

THE KERALA (PREVENTION OF SEEKING ALMS AND JUST REHABILITATION) BILL

A bill to consolidate and unify the law relating to prevention of seeking alms and rehabilitation of affected persons in the State of Kerala.

Preamble.—WHEREAS it is expedient to consolidate and unify the laws relating to prevention of seeking alms and rehabilitation of affected persons in the State of Kerala.

BE it enacted in the fifty ninth year of the Republic of India as follows:

CHAPTER -1

PRELIMINARY

1. Short title, extent and commencement.—(a) This Act may be called the Kerala Prevention of Seeking Alms and Just Rehabilitation Act —

(b) It extends to the whole of the State of Kerala.

(c) It shall come into force on such date as the Government may, by notification in the Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different areas of the State.

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

(a) “alms” means anything gratuitously given to a person seeking alms, such as money, food-cooked or uncooked grain or clothing or any other thing of value;

(b) “beggar” means a person who seeks alms;

(c) “begging” means,—

(i) Soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under any pretence; or

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

(iii) 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 by the Government in the rules made under this Act;

(d) “Chief Inspector” means the person appointed to be the Chief Inspector of relief centres and workhouses under sub-section (1) of Section 17;

- (e) “Child” or juvenile means a person who has not completed the age of eighteen years;
- (f) “Court” means a court of competent jurisdiction referred to in Section 4;
- (g) “Juvenile Justice Board” means a board constituted under the provision of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (h) “Prescribed” means prescribed by rules made under this Act;
- (i) “Private premises” means places of private residence including lodges, restaurants or any place or vehicle, which is not owned by the person seeking alms;
- (j) “Probation Officer” means a probation officer appointed under subsection (2) of Section 17 or a Probation Officer under the Probation of Offenders Act, 1958 (Central Act 20 of 1958);
- (k) “Public place” means any highway, public park or garden or any railway station, bus station or railway train bus or any public bridge, road, lane, footway, square, court, institution, Government Office, Place of worship alley or passage, whether a thoroughfare or not, and includes any open space or building to which, for the time being, the public have or are permitted to have, access, whether on payment or otherwise;
- (l) “Relief centre” means an institution established or certified under Section 12;
- (m) “State” means the State of Kerala;
- (n) “Superintendent” or resident manager means an Officer of Government appointed to be in-charge of relief centre or workhouse established under this Act;
- (o) “Work House” means an institution established or certified under Section 13.

CHAPTER II

PROCEDURE FOR DEALING WITH BEGGARS

3. Begging to be an offence.—Save as otherwise provided by this Act or by any other law for the time being in force, no person shall seek alms or induce or cause any person to seek alms in an area where this Act is in force.

4. Courts having jurisdiction: The powers conferred on Courts by this Act shall be exercised only by the High Court, a Court of Session, a Judicial Magistrate of the First Class or a Juvenile Justice Board 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.

5. Power to require person found seeking alms to appear before Court: (1) Any police officer or other person authorised in this behalf or a member of a ‘relief squad’ constituted in accordance with the rules made under this Act may arrest without warrant any person contravening the provisions of Section 3:

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 that premises.

(2) Every person arrested under sub-section (1) shall be brought before the Court / Juvenile Justice Board within twenty four hours of such arrest excluding the time necessary for journey from the place where the person had been taken into custody.

6. Summary inquiry in respect of persons found seeking alms and their detention: (1) Where a person who is brought before the court under Section 5 is not proved to have previously been detained in a relief centre or work house 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 seeking alms.

(2) If the inquiry referred to in sub-section (1) cannot be completed forthwith, the court may adjourn the inquiry from time to time and order the person to be remanded to a relief centre, or released on bail with or without sureties pending the enquiry.

(3) If on making the inquiry referred to in sub-section (1), the court is not satisfied that the person was found seeking alms, 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 has been found seeking alms, it shall record its finding that the person is found seeking alms.

(5) The court shall order the person found seeking alms under sub-section (4) to be detained in a relief centre or work house, as the case may be, for a period not exceeding three years:

Provided that if the court is satisfied from the circumstances of the case that the person found seeking alms is not likely to seek alms again, it may, after due admonition, release the person found seeking alms on a bond, for such person abstaining from seeking alms and being of good behavior, executed by the person found seeking alms or any other person whom the court considers suitable, with or without sureties, as the court may require.

