act with intent to cause to himself any illness, injury or disability;

(vi) answer untruthfully any question or refuse to give a true account of his movements;

(vii) cause any disturbance or violence or omit to assist in suppressing any disturbance;

(viii) do any act or use any language calculated to hurt or offend the feelings and prejudices of a fellow inmate;

(ix) commit a nuisance or any act of indecency in any part of the institution or refuse to obey any orders issued for proper sanitation;

(x) disobey any order regulating the cleanliness of his person, clothing, bedding, utensils or any other articles;

(xi) secrete any article whatsoever or damage any part of the kit of any other inmate or any property or implements of the institution;

(xii) leave without permission the working party to which he is assigned or the part of the premises or grounds in or at which he may be required to be present at any particular time;

(xiii) refuse to eat food prescribed by the diet scale or wilfully destroy any food or render it unpalatable or unwholesome;

(xiv) receive or possess or partake of any of the prohibited articles mentioned in Rule 16;

(xv) resist or obstruct an officer in the execution of his duty or refuse or omit to obey any lawful order of an officer or refuse to perform or omit to perform work or duties in the manners indicated for that purpose.

## **16. Prohibited articles :-**

(1) No person shall except with the permission of the Superintendent or a medical officer take into a Receiving Centre or Certified Institution a prohibited article.

(2) The following shall be the prohibited articles, namely

(i) Alcohol and spirit of every description.

(ii) Bhang, Ganja and opium.



- (iii) Betal,
- (iv) Drugs of every description.
- (v) Matches and materials for producing fire.
- (vi) Any implements capable of causing hurt or facilitating escape.
- (vii) Implements of gambling.
- (viii) Snuff and tobacco.
- (ix) Any other articles specified in this behalf by the Superintendent by a special order.

**17. Poor Fund :-**

(1) For every Receiving Centre and Certified Institution there shall be a welfare fund.

(2)

(a) The Superintendents are authorised to accept donations or contributions in cash made to the welfare fund by the public,

(i) where the amount of donation or contribution does not exceed rupees twenty five, without prior approval of the Chief Commissioner;

(ii) in all other cases with the prior approval of the Chief Commissioner. All such donations and contributions shall be acknowledged by written receipts bearing serial numbers.

(b) The Superintendent shall deposit all money collected for the welfare fund along with the non-Government money, if any, in the nearest Government Treasury by opening a personal ledger account in his name and shall keep a subsidiary account of the welfare fund.

Explanation For the purposes of this sub-rule "non Government money" mean

(i) gratuities earned by the inmates under Rule 31 for good conduct and progress in training.

(ii) wages earned by inmates for doing "outside work.

(iii) private cash belonging to the inmates, which is deposited with the Superintendent.

(c) The amount received in pursuance of any agreement with the Delhi Association for the Care of Destitutes shall be credited to the welfare fund.

(3) The amount standing to the credit of the welfare fund shall be spent for the following purposes, namely

(i) to meet the contingent expenses in connection with the collection of the fund;

(ii) to provide for the welfare and comfort of the destitutes who are inmates of, or have been released on licence from, the Receiving Centre or Certified Institution, as the case may be; and

(iii) to provide for any new service for the inmates not covered under an approved scheme;

(4) The Superintendent may in consultation with the Visiting Committee, subject to requirements of sub-rule (3) spend sums out of the welfare fund on objects previously determined by the Visiting Committee :

Provided that no amount exceeding Rs. 25 shall be spent without the previous sanction of the Chief Inspector.

(5) The fund shall be operated on by the Superintendent as the Controlling and Disbursing Officer, and he will be responsible for the proper maintenance of the accounts of the fund.

(6) The following books shall be maintained separately in connection with the fund

(1) Cash Book.

(2) Order Book.

(7) The accounts of the fund shall be audited at the time of the annual audit of the accounts of the receiving Centre or Certified Institution to which it relates.

### **18. Donation in kind :-**

Prior approval of the Chief Commissioner shall not be necessary in respect of acceptance of any donation in kind.

