



The Punjab Prevention of Beggary Act, 1971

Act 9 of 1971

Keyword(s):

Begging, Certified Home, Certified Institution, Child, Guardian, Parent, Police Officer, Public Place, Work House

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THE PUNJAB PREVENTION OF BEGGARY ACT, 1971
(PUNJAB ACT NO. 9 OF 1971)

Arrangement of Sections.

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**'THE PUNJAB PREVENTION OF BEGGARY ACT,
1971.**

PUNJAB ACT NO. 9 OF 1971

[Received the assent of the President of India on the 20th April, 1971, and was first published for general information in the Punjab Government Gazette (Extraordinary), dated the 3rd May, 1971.]

1	2	3	4
Year	No.	Short title	Whether affected by Legislation
1971	9	The Punjab Prevention of Beggary Act, 1971	

*An Act to provide for the prevention of begging,
detention, training and employment of beggars
and their dependents in Certified Institutions
and the custody, trial and punishment of
beggar offenders*

BE it enacted by the Legislature of the State of Punjab in the Twenty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Prevention of Beggary Act, 1971. Short title and extent.

(2) It shall come into force in any area of the State, on such date as the State Government may by notification appoint in that behalf for that area.

2. In this Act, unless the context otherwise requires— Definitions.

(1) 'begging' means—

(a) soliciting or receiving alms in a public place, whether or not under any

¹For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1971, page 104.

pretence such as singing, dancing, fortune-telling, performing tricks or selling articles;

- (b) having no visible means of subsistence and wandering about or remaining in any public place in such condition or manner as makes it likely that the person doing so exists by soliciting or receiving alms ;
- (c) entering on any private premises for the purpose of soliciting or receiving alms ;
- (d) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of a human being or of an animal ; or
- (e) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms ;

but does not include soliciting or receiving money or food or gifts for a purpose authorised by any law, or authorised in the manner prescribed ;

- (2) 'Certified Home' means a home certified by the State Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious disease notified in this behalf by the State Government ;
- (3) 'Certified Institution' means any institution which the State Government provides and maintains for the detention, training and employment of beggars and their dependents and includes a Certified Home, Special Home or Work House ;
- (4) 'Chief Inspector' means the person appointed to be the Chief Inspector of Certified Institutions under section 14.

- (5) 'Child' means a person below the age of sixteen years ;
- (6) 'Court' means the court of a Magistrate of not less than second class ;
- (7) 'guardian' means a person who looks after or takes care of a child in the absence of, or in the event of the death of his parent ;
- (8) 'parent' means the father or the mother of a child ;
- (9) 'police officer' means a police officer not below the rank of an assistant sub-inspector;
- (10) 'prescribed' means prescribed by rules made under this Act ;
- (11) 'Probation Officer' means an officer appointed to be a Probation Officer under section 14 ;
- (12) 'public place' includes a railway station and any open space to which for the time being the public have or are premitted to have an access, whether on payment or otherwise ;
- (13) 'Special Home' means a home notified by the State Government as suitable for the reception of beggars not physically capable of ordinary manual labour but not suffering from leprosy or any other infectious or contagious disease ;
- (14) 'Work House' means a place notified by the State Government as suitable for the reception of beggars physically capable of ordinary manual labour.

3. (1) Any police officer or other person authorised in this behalf by the District Magistrate may arrest without warrant any person who is found begging : Power to require a person found begging to appear before Court.

Provided that no person found begging on any premises, not being a public place, shall be so arrested or shall be liable to any proceedings under this Act except on a complaint made by the occupier of such premises.

(2) Such police officer or other person shall take or send the person so arrested to a court.

(3) The provisions of section 61 of the Code of Criminal Procedure, 1898, shall apply to arrests made under this section and the officer-in-charge of the Police Station shall cause the arrested person to be kept in the prescribed manner until he is brought before a Court.

Summary
inquiry in respect of persons found begging and their detention.

4. (1) Where a person is brought before a Court under section 3, the Court shall make a summary inquiry in the prescribed manner as regards the allegation that he was found begging.