(6) In passing any order under this section, the court shall have regard to the following matters, namely:

- (a) The age and character and antecedents of the person seeking alms;
- (b) The circumstances and conditions in which the person seeking alms was living;
- (c) Reports made by the Probation Officer in respect of the person seeking alms; and

(7) The report of the Probation Officer or any other report considered by the court under sub-section (6) shall be treated as confidential:

Provided that if such report relates to the character, health or conduct of the person seeking alms, or the circumstances and conditions in which the person seeking alms is living, the court may, if it thinks expedient, communicate the substance thereof to the person seeking alms or, if he is a dependent, to his guardian, and may give the person seeking alms or the guardian, as the case may be, an opportunity of producing evidence to disprove any matter 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 contained in this section, where the person found to be a person seeking alms under sub-section (4) is a child the court shall forward him to a Juvenile Justice Board and shall not make any order under sub-section (5); and the Juvenile Justice Board shall deal with the child according to the law for the time being in force relating to care and protection of children.

7. Penalty for seeking alms after previous detention as beggar: (1) Whoever, having been previously detained in a relief centre or work house under this Act or under any law in force immediately before the commencement of this Act, is found begging, shall, on conviction, be punished as provided in subsections (2) and (3).

(2) When a person is convicted for the first time under sub-section (1) the court shall order him to be detained in a relief centre or work house, as the case may be, for a period of not less than one year and not more than three years.

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a period of less than one year.

(3) When a person is convicted for the second or subsequent time under sub-section (1), the court shall order him to be retained in a relief centre or work house, as the case may be, for a period of ten years:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a period of less than ten years.

8. Contribution of parents: (1) The court which makes an order for the detention of any person in a relief centre or work house, as the case may be, under Section 6 or Section 7 may make an order requiring 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 order under sub-section (1), 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 other 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 125 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

9. Court may order detention of person wholly dependent on a person seeking alms: (1) When a court has ordered the detention of a person in a relief centre or work house, as the case may be, under Section 6 or Section 7, 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 relief centre or work house, as the case may be, for a like period:

Provided that before such order is made, such dependent person shall be given an opportunity of showing cause why such an order should not be made.

(2) Where the dependent person is a child, the court shall forward him to a Child Welfare Committee which shall deal with him as provided under the law for the time being in force relating to care and protection of children:

Provided that where the dependent person seeking alms with his/her own child which is under the age of five years, and the person seeking alms is an able-bodied mother not being a person affected with any contagious disease or mentally ill, the child may be ordered to be detained in the relief centre or work house, as the case may be, without being separated from the mother as regards the place of detention until it attains the age of five years, and thereafter dealt with as provided under this subsection.

(3) For the purpose of this section, the court may, if necessary, cause the dependent person to be arrested and brought before it and cause such person to be examined by medical officer.

(4) The provisions of Section 57 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall apply to every arrest under sub-section (3), and the officer in charge of the police station shall cause the arrested person to be kept in the prescribed manner until he can be brought before a court.]

10. Power of Government to order further detention of disabled and helpless person seeking alms: When any person who is detained in a relief centre or work house under Section 6 or Section 7 or Section 9 is considered by the Government, whether on an application made by him or otherwise, to be blind, physically disabled, or otherwise suffering from a disability and is incurably helpless, the Government may order that he shall, after the expiry of the period of his detention, be further detained indefinitely in a relief centre:

Provided that the Government may release any such inmate, with any person, whom the Government consider suitable, after executing a bond, with or without sureties as the Government may require, making himself responsible for the housing and maintenance of such inmates, and for preventing him from reverting to begging or being used for the purpose of begging.

11. Penalty for employing or causing person to seek alms or using them for purposes of seeking alms: Whoever employs or cause any person to solicit or receive alms, or whoever having the custody, charge or care of a child connives at or encourage 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 and shall also be liable to fine.

CHAPTER III

RELIEF CENTRES AND WORK HOUSES

12. Relief Centres: (1) The Government may establish and maintain as many relief centres as may be necessary for the detention under this Act of persons seeking alms who are physically incapable of ordinary manual labour.

(2) There shall be separate relief centres for men and women.

(3) Where the Government are of opinion that any institution other than an institution established under sub-section (1) of this section is fit for the detention of beggars, who are physically incapable of ordinary

manual labour, to be sent there under this Act, they may certify such institution as relief centre for the purposes of this Act.

(4) Every relief centre in which a person seeking alms is detained under this Act shall provide him with facilities for adult education and give him training in suitable vocations or other pursuits and shall also provide such medical help as is expedient and necessary.

(5) Every relief centre shall be under the control of a Superintendent/Resident Manager.

(6) The Government shall constitute a fund, for maintaining relief centres of the State to which shall be credited:

(a) all moneys received by the relief centre from the State Government by way of grants, loans, advances or otherwise.

