

Rajasthan Rehabilitation Of Beggars Or Indigents Act, 2012

36 of 2012

[09 November 2012]

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Rajasthan Rehabilitation Of Beggars Or Indigents Act, 2012

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An Act to provide for the rehabilitation of beggars or indigents and for matters connected therewith and incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Sixty-third Year of the Republic of India, as follows:--

1. Short title, extent and commencement :-

(1) This Act may be called the Rajasthan Rehabilitation of Beggars or Indigents Act, 2012.

(2) It shall extend to whole of the State of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, from time to time appoint and in such area as may be specified in the notification and different dates may be so appointed for different areas.

2. Definitions :-

(1) In this Act, unless the subject or the context otherwise requires,--

(a) "begging" means,--

(i) coercively extorting alms in a public place or entering into any private premises for the same purpose of coercively extorting alms, whether under any pretence,

(ii) exposing or exhibiting with the object of extorting alms, any sore, wound, injury, deformity or disease, whether of himself or any other person or of an animal,

(iii) allowing oneself to be used as an exhibit for the purposes of extorting alms:

Provided that soliciting alms shall not amount to begging if it is in performance of any religious vow or obligation as sanctioned by custom or religion without being a nuisance or permissible under any common, natural or religious law:

Provided further that asking for help and assistance during natural calamities or any physical emergency or in cases of endemic hunger or illness of any sort shall not amount to coercive extortion of alms:

Provided also that dancing or singing for entertainment of the public or performing tricks or fortune-telling for consideration shall not amount to begging:

Provided also that soliciting alms by Sadhus, Sanyasis, Faqirs, living on Bhikshavriti as permitted by their religion in private premises shall not amount to begging;

(b) "Child" means a person who has not attained the age of 18 years;

(c) "Commissioner" means the Commissioner, Rehabilitation of Beggars or Indigents or any officer appointed or designated as such by the State Government under sub-sec. (1) of Sec. 24;

(d) "District Level Committee" means the District Level Committee constituted under Sec. 20;

(e) "indigent" means a person lacking food, clothing, shelter etc. or not having sufficient means as determined by the State Government from time to time, to maintain himself;

(f) "nuisance" means any act or illegal omission by which annoyance, injury or danger is caused or is likely to be caused to

any person or to the public;

(g) "public place" means any place where general public may have access including roads, footpaths, road crossings, public gardens, bus stands, passenger motor vehicles, railway platforms, railway compartments, public or railway bridges, underpasses, subways, government offices, court premises, places of religious worship, educational institutions, public hospitals, playgrounds, stadiums, cinema halls, places of tourist interest and any other such place as the Commissioner or the State Government may declare or specify by order published in the Official Gazette;

(h) "Rehabilitation Home" means any institution established and maintained by the State Government or a recognized service organization for reception, maintenance, treatment, education, training to beggars or indigents under Sec. 4;

(i) "Rehabilitation Officer" means the Rehabilitation Officer designated under Sec. 25;

(j) "Recognized service organization" means an organization established with the object of serving the society and voluntarily engaged in achieving the said object and which may be recognized as such by the State Government for the purpose of this Act;

(k) "State Advisory Board" means the State Advisory Board constituted under Sec. 15;

(l) "Superintendent" means the Superintendent of a Rehabilitation Home established or recognized under this Act; and

(m) "Volunteer" means the person of a recognized service organization who does a job without being paid for it and offers his services without being forced to do it.

(2) All words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) shall have the meanings assigned to them in that Code.

3. Rehabilitation of beggars or indigents :-

(1) As from the date of publication of notification under sub-sec. (3) of Sec. 1 of this Act, the beggars or indigents shall be dissuaded from indulging in begging and be persuaded to avail the facility of Rehabilitation Homes in their own interest for undergoing training for self-employment or job or for shelter at such Home for those who are old and infirm.

(2) If any person is found begging within the area notified under sub-sec. (3) of Sec. 1 of this Act, he shall be persuaded by the volunteers of the recognized service organization to desist from begging and to go to the Rehabilitation Home and if he so desires the volunteers shall escort him to the nearest Rehabilitation Home and if the Superintendent is satisfied that the person has no source of living except begging and is willing to live in the Rehabilitation Home, he shall forthwith admit him to the Rehabilitation Home in the prescribed manner.

(3) Any person who is an indigent and has no source of living and has no choice except to seek alms, may also present himself before the Superintendent of the Rehabilitation Home and, if the Superintendent is satisfied that the person is an indigent, he may admit him to the Rehabilitation Home.

