THE MAHARASHTRA PREVENTION OF BEGGING ACT

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LIST OF AMENDMENT ACTS

1. Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
2. Amended by Mah. 30 of 1966
3. Amended by Mah. 15 of 1976[1] (13-2-1976)
4. Amended by Mah. 24 of 2012

1 Maharashtra Ordinance No. III of 1976 was repealed by Mah. 15 of 1976, s. 5.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

ACT No. X of 1960[1]

[THE MAHARASHTRA PREVENTION OF BEGGING ACT.]

[This Act received the assent of the President on the 3rd February 1960; assent was first published in the *Bombay Government Gazette*, Extraordinary No. 10, Part IV, on the 8th February 1960.]

An Act to consolidate and amend the law relating to beggars for the purpose of making uniform and better provision for the prevention of begging in the State of Bombay and for matters connected therewith.

WHEREAS it is expedient to make uniform and better provision for the prevention of begging in the State of Bombay; for the detention, training and employment of beggars and their dependents in certain institutions; for the custody, trial and punishment of beggar offenders; and for these and other purposes to consolidate and amend the law relating to beggars; It is hereby enacted in the Tenth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and repeal of corresponding laws and provisions.—(*1*) This Act may be called [2][the Maharashtra Prevention of Begging Act].

(*2*) It extends to the whole of the [3][State of Maharashtra].

(*3*) It shall come into force in any area of the State, on such [4]date as the State Government may by notification in the *Official Gazette*, appoint in that behalf for that area.

(*4*) On the commencement of this Act in any area of the State in the manner provided in sub-section (*3*), all corresponding laws in force in that area (including the laws mentioned in the Schedule, to the extent specified in the third column thereof) shall stand repealed therein:

Provided that, notwithstanding such repeal anything done or any action taken (including any appointment made, receiving centres and institutions provided, maintained, certified, approved or recognized, authorizations given, powers conferred and duties imposed, committees appointed or constituted, licences granted, notifications issued and rules made) under any law so repealed, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act; and shall continue in force accordingly unless and until superseded by anything done or any action taken under this Act. And without prejudice to the aforesaid provision and subject thereto, section 7 of the Bombay General Clauses Act, 1904 (Bom. I of 1904)[5], shall apply in relation to the repeal of any such law, and if such law be not an enactment within the meaning of that section, it shall apply in relation thereto as if it were an enactment within the meaning of that section.

1 For Statement of Objects and Reasons of the L. A. Bill No. LI of 1959, *see Bombay Government Gazette*, 1959, Extraordinary No. 54, Part V, dated the 23rd July 1959, page 386.

2 The short title of the Act was amended for "the Bombay Prevention of Begging Act, 1960" by Mah. 24 of 2012, Schedule entry 81, *w.e.f.* 1st May, 1960.

3 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

4 1st April 1960 on which the said Act shall come into force in the following areas :—

(*a*) "Greater Bombay" as defined in the Bombay General Clauses Act, 1904;

(*b*) The part of Thana Taluka which is encircled by the Bassein-Thana creek including the territorial waters appertaining thereto;

(*c*) The limits of Railway lands from a point immediately beyond the Thana Railway Station to the Kalyan Station inclusive on the Central Railway; and

(*d*) The limits of Railway lands from a point immediately beyond the Bhayander Railway Station to the Virar Railway Station inclusive on the Western Railway;

(*e*) The "Elephanta Caves" comprised in Survey No. 65 in Village Gharapuri in Uran Mahal of the Kolaba District;

(*f*) The City of Ahmedabad within the meaning of the Bombay Provincial Municipal Corporations Act, 1949.

(*see* G. N., L. & S. W. D., No. INT. 4449-M, dated 8th March 1960.)

5 The short title of this Act was amended as "the Maharashtra General Clauses Act" by Mah. 24 of 2012, Sch., entry 11, *w.e.f.* 1-5-1960.