(b) all money received by way of donations from the social welfare associations of people.

(c) cess collected from different sets of the public as may be prescribed by the Government.

(d) all money received by the relief centres from any other source.

13. Work Houses: (1) The Government may establish and maintain as many work houses as may be necessary for the detention under this Act of persons seeking alms who are physically capable of ordinary manual labour.

(2) There shall be separate work houses for men and women.

(3) Where the Government are of opinion that any institution other than an institution established under sub-section (1) is fit for the detention of persons seeking alms, who are physically capable of ordinary manual labour, to be sent there under this Act, they may certify such institution as a work house for the purpose of this Act.

(4) Every work house in which a person seeking alms is detained under this Act may provide him with facilities for adult education and give him training in suitable vocation or other pursuits and shall also provide medical facilities to the extent expedient and necessary.

(5) Every work house shall be under the control of a Superintendent.

14. Advisory Committees: (1) The Government may constitute for any area an advisory committee consisting of such persons, not exceeding five in number, as they may appoint:

Provided that where a local authority has agreed to render such financial assistance as the Government may consider proper in each case, for the maintenance of relief centres or work houses in which beggars from the area within the jurisdiction of the local authority are detained, the Government shall appoint such number of persons as they deem fit on the advisory committee for such area representing the local authority.

(2) The advisory committee constituted under sub-section (1) for any area or any member thereof may visit at all reasonable times and after due notice to the Superintendent, any relief centre or work house in which beggars from that area are detained.

(3) The advisory committee may also

- (a) Tender advice as regards management of any relief centre or work house through the Chief Inspector;
- (b) Collect subscriptions towards the recurring as well as non-recurring expenses of any relief centre or work house in the area for which it is constituted or in which persons seeking alms from that area are detained or of all such relief centres or work houses and disburse the collections in the prescribed manner.
- (c) Advise the Government through the Chief Inspector as regards the certification of any institution within the area for which it is constituted, as a relief centre or work house or the cancellation of the certification of any such institution.
- (d) Advice the Government generally on the working of this Act in the area for which it is constituted, and particularly on any point referred to it by the Chief Inspector.

15. Visiting Committee: The Government shall nominate a local NGO to the performance of such functions as may be necessary to supervise the functioning of such relief centres and work houses.

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 any sum of money for the maintenance of any relief centre or work house shall make payment of that sum to the Government before such date as may be prescribed.

(2) If any local authority fails to make any payment as required by such section (1), the Government may make an order directing any person, who for the time being has custody of any moneys on behalf of that local authority as its officer, treasurer, banker or otherwise, to pay the sum from such moneys as he may have in his custody or may from time to time receive, to the Government, and such person shall be bound to obey such order.

(3) Every payment made pursuant to an order under sub-section (2) 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 money of the local authority so held by him.

17. Appointment of Chief Inspector, Probation Officers etc.: (1) The Government may appoint a Chief Inspector of relief centres and work houses for carrying out the purposes of this Act.

(2) The Government may appoint Probation Officers and such other officers as they deem fit to assist the Chief Inspector.

(3) Every person appointed under sub-section (2) to assist the Chief Inspector shall exercise such of the powers and discharge such of the duties of the Chief Inspector as the Government may direct:

Provided that he shall exercise such powers and discharge such duties under the direction of the Chief Inspector.

(4) The Chief Inspector, the Probation Officer and any other officer appointed under sub-section (2) shall inspect every relief centre and work house within his jurisdiction at least once in six months.

18. Search in relief centres and work houses: (1) The Superintendent of a relief centre or work house may order that any person received therein shall be searched or that he shall be cleansed or that his personal effects shall be inspected or that any money or other valuables belonging to him shall be disposed of in the prescribed manner:

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

(2) Where an order of detention is passed against any person referred to in sub-section (1), the Superintendent may order that any money or other valuables found with or owned by such person shall be disposed of in the prescribed manner.

(3) Where an order other than an order of detention is passed with regard to any such person, his money and other valuables shall be returned to him and if his clothing has been destroyed, he shall be provided with fresh clothing.

(4) The expenses of providing any clothing under sub-section (3) shall be paid out of the moneys provided under allotments to the relief centre or work house, as the case may be.

19. Management and discipline: Persons remanded to or detained, in relief centres or work houses 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 Section 19, the Chief Inspector or Superintendent may report to the court the case of any person detained in relief centres or work house 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 the relief centre or work house, as the case may be, or part thereof, into a term of imprisonment.