### **19. Collection Boxes :-**

(1) The Superintendents may install collection boxes in their offices which shall, subject to the provisions of sub-rule (2), be kept

locked and sealed.

(2) Every such box shall be opened at least once and not more than twice a month:

Provided that a box shall not be opened a second time during the same month unless a period of ten days has elapsed since it was opened in that month. The amount so collected shall be credited to a Government Treasury by a chalan and shall be spent in the manner, and for the purposes, specified in sub-rules (3) to (6) of Rule 17.

## **20. Visiting Committee :-**

(1) The Visiting Committee appointed under Section 14 shall consist of twelve members of whom seven including the Chairman shall be official and five shall be non-officials.

(2) The Superintendent and such six other officers as the Chief Commissioner may appoint, from time to time, in this behalf, shall be the ex-officio members. In the absence of the Chairman, the senior-most official members present shall act as Chairman.

(3) The non-official members, of whom, in the case of a Visiting Committee appointed for a Receiving Centre or Certified Institution intended for female beggars, not less than two shall be lady visitors, shall be nominated by the Chief Commissioner.

(4) Non-official members shall hold office for a period of one year from the date of appointment and for such further period, if any, as the Chief Commissioner may by general or special order direct in that behalf.

(5) The tenure of appointment of a non-official member may be terminated by the Chief Commissioner at any time without assigning any reason.

(6) A non-official member shall be eligible for renomination on the expiry of his term of office.

(7) Any casual vacancy among the non-official members shall be filled by nomination of another non-official who shall hold office so long as the person in whose place he is nominated would have held it if the vacancy had not occurred.

(8) Non-official members shall be entitled to payment of travelling allowance for journey undertaken to Visit the Centre or Institution

at such rates as may from time to time be fixed by the Chief Commissioner.

**21. Duties of Visiting Committee :-**

(1) It shall be the duty of members of a Visiting Committee appointed for a Receiving Centre or Certified Institution maintained by the Chief Commissioner

(a) to visit such Centre or Institution, as the case may be, once a month according to a rota which shall be drawn up by the Chairman after consulting the member;

(b) to attend quarterly meetings which shall be held in the months of January, April, July, and October;

(c) to inspect all parts of the Centre or Institution and see every inmate remanded or detained therein.

(2) It shall be duty of such Visiting Committee

(a) to satisfy itself that necessary measures for discipline, employment, teaching of industries and medical care are being taken;

(b) to give every inmate an opportunity of making applications and complaints to it and to enquire into the same;

(c) to inspect the accounts and other registers and the records of inmates;

(d) to recommend to the Chief Inspector the release on licence in accordance with Section 20 of the Act of persons detained in the Certified Institution;

(e) to recommend to the Chief Inspector the names of societies and responsible persons willing to take charge of or provide work for persons so released;

(f) to ascertain and communicate to the Chief Inspector whether any person recommended for release is willing to be placed in the charge of or work for any such society or responsible persons;

(g) to consider any other matter connected with the progress of the Centre or Institution, as the case may be and the welfare of the inmates in general or in particular.

(3) Five members shall form a quorum for the purpose of the

meetings specified in clause (b) of sub-rule (1).

**22. Visiting Committee for Receiving Centres or Certified Institutions not maintained by the Chief Commissioner :-**

The duties of a Visiting Committee appointed for a Receiving Centre or Certified Institution not maintained by the Chief Commissioner shall, subject to the terms of any agreement, entered into by the Chief Commissioner in respect thereof, be as prescribed by Rule 21.

**23. Visiting Committee Book :-**

(1) At every Receiving Centre and Certified Institution, besides a general Visit Book, there shall be kept a separate Visiting Committee Book, in which shall be recorded the minutes of the proceedings of each meeting of the Committee and wherein members of the Visiting Committee shall also record the dates of their visits, with any remarks or suggestions they may have to make.

(2) A copy of the proceedings of each meeting and of all such remarks shall be sent to the Chief Inspector with such remarks as the Superintendent may desire to offer in explanation or otherwise and thereupon the Chief Inspector shall pass such orders as he thinks necessary and the Superintendent shall send a copy of such orders to the members concerned.