2. Definitions.— (*1*) In this Act, unless the context otherwise requires—

(*i*) "begging" means—

(*a*) soliciting or receiving alms in a public place, whether or not under any pretence such as singing, dancing, fortune-telling, performing or offering any article for sale;

(*b*) entering on any private premises for the purpose of soliciting or receiving alms;

(*c*) exposing or exhibiting, with the object of obtaining or extorting alms any sore, wound, injury, deformity or disease whether of a human being or animal;

(*d*) 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;

(*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 in Greater Bombay by the Commissioner of Police, and elsewhere by the District Magistrate, or in any part of the State by the State Government;

(*ii*) "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 an institution certified to be such under sub-section (*1*) of section 13;

(*iii*) "Chief Inspector" means the person appointed to be the Chief Inspector of Certified Institutions under sub-section (*1*) of section 17, and includes an Additional Chief Inspector appointed under that section;

(*iv*) "child" has the same meaning as in the Bombay Children Act, 1948 (Bom. LXXI of 1948);

(*v*) "Court" means the Court of a Judicial Magistrate of any class, or any other Court exercising criminal jurisdiction, in the area in which this Act is in force;

(*vi*) "Juvenile Court" has the same meaning as in the Bombay Children Act, 1948 (Bom. LXXI of 1948);

(*vii*) "prescribed" means prescribed by rules made under this Act;

(*viii*) "Probation Officer" means an officer appointed to be a Probation Officer under sub-section (*1*) of section 17;

(*ix*) "public place" includes a railway compartment;

(*x*) "Receiving Centre" means an institution for the reception and temporary detention of beggars provided by the State Government, or certified to be such under sub-section (*1*) of section 12;

(*xi*) "Superintendent" means a Superintendent of a Receiving Centre or a Certified Institution, as the case may be.

(*2*) Any reference to, or to a provision of, a Central or Bombay Act which is not in force in any area in which this Act is brought into force shall in relation to that area be construed as a reference to the corresponding law (if any) in force therein.

CHAPTER II

PROCEDURE FOR DEALING WITH BEGGARS AND BEGGAR OFFENDERS

3. Powers of Courts.—The powers conferred on courts by this Act shall be exercised only by the High Court, a Court of Sessions, a Presidency Magistrate, a Magistrate of the first class, a Juvenile Court, or any other Court exercising criminal jurisdiction in the area, and may be exercised by such Courts whether the case comes before them originally or on appeal or revision.

4. Power to require person found begging to appear before Court.— (*1*) Any police officer or other person authorised in this behalf in accordance with rules made by the State Government, may arrest without a warrant any person who is found begging:

Provided that, no person entering on any private premises for the purpose of soliciting or receiving alms shall be so arrested or shall be liable to any proceedings under this Act, except upon a complaint by the occupier of the 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 (V of 1898)[1], shall apply to every arrest under this section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a Court.

5. Summary inquiry in respect of persons found begging and their detention.— (*1*) Where a person who is brought before the court under the last preceding section is not proved to have previously been detained in a Certified Institution under the provisions of this Act, 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, the 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 the person was found begging, it shall order a finding that the person is beggar.

[2][(*5*) If a person if found to be a beggar under the last preceding sub-section, the Court shall declare him to be a beggar and may—

(*a*) if the Court is satisfied from the circumstances of the case that the person is not likely to beg again, admonish and release the beggar on his or any other person whom Court considers suitable, executing a bond, with or without surety as the Court may require, requiring the beggar to abstain from begging and to be of good behaviour; or

(*b*) if the Court is of opinion that the person is not likely to give up begging, by order direct such person to report himself forthwith to the Commissioner of Police or the District Magistrate having jurisdiction in the area and shall forward a copy of such order to the Commissioner of Police or, as the case may be, the District Magistrate; or

(*c*) order the beggar to be detained in a Certified Institution for the period of not less than one year, but not more than three years.]