21. Transfer from one relief centre or work house to another: (1) Subject to such conditions as may be prescribed the Chief Inspector may direct any person detained in a relief centre or work house in the State to be transferred therefrom to another relief centre or work house, as the case may be, 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 a transfer under sub-section (1), the Chief Inspector shall have regard to the medical certificate and the directions, if any, made by the Government or the court under Section 27.

22. Release for short periods or on license: (1) Subject to such terms and conditions as may be prescribed:

(a) The Chief Inspector or the Superintendent of a relief centre or work house may, at any time, grant permission to a person detained in a relief centre or work house to absent himself for short periods;

(b) The Chief Inspector or the Superintendent may, at any time, release such person conditionally and issue him a license therefore; and

(c) The Chief Inspector or the Superintendent may, at any time, release such person on license, to undertake manual labour on payment basis, on the application of any person.

(2) Any license issued under clause (b) or clause (c) of sub-section (1) shall be inforce until the expiry of the term for which the person was ordered to be detained in a relief centre or work house unless sooner revoked.

(3) The period during which a person is absent from a relief centre or work house by permission or on license as provided in this section shall, for the purpose of computing his term of detention in such institution, be deemed to be part of his detention.

23. Wages earned by persons detained: (1) The person who employs a person licensed under clause (c) of subsection (1) of Section 22 shall pay wages at the rates existing in the locality to the Chief Inspector or the Superintendent, as the case may be.

(2) Where any money is received under sub-section (1), such money, shall be deposited in the name of the person so employed in such manner, and shall be returned to him at the time of his release after detention or such other time and in the manner prescribed.

24. Revocation of license: (1) Subject to such conditions as may be prescribed, the Chief Inspector or the Superintendent of a relief centre or work house may, at any time, revoke a license issued under Section 22 and thereupon the released person shall be detained in a relief centre or work house, as the case may be, until the expiry of the term for which he had been ordered to be detained.

(2) For the purposes of sub-section (1), the Chief Inspector may, if necessary, cause the released person to be arrested sent to the nearest relief centre or work house, as the case may be, together with a copy of the orders of detention.

25. Unconditional release: (1) At any time after the expiry of three months from the date of release on license 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 seeking alms, recommend to the Government, his unconditional release.

(2) The Government may, on receipt of a recommendation under sub-section (1), release the person unconditionally and thereupon the term for which such person had been ordered to be detained in a relief centre or work house, as the case may be, shall be deemed to have expired.

26. Procedure on order of detention or sentence of imprisonment: (1) Subject to the provisions of sub-section (3), when a person has been ordered to be detained in a relief centre or work house under any of the provisions of this Act, the court which ordered the detention shall forthwith forward him to the relief centre or work house; as the case may be, where he is to be detained.

(2) When a person cannot be sent to the relief centre or work house immediately the court shall forthwith forward him to the nearest sub-jail and thereupon he shall be handed over to the custody of the officer-in-

charge of the sub-jail and shall be detained therein until he is sent therefrom to the relief centre or work house, as the case may be.

(3) (a) 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.

(b) After the sentence of imprisonment is fully executed, the officer executing it shall, if detention in a relief centre or work house for any periods remains to be undergone by such person, forward him forthwith together with the order of detention to the relief centre or work house, as the case may be, where he is to be detained and thereupon the provisions of sub-section (2) shall, so far as may be, apply.

(4) In computing the period for which a person is ordered to be detained in a relief centre or work house, there shall be included the period for which he is detained in a sub-jail or observation home, as the case may be, under this section.

Explanation.—For the purpose of this section,

(a) “adult” means a person who has completed the age of twenty one years; and

(b) “Observation home” shall have the same meaning as in the Juvenile Justice (Care and Protection of Children) Act, 2000.

CHAPTER IV

MISCELLANEOUS

27. Medical examination and detention of beggars under certain circumstances: (1) Where it appears to the Government that any person seeking alms detained in a relief centre or work house under any order of a court is of unsound mind or person suffering from any contagious disease, the Government may, by an order setting forth the ground of their belief that the person seeking alms is of unsound mind or person suffering from any contagious disease, order his removal to a mental hospital or other place of safe custody, there to be kept and treated 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 person seeking alms or 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 Government that the person seeking alms has ceased to be of unsound mind, or he is cured of the disease, the Government shall, by an order directed to the person having charge of the person seeking alms if he is still liable to be kept in custody, send him to the relief centre or work house from which he was removed or if the person seeking alms is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of the Mental Health Act, 1987 shall apply to every person seeking alms confined in a mental hospital or other place for treatment under subsection (1) after the expiration of the period for which he was ordered to be detained; and the time during which the person seeking alms is confined in a mental hospital or other place 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 person seeking alms due to unsoundness of mind is immediately necessary, it shall be open to the authorities of the institution in which the person seeking alms is detained, to apply to a court having jurisdiction under the Mental Health Act for an immediate order or committal to a mental hospital until such time as the orders of the Government can be obtained in the matter.