(4) The particulars of all persons admitted to the Rehabilitation Home as beggars or indigents shall be recorded in a register maintained in such form as may be prescribed.

(5) Any personal belongings including money and valuables of the persons admitted to the Rehabilitation Home shall be entered in a register maintained in such a form as may be prescribed and such money and valuables shall be returned to the concerned person as and when he leaves the Home.

(6) Every inmate of the Rehabilitation Home shall be provided accommodation, food and clothing as per scales determined by the State Government from time to time.

(7) All able bodied and healthy inmates of the Rehabilitation Home shall be engaged in the routine works of the upkeep of the Rehabilitation Home such as cleaning the premises, cooking food for fellow inmates and washing of utensils and clothes etc.

(8) A scheme for training and rehabilitation shall be formulated by the Commissioner and such scheme shall be implemented after prior approval of the State Government and such scheme should provide for inculcating the attitude of self-employment or job with any employer. For this purpose inmates may be encouraged to start collective ventures and for that purpose they may be assisted in either securing employment or individually starting their own vocation and seeking micro-finance from banks or other institutions.

(9) The Superintendent shall inform the near relatives, if any, of a beggar or an indigent admitted to the Rehabilitation Home, as early as practicable and send a copy of his entire record to the Rehabilitation Officer of the area for information.

4. Establishment and maintenance of Rehabilitation Homes :-

(1) The State Government shall, establish and maintain as many Rehabilitation Homes as may be necessary for the reception, maintenance, treatment, training, education and rehabilitation of beggars or indigents for purposes of this Act.

(2) Any Rehabilitation Home established and maintained by the State Government shall provide for the proper reception, maintenance, treatment, training, education for the rehabilitation of beggars or indigents and the State Government shall prepare a separate scheme for the same.

5. Recognition of Rehabilitation Home :-

(1) Subject to the conditions as may be prescribed, Rehabilitation Home established and maintained by recognized service organization, may be recognized by the State Government.

(2) The State Government shall prescribe norms and standards for establishment and maintenance of Rehabilitation Homes to be established by recognized service organization for beggars or indigents.

(3) No person or service organization shall establish and/or maintain and run any Rehabilitation Home for beggars or indigents contrary to the provisions contained in this section or the rules made thereunder:

Provided that where the deficiencies or defaults complained of are curable and can be remedied, the State Government instead of derecognizing and withdrawing the permission accorded for running the Rehabilitation Home, may allow such service organization to remedy the default within a specified time and when the deficiency or default is set right and the State Government is of the opinion that the deficiency or default has been cured or removed it may not resort to the purported action. In cases where default is not rectified within the time specified, it may take the purported action of derecognizing, but only after making suitable alternative arrangement for taking proper care of the inmates of the concerned Rehabilitation Home:

Provided further that before passing the order for derecognition of any service organization, the State Government shall afford opportunity of hearing to such organization.

6. Specific provisions for certain matter :-

(1) No person or service organization shall establish and/or maintain any Rehabilitation Home for beggars or indigents contrary to the provisions contained in this section or the rules made thereunder.

(2) The State Government while prescribing the functions and duties of the Commissioner. District Level Committees and the volunteers shall clearly provide for,-

(a) guidelines for patrolling or watch and ward duty in the area where begging is to be dissuaded by persuading the beggars to join Rehabilitation Homes and enabling them to take up alternative vocations by suitable training at such Rehabilitation Homes;

(b) the manner in which the persons found begging are to be rehabilitated;

(c) the manner in which persons found begging are dissuaded from the practice of begging and persuaded and taken to the nearest Rehabilitation Home;

(d) guidelines for the working of the Commissioner and District Level Committees, as also the disciplinary, supervisory powers and control in and over the volunteers; and

(e) the role of the Commissioner, Rehabilitation of Beggars or Indigents in exercising overall control over the volunteers and the District Level Committees.

7. Discipline and Management of Rehabilitation Home :-

(1) The Superintendent shall manage the activities of the persons admitted to the Rehabilitation Home and maintain discipline amongst them.

(2) Persons admitted in a Rehabilitation Home shall be subject to such rules of management and discipline as may, from time to time, be prescribed.