(*6*) In passing any order under the provisions of this Act, [3][the court] 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 was living,

(*c*) reports 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 under the sub-section immediately preceding, shall be treated as confidential:

1 Now *see* the Code of Criminal Procedure, 1973 (II of 1974).

2 Sub-section (*5*) was substituted for the original by Mah. 15 of 1976, s. 2(*1*).

3 These words were substituted for the words "the court shall" by Mah. 15 of 1976, s. 2(*2*).

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 case of dependants) to the guardian concerned, and may give the beggar or the 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 to the Chief Inspector.

(*9*) Notwithstanding anything in this section, when the person found to be a beggar as aforesaid is a child, being a child who is not under the age of five years, the court shall forward him to a Juvenile Court, and shall not make any order under sub-section (*5*). The Juvenile Court shall deal with the child under section 40 of the Bombay Children Act, 1948 (Bom. LXXI of 1948), as if the child were a person described in clause (*a*) of that section. For the purpose of ascertaining the age of the person, the court may, if necessary, cause the beggar to be examined by a medical officer.

6. Penalty for begging after detention as beggar.— (*1*) Whoever, having been previously detained in a Certified Institution under this Act is found begging, shall on conviction be punished as 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 a period of not less than two years and not more than three years.

(*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 a Certified Institution, and may convert any period of such detention (not exceeding two years) into a sentence of imprisonment extending to a like period.

7. Offences to be tried summarily.—All offences under this Act except those under section 11 shall be tried in a summary way.

8. Contribution of parents.— (*1*) The court, which makes an order for the detention of any person in a Certified Institution under section 5 or section 6, may make an order on the parent or other person liable to maintain him, to contribute to his maintenance, if able to do so, in the manner prescribed.

(*2*) Before making any such order the court shall inquire into the circumstances of the parent or other person liable to maintain him, and shall record evidence, if any, in the presence of the parent or such person, as the case may be.

(*3*) Any order made under this section may on an application, made by the party liable, or otherwise, be varied by the Court.

(*4*) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898 (V of 1898)[1].

9. Court may order detention of persons wholly dependent on beggar.— (*1*) When the Court has ordered the detention of a person in a Certified Institution under section 5 or section 6 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 order is made such dependent person shall be given an opportunity of showing cause why it should not be made.

(*2*) Where the dependent person is a child the Court shall forward him to a Juvenile Court which shall deal with him under section 40 of the Bombay Children Act, 1948 (Bom. LXXI of 1948) as if the child were a person described in clause (*a*) of that section:

Provided that where the dependent person is the beggar's own child, being a child who is under the age of five years, and the beggar is an able bodied mother, not being a contagious leper or a lunatic,

1 Now *see* the Code of Criminal Procedure, 1973 (II of 1974).

the child may be ordered to be detained in a Certified Institution without being separated from the mother as regards the place or detention, until it attains the age of five years, and thereafter dealt with as provided in this sub-section.

(*3*) For the purpose of this section, the court may if necessary cause the dependent person to be arrested and brought before itself and caused to be examined by a medical officer. The provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898)[1] shall apply to every arrest under this sub-section, and the officer in charge of the police station or section shall cause the arrested person to be kept in the prescribed manner until he can be brought before a court.

10. Power of State Government to order further detention of incurably helpless beggars.— When any person who is detained in a Certified Institution under section 5 or section 6 or section 9 is considered, whether on an application made by him to the State Government or otherwise, by the State Government to be blind, a cripple, or otherwise incurably helpless, the State Government may order that he shall, after the expiry of the period of his detention be further detained indefinitely in a Certified Institution:

Provided that the State Government may release any such inmate if any person whom the State Government considers suitable executes a bond, with or without sureties as the State Government may require, making himself responsible for the housing and maintenance of such inmate, and for preventing him from begging or being used for the purpose of begging.