**24. . :-**

A local authority which has agreed to pay any sum under sub-section (1) of Section 16 shall pay it to the Chief Commissioner not later than the last day of February following.

**25. Transfer from one Receiving Centre or Certified Institution to another :-**

(1) The Chief Inspector may direct that any person detained in a Receiving Centre or Certified Institution shall be transferred to another Receiving Centre or Certified Institution subject to the following conditions, namely

(i) every such direction shall be issued with due regard to the accommodation available;

(ii) no such direction shall be issued except on

(a) a report from the Medical Officer recommending the transfer of such person on medical or hygienic grounds, or

(b) a direction given by a court, or

(c) a report from the Superintendent recommending transfer in the interest of discipline or for other reasons.

(2) The Chief Inspector shall not direct the transfer of any person to a Receiving Centre or Certified Institution not maintained by the Chief Commissioner in contravention of the terms of any agreement entered into by the Chief Commissioner in respect of such Centre or Institution.

## **26. Release of Licence :-**

(1) A person detained in a Certified Institution may be released conditionally on licence in Form D by the Chief Inspector if in his opinion such person has been of good behaviour and is not likely to beg or employ or cause persons to beg or use them for the purposes of begging and will be able to maintain himself and his dependents, if any, by honest means and satisfies the following conditions, namely

(a) in case he is undergoing detention for the first time, he has resided in the Certified Institution for not less than one-third of the term of his detention, and in any other case, he has resided in the Certified Institution for not less than two-thirds of the term of detention.

(b) during one month immediately preceding the date of release in the case of a first detention, three such months in the case of detention for the second time and six such months in the case of any subsequent detention, he must not have been awarded any disciplinary punishment for breach of rules, other than that specified in clauses (i) and (ii) of Rule 33.

Provided that the Chief Inspector may, in special cases, for reason to be recorded in writing, relax the provisions of clauses (a) and (b).

(2) The Superintendent shall give timely intimation of the probable date of an inmate's release from the Institution to his relative and invite the relative to come to the institution on that date and take charge of the inmate. If the relative takes charge of the inmate accordingly, actual expenses of the journey undertaken by the relative both ways and of the inmate's return journey shall be paid by the Superintendent to the relative at the time of the inmate's

release after due verification of the relationship between the inmate and the said relative. If the relative does not come to take charge of the inmate, the inmate shall be taken to his native place by a care-taker from the institution.

(3) In suitable case of release of inmates on licence, the Chief Inspector may keep inmate under supervision and may impose such conditions as he deems fit for weaning the inmate from the life of begging.

(4) A person detained in a Certified Institution shall not be released on licence by the Chief Inspector under sub-section (1) of Section 22 except on the conditions specified in Form D.

(5) The Chief Inspector may at any time, at the desire of the person or Society with whom or under whose supervision an inmate is licensed to live, by order in writing, revoke the licence and order the inmate to return to the Certified Institution. If the inmate fails to return to the Certified Institution, the Chief Inspector may, if necessary, call for the papers, deal with the case himself, and make such orders as he thinks fit in the interest of the inmate, including the orders for the arrest of the inmate and causing him to be placed before the court or taken back to the Certified Institution.

## **27. Short leave of absence to inmates of Certified Institutions :-**

(1) The Superintendent may, on sufficient cause being shown to his satisfaction, grant permission in writing to an inmate to absent himself for a short period not exceeding 7 days at a time, and not exceeding 30 days in the aggregate in a year, exclusive of the time required for going to and returning from the destination, for the purpose of visiting his parents or relatives or attending to a domestic exigency.

Provided such leave exceeding 7 days at a time may be granted with the previous approval of the Chief Inspector.

(2) The Superintendent may at any time cancel, by an order in writing, the permission granted under sub-rule (1) and recall the inmate without giving any reason therefor.

(3) The period during which an inmate is absent from the Certified Institution under sub-rule (1) shall be deemed to be a part of the term of his detention in the said institution.

