

## **Madras Prevention Of Begging Act, 1945**

**13 of 1945**

**[17 July 1945]**

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## **Madras Prevention Of Begging Act, 1945**

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### PREAMBLE

An Act to provide for the prevention of begging in the Province of Madras except the City of Madras.

Whereas it is expedient to provide for the prevention of begging in the Province of Madras except the City of Madras; 2[It is hereby enacted as follows:--]

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 10th October 1944, Part IV-A, page 104.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957) repealing the corresponding law in force in that territory.

2. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Madras Prevention of Begging Act, 1945.

(2) It extends to the whole of the <sup>1</sup>[State] of Madras except the City of Madras.

\*(3) This section shall come into force at once; and the <sup>1</sup>[State] Government may, from time to time by notification in the Fort St. George Gazette, direct that the remaining provisions of this Act shall come into force in such local area and on such date, as may be specified in the notification.

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

\* Section 1 came into force on the 17th July 1945, The other sections were applied to certain portions of the State by notifications issued from time to time.

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

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

(1) Juvenile Court means a Court established under sub-section (1) of section 36 of the Madras Children Act, 1920 (Madras Act IV of 1920), and if no such Court is established in any area, a Sub-divisional Magistrate or a Magistrate of the first or second class specially authorized by the <sup>1</sup>[State] Government to exercise the powers of such Court.

(2) special home means a place notified by the <sup>1</sup>[State] Government in the Fort St, George Gazette as suitable for the reception of persons not physically capable of ordinary manual labour, who are committed to a special home under any of the provisions of this Act;

(3) workhouse means a place notified by the <sup>1</sup>[State] Government in the Fort St. George Gazette as suitable for the reception of persons physically capable of ordinary manual labour, who are committed to a workhouse under any of the provisions of this Act.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

### **3. Penalty for begging in public places :-**

Whoever in any public street, road, or thoroughfare or any place of public resort, or in any railway carriage or premises of a railway station, begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of exhorting alms, shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to one month.

### **4. Application of sections 5 to 10 :-**

The provisions of sections 5 to 8 shall apply only if the <sup>1</sup>[State] Government have notified a place as a workhouse or as a special home; the provisions of section 9 shall apply if the <sup>1</sup>[State] Government have notified a place as a workhouse; and the provisions of section 10 shall apply if the <sup>1</sup>[State] Government have notified a place as a special home.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

### **5. Persons arrested for offence under section 3 to be examined by medical officer :-**

<sup>1</sup>[Any person arrested by a Police officer for an offence punishable under section 3 who in the opinion of such Police officer has attained the age of sixteen years, shall be informed, as soon as may be, of the grounds for such arrest, and shall be produced before the nearest Magistrate within a period of twenty-four hours

of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. The Magistrate shall without delay order the person to be taken before a medical officer not below the rank of Assistant Surgeon; and the medical officer shall after examining such person grant a certificate regarding his age and physical capacity for ordinary manual labour.]

1. This section was substituted for original section 5 by the Adaptation (Amendment) Order of 1950.

**6. Arrested person to be produced before a Juvenile Court, if found to be under 16 :-**

If in the opinion of such medical officer the person arrested has not attained the age of sixteen years, such person shall without delay be produced, together with the certificate of the medical officer, before a Juvenile Court and the provisions of section 12 shall then apply to the case.

**7. Arrested person to be produced before Magistrate, if found to be 16 or over :-**

(1) If in the opinion of such medical officer the person arrested has attained the age of sixteen years, he shall without delay be produced before a Sub-divisional Magistrate or a Magistrate of the first or second class specially authorized by the <sup>1</sup>[State] Government in this behalf together with the certificate and a report by a Police officer of the facts of the case.

(2) The Magistrate shall make a summary inquiry into the facts of the case and the circumstances and the character of the person produced before him.

(3) During such inquiry the Magistrate shall explain to such person the facts alleged against him in the Police report and record any statement which he may wish to make with reference thereto.

(4) If such person disputes the correctness of the Police report in any material respect, the Magistrate shall proceed as nearly as may be in accordance with the procedure laid down for the trial of summons cases, in the Code of Criminal Procedure, 1898(Central Act V of 1898).

1. This word was substituted for the word " Provincial" by the

Adaptation Order of 1950.

**8. Orders to be passed by Magistrate, if he finds accused to be under 16 :-**

If the Magistrate finds that the person in respect of whom an inquiry is made under section 7 is guilty of an offence under section 3, but has not attained the age of sixteen years, the Magistrate may pass any order which a Juvenile Court could have passed if such person had been produced before it under sub-section (1) of section 12.