8. Duration for retention of beggars or indigents in Rehabilitation Homes :-

Every beggar or indigent admitted to a Rehabilitation Home, may, if,-

(a) he is physically fit, stay there until he is not rehabilitated after

suitable training and equipping him with means to earn his livelihood or until he is allowed to exit under Sec. 11;

(b) he is physically infirm, blind, handicapped or otherwise incurably helpless to earn his living, remain in a Rehabilitation Home for indefinite period or until some philanthropic institution volunteers to take care of him or some other person, related to him or not, volunteers to take care of him.

9. Transfer from one Rehabilitation Home to another :-

Subject to the conditions as may be prescribed, the Commissioner may order for transfer of any person from one Rehabilitation Home to another Rehabilitation Home in the State.

10. Leave of absence and release on licence :-

Subject to such conditions as may be prescribed,--

(a) the Superintendent of a Rehabilitation Home at any time may grant leave to a person living in a Rehabilitation Home to absent himself for a period not exceeding 15 days for personal exigencies;

(b) the Rehabilitation Officer may at any time grant leave to a person living in a Rehabilitation Home to absent himself for a period not exceeding 60 days; and

(c) the Commissioner, may at any time grant leave of absence to such person for any period, as he deems fit:

Provided that leave of absence to any person under this section shall be granted only when the officer or authority granting such leave is satisfied that such person when allowed to proceed on leave of absence from the Rehabilitation Home shall not beg.

11. Leaving the Rehabilitation Home permanently :-

Any adult person admitted to the Rehabilitation Home and registered therein and having equipped with suitable training and means to earn his livelihood shall have the liberty to exit or leave

permanently therefrom after giving an undertaking in writing that he shall not indulge in begging anywhere in the State.

12. Recognition of Service Organization :-

(1) The State Government may on the recommendation of the Commissioner, and after consultation with the State Advisory Board, recognize any service organization working for welfare and rehabilitation of beggars or indigents for the purposes of this Act.

(2) The State Government shall maintain a roster in the manner as may be prescribed for the purpose of recognition of service organizations who have expressed or demonstrated the capability or desire to work for the purpose of rehabilitation of beggars and indigents in the areas where the plight of beggars or indigents is to be ameliorated through their rehabilitation.

(3) Before recognizing any service organization, the State Government shall ensure that such organization has ample space and means to carry out the task of rehabilitation of beggars or indigents.

13. Functions of Service Organization :-

The service organization shall in respect of rehabilitation of beggars or indigents perform such functions as may be prescribed.

14. Volunteers :-

(1) All the volunteers of service organization shall be subject to the control and supervision of District Level Committee.

(2) The volunteers of the service organization, shall be imparted training by the Department of Social Justice and Empowerment for inculcating service orientation and awareness about social issues besides physically and mentally preparing them for the task to be assigned.

(3) At least thirty per cent of the volunteers shall be women.

(4) The volunteers of the service organization shall be paid such honorarium, allowances and other perquisites as may be determined by the State Government from time to time.

15. Constitution of State Advisory Board :-

(1) The State Government shall, by notification, constitute a State Advisory Board for the purposes of this Act.

(2) The State Advisory Board shall consist of the following, namely:-

(a) the Minister in-charge of Social Justice and Empowerment Department, Chairperson;

(b) one Member of Parliament to be nominated by the State Government, Member;

(c) one Member of Legislative Assembly to be nominated by the State Government, Member;

(d) two persons to represent recognized service organizations to be nominated by the State Government, one of whom shall be a woman, Member;

(e) four persons to be nominated by the State Government from amongst eminent social workers; two of whom shall be women, Member;

(f) two Zila Pramukhs nominated by the State Government, one of whom shall be a woman, Member;

(g) the Secretary to the Government in-charge of the Social Justice and Empowerment Department, Member-Secretary; and

(h) the Commissioner, Rehabilitation of Beggars or Indigents, Member.

(3) Out of the members specified in clauses (b) and (c), one shall be a woman.

16. Term of office and other conditions of Members of State Advisory Hoard :-

- (1) The term of office of nominated members shall be three years.
- (2) The nominated members shall not be entitled to any allowances, however they shall be entitled to reimbursement of any expenditure incurred by them in attending the meetings.
- (3) The State Advisory Board shall meet at least twice in a year at such place as the State Government may direct.
- (4) The procedure including the quorum of the State Advisory Board shall be regulated in the manner as may be prescribed.
- (5) No act or proceeding of the State Advisory Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the State Advisory Board not affecting the merits of the case.
- (6) The State Advisory Board shall--
 - (a) tender advice to the State Government, generally, on the working and implementation of the provisions of this Act;
 - (b) tender advice to the State Government, particularly in respect of recognition of service organization;
 - (c) oversee the management of Rehabilitation Homes and also suggest alternative ways and means for rehabilitation of beggars or indigents;
 - (d) suggest the areas and ways in which the beggars may be dissuaded from begging and rehabilitated so as to ameliorate their plight and thus making the State eventually free of beggars; and

(e) perform such other functions which the State Government may, from time to time, specify.