11. Penalty for employing or causing persons to beg or using them for purposes of begging.— Whoever employs or causes, any person to solicit or receive alms, or whoever having the custody, charge or 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 extend to three years but which shall not be less than one year.

CHAPTER III

RECEIVING CENTRES AND CERTIFIED INSTITUTIONS

12. Provision of Receiving Centres.— (*1*) The State Government may provide and maintain one or more Receiving Centres at such place or places as it thinks fit, and may certify any institution to be a Receiving Centre for the purposes of this Act.

(*2*) Every such Receiving Centre shall be under the control of a Superintendent.

13. Provision of Certified Institutions.— (*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 such Certified Institution shall be under the charge of a Superintendent.

14. Visiting Committees.—For every Receiving Centre and every Certified Institution, the State Government shall appoint a visiting committee in such manner as may be prescribed.

15. Advisory Committees.— (*1*) The State Government may constitute for any area in which this Act has come into force in the manner provided in sub-section (*3*) of section 1, 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.

1 Now *see* the Code of Criminal Procedure, 1973 (II of 1974).

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

(*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 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 decertification of any Certified Institution within the local 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.

16. Payment of contribution by local authorities and recovery thereof.— (*1*) Notwithstanding anything contained in any law for the time being in force, any local authority which has agreed to pay a certain sum of money for the maintenance of a Certified Institution shall make payment of that sum to the State Government before a date prescribed in that behalf.

(*2*) If any sum is not paid by a local authority before the prescribed date, the State Government may make an order directing any person, who for the time being has custody of any moneys on behalf of the local authority as its officer, treasurer, banker or otherwise to pay the sum from such moneys as he may have in his hands or may from time to time receive, to the State Government, and such person shall be bound to obey such order. Every payment made pursuant to such order shall be sufficient discharge to such person from all liability to the local authority in respect of any amount paid by him out of the moneys of the local authority so held by him.

17. Appointment of Chief Inspector, Additional Chief Inspector, Inspectors, Assistant Inspectors and Probation Officers.— (*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 advisable 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.

1[The State Government may, subject to such restrictions and conditions (if any) as it may impose, by order, delegate its power of appointment of Probation Officers to any Officers not below the rank of Chief Inspector].

(*2*) Every Receiving Centre and Certified Institution shall, at least once in every six months, be inspected by the Chief Inspector, Inspector, Assistant Inspector or a Probation Officer.

18. Search in Receiving Centres and Certified Institutions.—The Superintendent of a Receiving Centre or a Certified Institution may order that any person received in the Receiving Centre or a Certified Institution shall be searched, that he shall be cleansed, that his personal effects shall be inspected, and that any money or valuables found with or on the person shall be kept in the custody of such Superintendent, and that any effects other than money or valuables so found shall be disposed of in the prescribed manner. Where an order of detention is passed by the Court against any such person, the Superintendent may order that any money or valuables found with or on the person shall be disposed of in the prescribed manner. Where the court passes an order other than an order of detention with regard to any such person, his money and valuables shall be returned to him, and if his clothing

1 This portion was added by Mah. 30 of 1966, s. 2.

has been destroyed, he shall be provided with fresh clothing. The expenses of providing such clothing shall be paid out of moneys provided by the State Legislature:

Provided that a female shall be searched only by a female, and with due regard to decency.

19. Management and discipline.—Persons remanded to, or detained in, Receiving Centres and Certified Institutions under this Act shall be subject to such rules of management and discipline, including the imposition of manual or other work and the awarding of punishment for breach of any such rules, as may, from time to time, be prescribed.

20. Disciplinary imprisonment.—(*1*) Without prejudice to any disciplinary action that may be taken under the section immediately preceding, the Chief Inspector, the Inspector or Superintendent may report to the Court, the case of any person detained in a Certified Institution who habitually and wilfully disobeys or neglects to comply with any rule referred to in that section ; and the Court may thereupon, if satisfied that the person has wilfully disobeyed or neglected to comply with any such rule, convert the balance of the period of his detention in a Certified Institution or part thereof into a term of imprisonment.