(4) The time which elapses after the failure of the inmate to return to the Certified Institution shall be excluded in computing the time of his detention, in the Institution.

(5) Any parent or guardian contributing towards the maintenance of an inmate under Section 8 shall be exempt from the payment of such contribution for the period during which the inmate is absent from the institution under this rule.

**28. Daily routine in Certified Institution :-**

The details of the daily routine of the inmates during the various hours of the day shall be fixed by the Superintendent with the approval of the Chief Inspector who shall have power to make changes therein from time to time, if necessary. The approved time-table shall be displayed on the notice board of the Certified Institution.

**29. Duties of Superintendent :-**

The Superintendent shall perform such duties as may be fixed by the Chief Inspector from time to time.

**30. Duties of probation officer :-**

The probation officer shall perform such duties as may be fixed by the Chief Inspector from time to time.

Provided that it shall be the duty of the probation officer to contact the inmates as soon as may be after their admission and record their history and take such steps as will relieve suspense and fear from the inmates and also take such measures as will be conducive to their social adjustment during and after their stay in the institution.

**31. Payment of gratuity to inmates and outside work :-**

(1) With a view to encouraging steady behaviour and application to the training provided, the Chief Commissioner may, by order in writing, provide for the payment of gratuities to such inmates at such rates and in such manner as may be specified in the order.

(2) An inmate may spend out of the balance at his credit such amount and on such articles either from the institutions' canteen or otherwise as the Superintendent may consider to be reasonable; on the release of an inmate the balance, if any, left in his account shall be handed over to him and the ledger closed.

(3) The Superintendent may allow an inmate to work outside



subject to his crediting an amount equal to 50 per cent of his earning or 75 nP. per day, whichever is less, to the nearest Government Treasury as a contribution for his stay.

### **32. Disposal of property of inmates dying or escaping before release :-**

(1) When an inmate of any Receiving Centre or Certified Institution dies therein, the property left by the deceased and the amount earned by him as a gratuity, if any, shall be kept in safe custody and handed over by the Superintendent to any person who establishes his claims thereto and executes an indemnity-bond. A receipt shall be obtained from such person for having received such property and the amount. If no such claimant appears within a period of one year from the date of death of such inmate, the property and amount shall be handed over to the police for disposal in accordance with the provisions of Sections 25 to 27 of the Police Act, 1861.

(2) When an inmate of any Receiving Centre or Certified Institution escapes therefrom or fails to return thereto after the expiry of the period of absence permitted to him, the property left by him and the amount earned by him as a gratuity, if any, shall be kept in safe custody by the Superintendent of such Certified Institution, for a period of one year from the date of escape of such inmate or the date on which such inmate should have returned thereto, as the case may be. If within the said period such inmate is not arrested and sent back, or does not return to the Receiving Centre or the Certified Institution, as the case may be, such property and amount shall be handed over to the police for disposal in accordance with the provisions of Section\* 25 to 27 of the Police Act, 1861.

### **33. Penalties :-**

If a person commits a breach of any of the provisions of Rule 15, he shall be liable to any one or more of the following penalties which may be imposed by the Superintendent who shall record all such disciplinary measures in a register

provided for the purpose :

- (i) Formal warning personally addressed to the inmate by the Superintendent.
- (ii) Forfeiture of privilege, if any.

(iii) Degradation in the grade, if any.

(iv) Confinement in the lock-up for a period not exceeding 3 days.

(v) Imposition of handcuffs, except in the case of a female.

(vi) Solitary confinement not exceeding three days at a time with intervals of not less than 12 days between every two such periods.

Provided that the penalty specified in clause (i) shall not be combined with any penalty other than that specified in clause (ii), and the penalties specified in clauses (v) and (vii) shall not be carried out in combination even when awarded at different times and for different offences.

**34. Report of certain cases to Chief Inspector :-**

The Superintendent shall report to the Chief Inspector for the purposes of Section' 18 the case of any person detained in a Certified Institution who habitually and wilfully disobeys or neglects to comply with the provisions of Rule 15.