(2) If the inquiry referred to in sub-section (1) cannot be completed forthwith, a court may adjourn it from time to time and order the person to be remanded to such place and custody as may be convenient.

(3) If on making the inquiry referred to in sub-section (1), the court is not satisfied that the person was found begging, it shall order that such person be released forthwith.

(4) If on making the inquiry referred to in sub-section (1), the court is satisfied that such person was found begging, it shall record a finding that the person is a beggar.

(5) The Court shall order to the person found to be a beggar under sub-section (4) to be detained in a Work House, Special Home or Certified Home in accordance with the provisions of section 7 for a period of not less than one year and not more than three years :

Provided that if the court is satisfied from the circumstances of the case that such person is not likely to beg again, it may release him after due admonition on a bond for his abstaining from begging being executed, with or without sureties as the court may require, by the beggar or any other person whom the court considers suitable.

(6) In passing an order under this section, the court shall have regard to the following considerations that is to say :—

- (a) the age and character of the beggar ;
- (b) the circumstances and conditions in which the beggar is living ;
- (c) report made by the Probation Officer, and
- (d) such other matters as may, in the opinion of the Court, require to be taken into consideration in the interest of the beggar.

(7) The report of the Probation Officer or any other report considered by the court shall be treated as confidential :

Provided that if such report relates to the character, health, or conduct of, or the circumstances and conditions in which, the beggar is living, the court may, if it **thinks expedient, communicate the substance** thereof to the beggar or, in the case of dependents, to the parent or guardian concerned and may give the beggar or the parent or guardian, as the case may be, an opportunity of producing evidence which may be relevant to the matters stated in the report.

(8) A copy of the order made under sub-section (5) shall be sent forthwith by the court to the Chief Inspector.

(9) Notwithstanding anything in this section when the person found to be a beggar under sub-section (4) is a child who was found begging in any area in which the East Punjab Children Act, 1949, is in force, the court shall, instead of making any order under sub-section (5) forward the child along with the proceedings to a juvenile court as defined in clause (i) of section 3 of that Act, and the juvenile court may make such further inquiry as it may deem fit and pass such sentence or order for the detention of the child in a certified school or otherwise as it might have passed if the

child were a person described in clause (a) of sub-section (1) of section 8 of that Act and had been originally tried by it under that section. For the purpose of this sub-section the court may, if necessary, cause the beggar to be examined by a medical officer.

Penalty for
begging after
detention as
beggar.

5. (1) Whoever having been previously detained in a Certified Institution in accordance with the provisions of section 4 is found begging, shall on conviction be punishable as is hereinafter in this section provided.

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

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

Power of court
to detain
dependents of
convicted
beggars.

6. When the court has ordered the detention of a person in a Certified Institution under section 4 or section 5 it may, after making such inquiry as it thinks fit, order any other person who is wholly dependent on such person to be detained in a Certified Institution for a like period :

Provided that before such an order is made such dependent person or his parent or guardian, as the case may be, shall be given an opportunity of showing cause why it should not be made.

Report of
Medical Officer
before commit-
tal.

7. (1) The court which finds a person to be guilty of an offence of begging under section 4 or section 5, shall, before passing any sentence of his committal to a Certified Institution, send such person to the Medical Officer incharge of the local civil hospital or

to the medical officer attached to the local Work House, if any, and call for a report about his age, physical capacity for ordinary manual labour and also whether he is suffering from any infectious or contagious disease.

(2) If the medical officer certifies that the said person is not a child, is physically capable of ordinary manual labour and is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Work House.

(3) If the medical officer reports that the said person is a child or is physically incapable of ordinary manual labour but is not suffering from any infectious or contagious disease, the court shall pass a sentence for committal of such person to a Special Home :

Provided that nothing in this sub-section shall apply to a child to whom sub-section (9) of section 4 applies.

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

8. Whoever escapes from a Certified Institution to which he has been committed on conviction under the provisions of this Act before the expiry of the period for which he has been committed shall be punishable with fine which may extend to one hundred rupees or with imprisonment which may extend to three months.

Punishment for escape from Certified Institution.