**9. Power of Magistrate to commit able-bodied accused of 16 or over, to workhouse :-**

(1) If the Magistrate finds that the person in respect of whom such inquiry is made is guilty of an offence under section 3, has attained the age of sixteen years, and is physically capable of ordinary manual labour, the Magistrate may, if there is a workhouse, instead of sentencing him under section 3, order his committal to such workhouse for a specified period not exceeding three years:

Provided that the Magistrate may in his discretion order the release of such person if he gives an undertaking in writing that he will not again commit an offence under section 3 for such period not exceeding two years as the Magistrate may direct.

(2) Any person who commits an offence under section 3 in breach of an undertaking given by him under the proviso to sub-section (1), shall, if in the opinion of the Magistrate he is physically capable of ordinary manual labour, be punishable with imprisonment for a term which may extend to six months:

Provided that the Magistrate may, instead of sentencing the offender as aforesaid, order his committal to a workhouse for a specified period not exceeding three years.

**10. Power of Magistrate to commit accused who is not able-bodied to special home :-**

If the Magistrate finds that the person in respect of whom an inquiry is made under section 7 is guilty of an offence under section 3 and has attained the age of sixteen years but is not physically capable of ordinary manual labour, the Magistrate may, if there is a special home, instead of sentencing him under section 3, order his committal to such home for such period as the Magistrate may

deem fit.

### **11. Magistrates finding regarding age to be final :-**

Where a Magistrate has arrived at a finding regarding the age of a person dealt with by him under section 8, 9 or 10, such age shall, for the purposes thereof be deemed to be his true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that the age of such person was not correctly determined by the Magistrate.

### **12. Production of arrested person under 16 before Juvenile Court and procedure and powers of such Court :-**

(1) <sup>1</sup>[If any person arrested by a police officer for an offence punishable under section 3 has, in the opinion of such Police-officer, not attained the age of sixteen years, he shall be informed, as soon as may be, of the grounds for such arrest, and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate. On such production the Magistrate shall without delay direct the person to be taken before a Juvenile Court established under sub-section (1) of section 36 of the Madras Children Act, 1920(Madras Act IV of 1920). The person shall then be dealt with under the provisions of that Act as modified by the provisions of this section]:

Provided that if the Juvenile Court is satisfied on inquiry that such person has attained the age of 16 years it shall record a finding to that effect, and thereupon it shall be open to the Police to proceed against such person under section 3, or if there is a workhouse or a special home, under section 5; and in the latter case the medical officer referred to in section 5 shall be required to certify only regarding the physical capacity of such person for ordinary manual labour and the finding of the Juvenile Court regarding the age of such person shall also be binding on the Magistrate before whom he may be produced.

(2) If the Juvenile Court finds on inquiry that any person brought before it under sub-section (1) has not attained the age of fourteen years and is guilty of an offence under section 3 and that he--

(a) has no home or settled place of abode or visible means of

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

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

(c) is under the care of a parent or guardian who by reason of criminal or drunken habits is unfit to have such care,

the Court may pass such order in respect of the offender as it could have passed if he had been brought before it under sub-section (1) of section 29 of the Madras Children Act, 1920 (Madras Act IV of 1920):

Provided that if the Juvenile Court is satisfied that it is inexpedient to send the offender to a certified school by reason of his bodily ailment or incapacity or other cause, the Court may, if there is a special home and separate accommodation is provided in such home for persons who have not attained the age of fourteen years, order his committal to such home for a specified period not exceeding three years.

(3) If the Juvenile Court finds on inquiry that a person produced before it under sub-section (1) has attained the age of fourteen years but has not attained the age of sixteen years and that he is guilty of an offence under section 3, the Court may order his committal for a specified period not exceeding three years--

(a) in case it finds that he is physically capable of ordinary manual labour to a workhouse, if there is one, and

(b) in case it finds that he is not physically capable of ordinary manual labour, to a special home, if there is one.

1. This paragraph was substituted for the original one by the Adaptation (Third Amendment) Order, 1950.

### **13. Power of State Government to make rules :-**

(1) The <sup>1</sup>[State] Government may, by notification in the Fort St. George Gazette, make rules to carry out the purposes of this Act.

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

(a) the management of workhouses and special homes, the detention of persons committed to such workhouses and special 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;

- (b) the discharge of persons from such workhouses and special homes;
- (c) the obtaining of suitable employment outside such workhouses and special homes for persons detained therein; and
- (d) the nature, incidents and maximum periods of the punishments to be imposed on persons detained in workhouses and special homes for breach of any rules or for failure or neglect to accept any suitable employment outside such workhouses and special homes which may be obtained for them.

1. This word was substituted for the word " Provincial" by the Adaptation Order of 1950.

#### **14. Repeal :-**

Clause (8) of section 3 of the Towns Nuisances Act, 1889(Madras Act III of 1889)<sup>1</sup>, is hereby repealed.

<sup>2</sup>[1.]

1. Now the Madras Towns Nuisances Act, 1889 (Madras Act III of 1889).

2. Section 15 was omitted by the Adaptation (Amendment) Order of 1950.