(*2*) The sentence of imprisonment ordered as aforesaid shall be executed in the same manner as a sentence passed under section 6.

21. Transfer from one Receiving Centre or Certified Institution to another.— (*1*) Subject to conditions prescribed, the Chief Inspector may direct any person detained in a Receiving Centre or Certified Institution to be transferred therefrom to another Receiving Centre or Certified Institution in the State:

Provided that the total period of detention of such person shall in no case be increased by such transfer.

(*2*) In directing such transfer the Chief Inspector shall have regard to the medical certificate and the directions, if any, made by the State Government or court under section 26.

22. Release on licence.— (*1*) Subject to such conditions as are prescribed,—

(*a*) the Chief Inspector or the Superintendent of the Certified Institution may at any time grant permission to a person detained in a Certified Institution to absent himself for short periods, and

(*b*) the Chief Inspector may at any time release such person conditionally and issue him a licence therefor.

(*2*) Any such licence shall be in force until the expiry of the term for which the person was ordered to be detained in a Certified Institution, unless sooner revoked.

(*3*) The period during which such person is absent from a Certified Institution by permission or by licence as aforesaid shall, for the purpose of computing his term of detention in a Certified Institution, be deemed to be part of his detention.

23. Revocation of licence.— (*1*) Subject to such conditions as are prescribed, the Chief Inspector may at any time revoke a licence issued under section 22, and thereupon the released person shall be

detained in a Certified Institution until the expiry of the term for which he had been ordered to be detained.

(*2*) For the purpose of this section the Chief Inspector may, if necessary, cause the released person to be arrested and sent to the nearest Receiving Centre together with a copy of the order of detention, and thereupon the provisions of sub-section (*1*) of section 25 shall as far as may be apply.

24. Unconditional release.—At any time after the expiration of three months from the commencement of the release on licence of any person under section 22, the Chief Inspector may, if he is satisfied that there is a probability that such person will abstain from begging, recommended to the State Government his unconditional release. The State Government may on such recommendation

release such person unconditionally, and thereupon the term for which such person had been ordered to be detained in a Certified Institution shall be deemed to have expired.

CHAPTER IV

MISCELLANEOUS

25. Procedure or order of detention or sentence of imprisonment.— (*1*) Subject to the provisions of sub-section (*2*), when a person has been ordered to be detained in a Certified Institution under section 5 or section 6 or section 9, the court which ordered the detention shall forthwith forward him to the nearest Receiving Centre with a copy of the order of detention. The person shall thereupon be handed over into the custody of the Superintendent of the Receiving Centre and shall be detained in the Receiving Centre until he is sent therefrom to a Certified Institution.

(*2*) When any such person has also been sentenced to imprisonment, the Court passing the sentence of imprisonment shall forthwith forward a warrant to a jail in which he is to be confined and shall forward him to such jail with the warrant together with a copy of the order of detention. After the sentence of imprisonment is fully executed, the Officer executing it shall, if detention in a Certified Institution for any period remains to be undergone by such person, forward him forthwith together with the copy of the order of detention to the nearest Receiving Centre, and thereupon the provisions of sub-section (*1*) shall as far as may be apply.

(*3*) In computing the period for which a person is ordered to be detained in a Certified Institution, there shall be included the period for which he is detained in a Receiving Centre under this section.

26. Medical examination and detention of leprosy patients and lunatics.— (*1*) Where it appears to the State Government that any beggar detained in a Certified Institution under any order of a court is of unsound mind or a leper, the State Government may, by an order setting forth the grounds of relief that the beggar is of unsound mind or a leper, order his removal to a mental hospital or leper asylum or other place of safe custody, there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered to be detained or, if on the expiration of that term it is certified by a medical officer, that it is necessary for the safety of the beggar or of others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(*2*) Where it appears to the State Government that the beggar has ceased to be of unsound mind, or is cured of leprosy, the State Government shall, by an order directed to the person having charge of the beggar if still liable to be kept in custody send him to the Certified Institution from which he was removed or if the beggar is no longer liable to be kept in custody, order him to be discharged.