17. Resignation by nominated Members of State Advisory Board
State Advisory Board :-

The nominated Member of State Advisory Board may, by notice in writing under his hand address to the State Government resign his office.

18. Removal of nominated Member of State Advisory Board
:-

(1) The State Government may remove from office any nominated member who--

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence involving moral turpitude; or

(c) has become physically or mentally incapable of acting as such nominated member of State Advisory Board; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the nominated member of State Advisory Board; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The nominated member shall be given an opportunity of being heard before his removal from the office.

19. Filling up of emergent vacancies :-

Any vacancy occurred in the membership of State Advisory Board

due to death, resignation or removal of a member or due to change of capacity in which he was appointed or nominated, shall be filled up as early as possible by the State Government.

20. Constitution of District Level Committees :-

(1) The Commissioner shall, constitute District Level Committees in every district for the purposes of this Act.

(2) The District Level Committee shall consist of members not exceeding nine as may be prescribed.

21. Allowances to non-official members :-

The non-official members of the District Level Committee shall be allowed such compensatory allowance for visiting the Rehabilitation Homes and daily allowances for attending meetings of the District Level Committee as may be prescribed.

22. Functions of District Level Committee :-

(1) The District Level Committee shall supervise the activities of Rehabilitation Homes.

(2) The District Level Committee shall, have free ingress into the Rehabilitation Homes where the beggars or indigents are lodged and look into the functioning of the Rehabilitation Homes, offer their comments into the deficiencies found, look into complaints of the inmates of the Rehabilitation Homes and send their reports to the Rehabilitation Officer.

23. Meeting of District Level Committee :-

The District Level Committee shall meet at least once in every three months or earlier whenever necessary, in which recognized service organizations shall also be invited. In such meetings, the working conditions of Rehabilitation Homes maintained for the rehabilitation of the beggars or indigents as well as grievances, if any, of the inmates of the Rehabilitation Homes shall be discussed and remedial measures for removal of the grievances, may be suggested. A copy of the proceedings of the meeting shall be sent to the Rehabilitation Officer for information and necessary action.

24. Commissioner, Rehabilitation of Beggars or Indigents :-

(1) The State Government shall designate an officer of Indian Administrative Service or Rajasthan Administrative Service as Commissioner, Rehabilitation of Beggars or Indigents.

(2) The powers and duties of the Commissioner, Rehabilitation of Beggars or Indigents with respect to running and maintaining the Rehabilitation Homes including reception, maintenance, treatment, training, education etc. and of other officers appointed under this Act shall be such as are provided in this Act or as may be prescribed.

(3) The Commissioner, Rehabilitation of Beggars or Indigents, shall be overall State Level Co-ordinator of the recognized service organizations for purposes of this Act and shall be responsible for supervision, control and direction of them and for that purpose, shall perform such functions and exercise such powers, as may be prescribed.

25. Rehabilitation Officer :-

(1) The State Government shall designate an officer not below the rank of District Social Welfare Officer as Rehabilitation Officer.

(2) The Rehabilitation Officer shall discharge such functions and exercise such powers as are provided in this Act or are prescribed in the rules made thereunder.

26. Other officers and employees :-

(1) The State Government may appoint such other officers and employees as it may consider necessary for carrying out the purposes of this Act.

(2) The terms and conditions of service of the officers and employees appointed under sub-sec. (1) shall be such as may be prescribed.

27. Rajasthan Beggars and Indigents Welfare Fund :-

(1) The State Government shall constitute a Fund to be known as the Rajasthan Beggars and Indigents Welfare Fund.

(2) The following sums shall be credited to the fund, namely:--

(a) any sum granted by the State Government;

(b) sums donated by corporate bodies, societies or individual donors; and

(c) any other sum, which may be prescribed to be credited to the Fund.

(3) The Fund shall be invested and administered in the prescribed manner.

28. The manner of receiving donations :-

The authorities by whom and the manner in which the donations may be received shall be such as may be prescribed.

