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## **MAHARASHTRA PREVENTION OF BEGGING RULES, 1964**

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## **MAHARASHTRA PREVENTION OF BEGGING RULES, 1964**

In exercise of the powers conferred by clauses (a) to (e) and (g) to (n) of sub-section (2) of section 35 of the Bombay Prevention of Begging Act, 1959 (Bom. X of 1960), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section 35, namely:-

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

These rules may be called the Maharashtra Prevention of Begging Rules, 1964.

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

(1) In these rules unless the context requires otherwise-

(a) "Act" means the Bombay Prevention of Begging Act, 1959 (Bom. X of 1960);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

### **3. Manager of authorising purpose under section 2 (1)(i) :-**

(1) A person desiring to solicit or receive money, food or gifts for any purpose shall apply for an authorisation-

(i) in Greater Bombay, to the Commissioner of Police; and

(ii) elsewhere, to the District Magistrate; or

(iii) in any part of the State, to the State Government.

(2) 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, food or gifts.

(f) the method of its disposal and the area within which the

disposal is to be made.

(3) The Commissioner of Police or, as the case may be, the District Magistrate, may, after making such inquiry as he deems fit issue an authorisation in Form 'A', subject to such further conditions as he may think it necessary to impose, having regard to the purpose for which the collection shall be made.

(4) The holder of an authorisation shall carry the authorisation with him while soliciting or receiving money, food or gifts and shall, on demand, by the police officer or an officer authorised in this behalf by the State Government, produce it for inspection.

(5) A breach of any of the conditions shall render the authorisation liable to cancellation.

(6) If the Commissioner of Police or, as the case may be, the District Magistrate, is of the opinion that an authorisation should not be issued to the applicant, he shall record the reasons therefore and as soon as may be, inform the applicant that the authorisation is refused.

(7) The Government may issue an authorisation to any person in respect of any place or area irrespective of such authorisation having been refused under sub-rule (6).

(8) The authorisation issued under sub-rules (3) and (7) shall be duly communicated to the Chief Inspector and the Superintendent concerned.

#### **4. Persons authorised for purpose of section 4(1) :-**

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

#### **5. Manner of keeping persons arrested under section 4 (3) or section 9 (3) :-**

(1) Subject to the provisions of sub-rule (2), the Officer-in-charge of a police station or section shall cause a person arrested under section 4 or section 9, until he can be brought before the Court, to be kept in the nearest Receiving Centre or at the Police Station. Such person shall, while in custody at the police station be, as far as possible, kept apart from other persons in custody therein:

Provided that, nothing in this sub-rule shall require such person to be kept apart from other 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 not of the same 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.

**7. Contribution of parent or other person under section 8(1) :-**

(1) The Court making an order under sub-section (1) of section 8 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, such sum of money as the Court thinks fit, not exceeding Rs. 300 per month towards the maintenance of such persons.

(2) All payments made under sub-rule (1) shall be credited by 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 Certified Institution shall-

(a) submit to-

(i) 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 Superintendent or 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 the Superintendent may direct.

(2)

(a) Notwithstanding anything contained in sub-rule (1), a Medical Officer who in pursuance of the provisions of sub-section (1) of section 26 examines a person received in a Receiving Centre under section 25 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 case history 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 contagious leper or a lunatic pending orders of the State Government under sub-sections (1), (2) and (3) of section 26 or of the Court under the proviso to the said sub- said (3).

(3) Without prejudice to the provisions of any of these rules, 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 the Court shall, as far as possible, be kept in such Centre apart from persons undergoing a term of detention therein, and shall be allowed all reasonable facilities in connection with the hearing of his case.

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

Every person received in a Receiving Centre or Certified Institution shall be kept apart from other persons in such Centre or Institution, unless the Superintendent is satisfied on a medical report that it is unnecessary to do so.

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

## **register :-**

(1) In every Receiving Centre or Certified Institution, the Superintendent shall maintain a register of money, valuables or effects, if any, found with or on persons received therein.

(2) On the person being received in such Centre or institution, the money, valuables or effects, if any, 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 in the register shall be read over to him, and in token of the correctness of such entries, his signature taken in the presence of the Superintendent.

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

## **12. Disposal of property under section 18 :-**

The effects 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 in the following manner, that is to say,-

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

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

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

## **13. Disposal of property after passing of Courts order under section 18 :-**

Where an order of detention is made by a Court against any person-

(a) the Superintendent may, order that the money and valuables found with or on such person be kept in safe custody and handed over to him at the time of release.

(b) any money or valuables belonging to such persons, 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) At the time of release of such person, the effects, 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 (2). Such entry shall be signed by the Superintendent.

**14. Staff not to buy articles auctioned :-**

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.