(*3*) The provisions of section 31 of the Indian Lunacy Act, 1912 (IV of 1912), or [subject to the provisions of sub-section (*2*)] of section 14 of the Lepers Act, 1898 (III of 1898), shall apply to every beggar confined in a mental hospital or leper asylum under sub-section (*1*) after the expiration of the period for which he was ordered to be detained; and the time during which a beggar is confined in a mental hospital or leper asylum under that sub-section shall be reckoned as part of the period for which he may have been ordered by the Court to be detained:

Provided that where the removal of a beggar due to unsoundness of mind, or leprosy is immediately necessary, it shall be open to the authorities of the Institution in which the beggar is detained to apply to a

Court having jurisdiction under the Indian Lunacy Act, 1912 (IV of 1912), or the Lepers Act, 1898 (III of 1898), as the case may be, for an immediate order of committal to a mental hospital or a leper asylum until such time as the orders of the State Government can be obtained in the matter.

27. Arrest of person escaping from Receiving Centre or Certified Institution.—Any person who leaves a Receiving Centre or a Certified Institution without the permission of the Superintendent thereof, or fails to return thereto after the expiry of the period of absence permitted under sub-section (*1*) of section 22, may be arrested by any police officer without warrant or by an officer of the Receiving Centre or Certified Institution authorised in this behalf by the State Government and sent back to the Receiving Centre or Certified Institution, as the case may be.

28. Transfer between Certified Institution and Institution of like nature in different parts of India.— (*1*) The State Government may direct any person detained in a Certified Institution to be transferred therefrom to any Institution of a like nature in any other part of India in respect of which provision similar to that in the [1][State of Maharashtra] is made by the State Government of that part under any law in force therein:

Provided that no person shall be transferred under this section to any other State without the consent of the Government of that other State.

(*2*) The State Government may, in consultation with the Superintendent of any Certified Institution, consent to the transfer to that Institution of any person in respect of whom an order of detention has been made by a competent authority in any other part of India of the nature of an order under this Act directing him to be detained in a Certified Institution or Institution of a like nature and upon such transfer, the provisions of this Act shall apply to such person.

29. Power to take finger prints.— (*1*) Every person ordered to be detained in a Certified Institution under this Act shall at any time allow his finger prints to be taken by the Commissioner of Police or any officer empowered by him in this behalf in any area for which a Commissioner of Police has been appointed and by the District Magistrate or any Officer empowered by him in this behalf elsewhere.

(*2*) Whoever refuses to allow his finger prints to be taken under sub-section (*1*) shall on conviction be liable to have his period of detention in a Certified Institution not exceeding three months converted to a term of imprisonment extending to a life period.

(*3*) The sentence of imprisonment ordered under sub-section (*2*) shall be executed in the same manner as a sentence passed under section 6.

30. Seizure and disposal of animals exposed or exhibited for obtaining or extorting alms.—(*1*) Any police officer or other person effecting under sub-section (*1*) of section 4, the arrest of a person who was found begging may seize any animal the sore, wound, injury, deformity or disease of which was exposed or exhibited by such person with the object of obtaining or extorting alms.

(*2*) The police officer or other person effecting the arrest may remove such animal to any infirmary appointed under section 6B of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), for detention therein pending its production before a Court.

(*3*) The Court before which the person found begging is brought may direct that the animal shall be treated and cared for in such infirmary until it is fit for discharge or that it shall be sent to a pinjrapole, or, if the veterinary officer in charge of the area in which the animal is found or such other veterinary officer as has been authorised by the rules made under section 15 of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890), certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed; and the Court may also order that, after release from the infirmary, the animal may be confiscated.