29. Accounts and audit of the Fund :-

(1) The accounts of the Fund shall be maintained in such manner as may be prescribed.

(2) The accounts of the Fund shall be audited by a Chartered Accountant appointed by the Commissioner.

30. Money out of the Fund to be utilized for the welfare of beggars and indigents :-

The money credited to the Rajasthan Beggars and Indigents Welfare Fund shall be utilized for the welfare and rehabilitation of beggars and indigents under and in accordance with this Act and in a manner to be further prescribed.

31. Survey of Beggars :-

(1) For the purposes of effective implementation of the process of rehabilitation of beggars or indigents in the State, the Commissioner shall cause to conduct a survey of the persons engaged in begging in various parts of the State and shall also collect or cause to be collected figures of floating populations or groups of interstate beggars or migrant beggars in the State.

(2) The survey of beggars shall be conducted in such form and in the manner as may be prescribed by the State Government.

32. Taking photographs and finger prints for the purpose of survey :-

Every person admitted in a Rehabilitation Home under this Act shall, for the purposes of survey under this Act, allow his photograph and finger prints to be taken by the Superintendent of Rehabilitation Home or any officer empowered by the State Government in this behalf.

33. Seeking of order for maintenance of beggar or indigent from relatives :-

Whenever upon inquiry by the Rehabilitation Officer, it is found that the beggar or indigent have any property in his own right or is entitled to a share in any property or has relatives who are legally bound to maintain him and who wilfully neglect to maintain him thus causing him to beg, the Rehabilitation Officer may seek order for maintenance from the Tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act No. 56 of 2007), if the beggar is a parent or a senior citizen.

34. Dependant of beggars or indigents :-

When a person is kept in a Rehabilitation, the Superintendent of the Rehabilitation Home may, after making such inquiry as he thinks fit, allow any other person, who is wholly dependant on such person, to be kept in such a Rehabilitation Home.

35. A Beggar who is mentally ill or is a leper, how to be dealt with :-

Where it appears to the Superintendent of Rehabilitation Home or a Rehabilitation Officer after getting due prima facie or cursory medical examination done from a Government Medical Officer that the beggar brought before him for admission to the Rehabilitation Home is mentally unsound or leper, he may, instead of keeping such a person in the Rehabilitation Home take appropriate steps for confining such persons to Psychiatric Hospital or Lepers Asylum as per provisions of Mental Health Act, 1987 (Central Act No.14 of 1987) or the Lepers Act, 1898 (Central Act No. 3 of 1898).

36. Care of indigents by philanthropic institutions :-

The State Government may allow any philanthropic institution to undertake care of an inmate of a Rehabilitation Home whenever any such institution volunteers to keep and take care of such persons and the State Government considers such institution suitable and the institution executes an undertaking as the State Government may require, making itself responsible for housing, food, clothing, and medical care of those inmates.

37. Officers appointed under the Act to be public servants :-

All officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of Sec. 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

38. Delegation of Powers :-

(1) The State Government may, by general or special order, direct that any power exercisable by it under this Act other than that under Sec. 41 shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised also by the Commissioner.

(2) The Commissioner, may, by general or special order, direct that any power exercisable by him under this Act or the rules framed thereunder, shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to him duly appointed under this Act.

39. Protection of action taken in good faith :-

No suit or other legal proceedings shall lie against the State

Government or Commissioner or any other officer appointed for purpose of this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

40. Power to remove difficulty :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appears to be necessary or expedient for removing the difficulty:

Provided that no order under this section shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the House of the State Legislature.

41. Power to make rules :-

(1) The State Government may, by notification, 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 particulars which the Registers may contain and to be maintained under sub-sec. (4) of Sec. 3;

(b) scheme for training and rehabilitation under sub-sec. (8) of Sec. 3;

(c) members to be included in the District Level Committee to be constituted under Sec. 20;

(d) the powers and duties of officers specified under sub-sec. (2) of Sec. 24;

(e) the functions to be under taken and powers to be exercised under sub-sec. (3) of Sec. 24 by the Commissioner; in the matters of supervision, control over and direction to recognized service organization; and

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

(3) All rules made under this Act shall be laid, as soon as may be, after they are made, before the House of the State Legislature, while it is in session, for a period not less than fourteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such rules shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity or anything previously done thereunder.

42. Repeal :-

The Jaipur Prevention of Begging Act, 1947 is hereby repealed.