9. Whoever employs or causes, any person to solicit or receive alms, or whoever having the custody, charge, care of a child, connives at or encourages the employment or the causing of a child to solicit or receive alms or whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punished with imprisonment for a term which may

Penalty for employing or causing persons to beg or using them for purposes of begging.

extend to three years but which shall not be less than one year.

Bonds taken
under Act 5 of
1898|

10. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

Appeals.

11. For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, an order of detention under this Act shall be deemed to be a sentence of imprisonment for the same period.

Power of State
Government to
release from
Certified Insti-
tutions.

12. If the State Government at any time, of its own motion or on application made to it, is satisfied that a person convicted under section 4 or section 5 and committed to a Certified Institution has been cured of a disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the State Government may, by order, direct that the person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

Provisions of
Certified Insti-
tutions.

13. (1) The State Government may provide and maintain one or more Certified Institutions at such place or places as it thinks fit, and may certify any institution to be a Certified Institution for the purposes of this Act. Any such Certified Institution may include provision for the teaching of Agricultural, Industrial and other pursuits, and for the general education and medical care of the inmates.

(2) Every Certified Institution shall be under the charge of a Superintendent.

Appointment of
Chief Inspector
and other autho-
rities.

14. (1) For carrying out the purposes of this Act, the State Government may appoint a Chief Inspector of Certified Institutions, an Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officers as it thinks fit to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers, and perform such of the

duties, of the Chief Inspector, as the State Government directs, but shall act under the direction of the Chief Inspector.

(2) Every Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector.

15. For every Certified Institution, the State Government shall appoint a Visiting Committee in such manner as may be prescribed and assign such powers, duties and functions to the Committee as may be prescribed.

16. (1) The State Government may, for the whole or any part of the State, constitute an Advisory Committee consisting of such persons, not exceeding twenty-one in number, as it may appoint :

Provided that, where a local authority has agreed to render such financial assistance as the State Government may consider proper in each case, for the maintenance of Certified Institutions in which beggars from the area subject to the jurisdiction of the local authority are detained, the State Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

(2) The Advisory Committee constituted under sub-section (1) in any area on any member thereof, may visit at all reasonable times any Certified Institution, in which beggars from that area are detained, after due notice to the Superintendent of that Institution.

(3) The Advisory Committee may also—

(a) tender advice as regards management to any Certified Institution through the Chief Inspector or such other officer, as the State Government may specify ;

(b) collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local

area or one in which beggars from that area are detained, and disburse the collections in the prescribed manner ;

- (c) advise the State Government, through the Chief Inspector, as regards the certification of any institution as a Certified Institution or the de-certification of any Certified Institution within the area ;
- (d) advise the State Government generally on the working of this Act in that area and particularly on any point referred to it by the Chief Inspector or any other officer specified by the State Government.

Power to make rules.

17. (1) The State Government may, by notification and subject to the condition of previous publication, make rules for carrying 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 manner of authorising a purpose under clause (1) of section 2 ;
- (b) the manner of keeping persons arrested under sub-section (1) of section 3 ;
- (c) the manner of making summary inquiry under sub-section (1) of section 4;
- (d) the manner in which and the place at which the persons sentenced under section 5 shall serve their periods of imprisonment ;
- (e) the management of Certified Institutions, the detention of persons committed to them 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;

- (f) the powers and duties of the officers appointed under section 14 ;
- (g) the determination of the number of officers and servants to be employed under this Act and their salaries and allowances, and other conditions of service and the authority competent to appoint such officers and servants and impose penalties on them;
- (h) the discharge of persons from Certified Institutions ;
- (i) the nature, incidents, and maximum periods of punishments to be imposed on persons detained in Certified Institutions for breach of any rules or for failure or neglect to accept any employment outside such Institutions which may be secured for them;
- (j) the manner of appointment a Visiting Committee under section 15 and the powers, duties and functions thereof ;
- (k) the conduct of business by Visiting and Advisory Committees and their Constitution ; and
- (l) any other manner which has to be or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule 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 of anything previously done under that rule.

Repeal and
Savings.

18. (1) The Punjab Prevention of Beggary Ordinance, 1970, (Punjab Ordinance No. 8 of 1970), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 21st September, 1970.