(*4*) An animal sent for care and treatment to an infirmary shall not, unless the court directs that it shall be sent to in a pinjrapole or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the veterinary officer in charge of the area in which the

infirmary is situated or such other veterinary officer as has been authorised by rules made under section 15 of the Prevention of Cruelty to Animals Act, 1890 (XI of 1890).

31. Offences to be cognizable and non-bailable.—The offences under sections 6 and 11 of this Act shall be cognizable and non-bailable.

32. Persons to be deemed public servants.—All persons empowered to perform any function by this Act shall be deemed to be public servants within the meaning of the Indian Penal Code (XLV of 1860).

1 These words were substituted for the words "State of Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

33. Bonds taken under Act V of 1898.—The provisions of Chapter XLII of the Code of Criminal Procedure, 1898 (V of 1898)[1], shall, so far as may be, apply to bonds taken under this Act.

34. Appeals.—For the purposes of appeal and revision under the Code of Criminal Procedure, 1898 (V of 1898)[2], an order of detention under this Act (including an order of detention under section 5), shall be deemed to be a sentence of imprisonment for the same period.

35. Rules.— (*1*) The State Government may by notification in the *Official Gazette* 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 all or any of the following matters, namely :—

(*a*) the manner of authorizing a purpose under clause (*i*) of sub-section (*1*) of section 2;

(*b*) the manner of keeping persons arrested under sub-section (*3*) of section 4 or section 9;

(*c*) the manner of making summary inquiry under sub-section (*1*) of section 5;

(*d*) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be ordered to be paid under sub-section (*1*) of section 8;

(*e*) the manner of appointing a visiting committee under section 14;

(*f*) the conduct of business by Advisory Committees;

(*g*) the date before which payment shall be made under sub-section (*1*) of section 16;

(*h*) the manner in which the effects and the money and valuables referred to in section 18 shall be disposed of;

(*i*) the management and discipline of persons detained in a Receiving Centre or Certified Institution including the imposition of manual or other work and the awarding of punishment for breach of any rule made under this clause;

(*j*) the conditions subject to which the Chief Inspector may direct transfers under section 21;

(*k*) the conditions subject to which a person may be released on license under section 22;

(*l*) the conditions subject to which a licence may be revoked under section 23;

(*m*) the manner of medical examination of beggars;

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

(*3*) All rules made under this section shall be laid for not less than thirty days before each house of the Legislature as soon as possible after they are made, and shall be subject to such modification as the Legislature may make during the session in which they are so laid, or the session immediately following.

36. Removal of difficulties.—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 such provision or give such direction as appears to it to be necessary for removing the difficulty.

1 Now *see* the Code of Criminal Procedure, 1973 (II of 1974). 2 Now *see* the Code of Criminal Procedure, 1973 (II of 1974).

SCHEDULE

[*See* section 1(*4*)].

No. and year	Short title	Extent of repeal
1 2	3	
Bom. XXIII of 1945.	Bombay Beggars Act, 1945.	The whole.
Bom. XXII of 1951.	Bombay Police Act, 1951.	Section 114.
Hyd. Act XX of 1350 F.	Prevention of Beggary Act, 1350 Fasli.	The whole.
C. P. and Berar Act II of 1950.	City of Nagpur Corporation Act, 1948.	Chapter XXXI.
C. P. and Berar Act II of 1922.	Central Provinces and Berar Municipalities Act, 1922.	Section 206.
C. P. and Berar Act XXXVIII of 1948.	Central Provinces and Berar Local Government Act, 1948.	Section 129.
Sau. Act XVIII of 1954.	Saurashtra Police Act, 1954.	Section 104.
Bom. IV of 1890.	Bombay District Police Act, 1890 as applied to the Kutch Area of the State of Bombay by the Kutch (Application of Laws) Order, 1949.	Clause (*2*) of section 61.