**15. Persons detained in Certified Institution or Receiving Centre forbidden to do certain acts. :-**

A person remanded or detained under section 19 in a Certified Institution or Receiving Centre shall not-

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

(ii) manufacture any articles without the knowledge or permission of the officer-in-charge of the various industries;

(iii) misbehave or quarrel with any other inmate;

(iv) omit or 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 or 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 Centre 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 or Centre;
- (xii) refuse without reasonable excuse, to eat food prescribed by the diet scale or willfully destroy any food or render it unpalatable or unwholesome;
- (xiii) 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;
- (xiv) receive or possess or partake any of the prohibited articles mentioned in Rule 16;
- (xv) resist or obstruct any 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 manner indicated for that purpose.

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

- (1) No person shall, except with the permission of the Superintendent or the Medical Officer, take into a Receiving Centre or Certified Institution a prohibited article.
- (2) The following shall be prohibited articles, namely-
  - (i) Alcohol and spirit of every description.
  - (ii) Bhang, Ganja or Opium.
  - (iii) Drugs of every description.
  - (iv) Matches and materials for producing fire.
  - (v) Implements of gambling.
  - (vi) Any implements capable of causing hurt or facilitating escape.
  - (vii) Any other articles specified in this behalf by the Superintendent by a special order.



## **17. Welfare Fund :-**

(1) For every Receiving Centre and Certified Institution, there shall be a Welfare Fund.

(2) the Superintendent may accept donations or contributions in cash or in kind made to the Welfare Fund by the public; provided that no such donation or contribution in cash exceeding one hundred rupees shall be accepted without the previous approval of the State Government.

(3) All donations and contributions accepted under this rule shall be acknowledged by written receipts bearing serial numbers.

(4)

(a) the Superintendent shall deposit the amount of donations or subscriptions made to the Welfare Fund in the nearest Government Treasury by opening a personal ledger account in his name.

(b) the Superintendent shall also credit all non-Government money in the nearest Government Treasury by opening an personal ledger account for each inmate. Such non-Government money shall not form part of the Welfare Fund.

Explanation- For the purposes of this sub-rule "Non-Government money" means-

(a) gratuities earned by the inmates under sub-rule (3) of Rule 27 for the good conduct and satisfactory progress in training;

(b) wages earned by inmates for doing outside work;

(c) private cash belonging to the inmates which is deposited with the Superintendent;

(5) The amount standing to the credit of the Welfare Fund shall be spent for the following purposes, namely,-

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

(ii) to provide for the welfare and comfort of the inmates of including those released on license from the Centre or Institution, as the case may be.

(6) The Superintendent may, in consultation with the Visiting Committee, subject to the requirements of sub-rule (5), spend

sums out of the Welfare Fund on objects previously determined by the Visiting Committee:

Provided that no amount exceeding Rs. 100 shall be spent without the previous sanction of the Chief Inspector.

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

(8) The Superintendent shall maintain separately in connection with the fund, a cash book and an order book.

(9) The accounts of the fund shall be audited at the time of the annual audit of the accounts of the Receiving Centre or the Certified Institutions to which it relates.

#### **18. Collection Boxes :-**

(1) The Superintendent may install collection boxes which shall, subject to the provisions of sub-rule (2) be kept locked and sealed.

(2) Every such box shall be opened atleast once and not more than twice in a quarter of a month.

(3) The amount so collected shall be credited to a Government Treasury by a Chalan and shall be in the manner and for the purposes specified in sub-rule (5) of Rule 17.

#### **19. Visiting Committee :-**

(1) Visiting Committee appointed under section 14 shall consist of ten members, of whom five including the Chairman shall be officials and five shall be non-officials.

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

(3) the non-official members of whom, in the case of the 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 State Government.

(4) Non-official members shall hold office for a period of one year from the date of appointment or for such further period, if any, as

the State Government 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 State Government at any time without assigning any reason.

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

(7) Any casual vacancy among the non-official members shall be filled in 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.

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

(1) It shall be the duty of the members of the Visiting Committee appointed; for a Receiving Centre or Certified Institution maintained by the State Government-

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

(b) to attend meetings;

(c) to visit all parts of the Centre or Institution, and see every inmate remanded or detained therein and make such inquiries of them as they think fit.

(2) It shall be the 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 to enquire into the same;

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

(d) to recommend to the Chief Inspector or Superintendent the release on license in accordance with section 22 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.

(3) Four members shall form a quorum for the purpose of the meetings referred to in clause (b) of sub-rule (1).