28. Arrest of person escaping from relief centre or work house: Any person who leaves a relief centre or work house without the permission of the Superintendent thereof or fails to return there to after the expiry of the period of absence permitted under sub-section (1) of Section 22, may be arrested by any police officer or by an officer of the relief centre or work house, as the case may be, authorised in this behalf by the Government, without warrant and sent back to the relief centre, or work house, as the case may be.

29. Transfers between relief centre and work houses and institutions of like nature in different parts of India: (1) The Government may direct any person detained in a relief centre or work house to be transferred there from to any institution of like nature in any other part of India, in respect of which provision similar to that in the State 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 State.

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

30. Seizure and disposal of animal's exposed or exhibited for obtaining or extorting alms: (1) Any police officer or other person effecting the arrest of a person found seeking alms may seize any animal the sore, wound, injury, deformity or disease of which has been exposed or exhibited 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 notified under Section 35 of the Prevention of Cruelty to Animals Act, 1950 (Central Act 59 of 1960), for detention therein pending its production before a court.

(3) The court, before which the person found seeking alms 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 tamed or such other veterinary officer as has been authorised by rule made under Section 38 of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960), certifies that it is incurable or cannot be removed without cruelty, and that it shall be destroyed, 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 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 38 of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960).

31. Certain offences to be cognizable and non-bailable: The offences under Sections 7 and 11 shall be cognizable and non-bailable.

32. Persons to be deemed public servants: All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act 45 of 1860).

33. Procedure in respect of bonds: The provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), shall, as far as may be, apply to bonds taken under this Act.

34. Appeal and Revision: For the purposes of appeal and revision under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an order of detention under this Act, including an order of detention under Section 6, shall be deemed to be a sentence of imprisonment for the same period.

35. Protection of action taken under the Act: (1) No suit, prosecution or legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any provision of this Act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this Act or any rule made thereunder.

36. Power to make rules: (1) The Government may, by notification in the Gazette, 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 authorising a person under sub-section (1) of Section 5;

(b) the manner of constitution of relief squad;

(c) the manner of keeping persons arrested under sub-section (1) of Section 5 or sub-section (3) of Section 9;

(d) the manner of making summary inquiry under sub-section (1) of Section 6;

(e) the manner in which contribution for the maintenance of a person detained in a relief centre or work house may be ordered to be paid under subsection (1) of Section 8;

(f) the manner of constituting an advisory committee under subsection (1) of Section 14 and its conduct of business;

(g) the manner of appointing visiting committees under Section 15 and their functions;

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

- (i) the manner in which the effects and the money and valuables referred to in Section 18 shall be disposed of;
- (j) the management and discipline of persons detained in a relief centre or work house including the imposition of manual or other work and the awarding of punishment for breach of any rule made under this clause;
- (k) the conditions subject to which the Chief Inspector may direct transfers under Section 21;
- (l) the conditions subject to which a person may be released on license under Section 22;
- (m) the manner in which wages is to be deposited and the manner in which and the time at which it shall be disbursed to the person under sub-section (2) of Section 23;
- (n) the conditions subject to which a license may be revoked under Section 24;
- (o) the manner of medical examination of beggars;
- (p) any other matter 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 Legislative Assembly while it is in session for a total period of fourteen 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 so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides 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.

37. Repeal: The Madras Prevention of Begging Act, 1945 (Madras Act XIII of 1945) as in force in the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), the Travancore Prevention of Begging Act, 1120 (XIII of 1120) and the Cochin Vagrancy Act, 1120 (XXI of 1120), are hereby repealed.

Statement of Objects and Reasons

This Bill seeks not only to prevent begging but to punish those who resort to begging. It is a pity that large scale begging is being carried on an organized basis in which innocent children are employed by powerful begging lobby. Although various legislations exist in different parts of the State, no uniform legislation is available so far. This Bill seeks to unify the law in this field and create offences and provide punishments therefore. No civilized country can tolerate begging as a means of livelihood for its citizens. It has, therefore, become necessary to prevent employment of beggars and punish those employing beggars to seek alms. Not merely receiving alms but employing beggars for seeking of alms is also made an offence under this Bill.