### **21. Visiting Committee for Receiving Centre or Certified Institution not maintained by the State Government :-**

The duties of a Visiting Committee appointed for a Receiving Centre or a Certified Institution not maintained by the State Government shall, subject to the terms of any agreement, entered into by the State Government in respect thereof, be the same as those prescribed by Rule 20.

### **22. 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, any remarks or suggestions they may have to make.

(2) A copy of proceedings of each meeting and all such remarks shall be sent to the Chief Inspector with such remarks as the Superintendent may desire to offer.

### **23. Date before which local authority to pay contribution :-**

A local authority which has agreed to pay any sum of money under sub-section (1) of section 16 shall make payment of that sum to the State Government not later than the last date of February next following financial year to which the payment pertains.

### **24. Conditions of transfer from one Receiving Centre or Certified Institution to another :-**

(1) The Chief Inspector may subject to the provisions of sub-rule (2) direct that any person detained in a Receiving Centre or

Certified Institution shall be transferred to another Receiving Centre or Certified Institution in the State, 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 the transfer in interest of discipline or for other reasons.

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

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

## **25. Release on license :-**

(1) A person detained in a Certified Institution may be released conditionally on license by the Chief Inspector if in his opinion such person has been of good behavior 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 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 has not been awarded any disciplinary punishment under any of the clauses (iii) to (vii) of Rule 29:

Provided that, the Chief Inspector may in special cases, for reasons 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 inmates release from the Certified 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 the inmate's return journey shall be paid by the Superintendent to the relative at the time of the inmate's release. If the relative does not come to take charge of the inmate, the inmate shall be taken to his native place by a guard from the Institution.

## **26. Daily routine in Receiving Centre and Certified Institution :-**

(1) At dawn the inmates of every Receiving Centre or Certified Institution shall be marched off to perform their ablutions and a reasonable time shall be allowed for the performance of hygienic duties.

(2) The inmates shall be employed first in cleansing the dormitories, compound and other parts of the Receiving Centre or Certified Institution; thereafter the inmates shall attend to their respective duties such as carpentry, weaving and other like assignments.

(3) All inmates, provided they are medically fit, shall ordinarily be required to work for 8 hours every day. Exemption from work or reduction in the hours or work may be granted by the Superintendent on the recommendation of the Medical Officer.

(4) the details of the daily routine and employment 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 in this behalf shall be displayed on the notice board of the Receiving Centre or Certified Institution.

## **27. Grade systems and gratuities :-**

(1) With a view to encourage steady behavior and application to the training provided, the following grade system may be employed in Receiving Centre or in a Certified Institution, as the case may be, namely-

(a) Head Mukadam's grade- Not more than one person from among 10 Mukadams, of exceptionally good conduct shall be promoted as a Head Mukadam.

(b) Mukadam's grade- At the head of every working party consisting of 20 inmates there shall be one Mukadam selected from among the inmates who have settled down to the institutional life and whose conduct and progress have been satisfactory.

(2) Promotion or reduction in grade shall be made by the Superintendent.

(3) An inmate who shows satisfactory progress in the training provided for him or whose conduct is good may be paid a gratuity not exceeding five rupees per month.

(4) The amount earned by way of gratuities by inmates shall be kept with the Superintendent who shall credit the total amount in the nearest Government Treasury by opening a personal ledger account for each inmate as required by the provisions of clause (b) of sub-rule (4) of Rule 17. An inmate may spend out of the balance at his credit such amount and on such articles, 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.

## **28. 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 of such Receiving Centre or Certified Institution, as the case may be, to any person who establishes his claim 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 the amount shall be handed over to the police for disposal in accordance with the provisions of sections 82 to 88 of the Bombay Police Act, 1951.

(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 Receiving Centre or 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 the inmate is not arrested and sent back, or does not return, to the Receiving Centre or 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 sections 82 to 88 of the Bombay Police Act, 1951.

### **29. Punishments :-**

If the person commits a breach of any of the provisions of the rule 15, he shall be liable to any one or more of the following punishments which may be awarded 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 privileges, if any;
- (iii) Degradation in grade, if any;
- (iv) Confinement in a lock up for a period not exceeding 3 days;
- (v) Imposition of handcuffs, except in the case of female;
- (vi) Solitary confinement not exceeding 10 days at a time:

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

### **30. Conditions for release on license :-**

A person detained in a Certified Institution shall not be released on



license by the Chief Inspector under clause (b) of sub-section (1) of section 22 except on the conditions specified in Form 'D'.

**31. Repeal and savings :-**

(1) On the commencement of these rules, the Bombay Beggars Rules, 1946, and all other rules corresponding thereto in force in any part of the State immediately before the commencement of these rules, shall stand repealed:

Provided that anything done or any action taken under any of the said rules so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules unless such thing or action is inconsistent with any of the provisions of these rules.