

In Pursuance of the provisions of clause (3) of Article 348 of the Constitution of India. The Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Bhiksha Vritti Pratishedh Adhiniyam 1975 (Uttar Pradesh Adhiniyam Sankhya 36 of 1975), as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 14, 1975:

THE UTTAR PRADESH PROHIBITION OF BEGGARY ACT, 1975

[U.P Act No. 36 of 1975]

(Amended by U.P. Act No. 21 of 1978)

(As passed by the Uttar Pradesh Legislature)

**AN
ACT**

to provide for the prevention of beggary and matters connected therewith.

It is HEREBY enacted in the Twenty-sixth Year of the Republic of India as follows:-

**CHAPTER-I
PRELIMINARY**

Short title extent, application, commencement and effect.

- 1.(1) This Act may be called the Uttar Pradesh prohibition of beggary Act, 1975.
- (2) It extends to the whole of Uttar Pradesh.
- (3) The provisions of this Act shall apply to such city, municipality, notified area or town area or part there of or such other local area with effect from such date as the State Government may, by notification, specify in this behalf, and different dates may be appointed for different areas and different provisions of this Act.
- (4) The State Government may, by notification in the official Gazette direct that the provisions of this Act shall in the first instance apply only to children and by subsequent notification from time to time direct the application of this Act to other categories of persons.
- (5) On the commencement of this Act in any area of State and to any class of person in the manner provided in sub-sections (3) and (4) all corresponding laws in force in that area shall in relation to that class of persons cease to have effect and the provisions of section 6 of the U.P General Clauses Act, 1904, shall apply to such cessation as they apply to the repeal of an enactment.

Definitions.

2. In this Act, unless the context otherwise requires:-
 - (a) 'begging', with its cognate expressions and grammatical variations means soliciting or receiving alms in a public place. Whether or not under any pretence such as singing, dancing, fortune-telling, performing tricks or offering any article for sale, and includes-
 - (i) entering on any private premises for the purpose of soliciting or receiving alms;
 - (ii) 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;
 - (iii) 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;
 - (iv) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms; but does not include soliciting or receiving money of food or gifts for a purpose authorized by any law or authorized in the manner prescribed;

(b) 'Certified Institution' means any institution which the State Government provides and maintains for the detention, training and employment for beggars and their dependents and includes an institution certified as such under section 16;

(c) 'Child' means a person below the age of sixteen years;

(d) 'Court' means the court of a Judicial Magistrate of the first class or of the second class or any other court exercising criminal jurisdiction in the area in which this Act is in force;

(e) 'Juvenile Court' has the meaning assigned to it in the Uttar Pradesh Children Act, 1951;

(f) 'prescribed' means prescribed by rules made under this Act;

(g) 'public place' means any place to which for the time being the public have or are permitted to have access, whether on payment or otherwise, and includes any railway carriage, vehicle or vessel or railway or bus station;

(h) 'Committee' means the State Destitutes Relief committee constituted under section 3.

CHAPTER II

ADMINISTRATIVE MACHINERY

State Destitutes Relief Committee.

3. (1) The State Government may, by notification in the official Gazette constitute a State Destitutes Relief Committee.

(2) The Committee shall consist of a Chairman and such number of other members as may be prescribed.

(3) The Chairman and other members shall be appointed by the State Government and shall, unless the appointment is terminated earlier by the State Government, hold office for a term of three years from the date of appointment.

(4) Any vacancy in the Committee caused by resignation or otherwise shall be filled by the State Government by fresh appointment.

(5) Save as otherwise provided in this section the terms and conditions of appointment of the Chairman and other members of the Committee shall be such as may be determined by the State Government.

Acts of the committee not to be invalidated by vacancy.

4. No act or proceeding of the Committee shall be deemed to be invalid by reason merely of any vacancy or any defect in the constitution of the committee.

Powers and functions of the Committee.

5. The Committee shall-

(a) advise the State Government on matters concerning prohibition of beggary and the provision of relief to destitutes;

(b) prepare and submit to the State Government schemes for the purpose of providing relief to destitutes;

(c) supervise, direct and control all matters relating to the administration of relief to destitutes; and

(d) exercise such other powers and perform such other functions and duties as may be specified by or under this Act.

Staff of the Committee.

6. (1) There shall be a Secretary of the Committee who shall be appointed by the State Government on such terms and conditions as the State Government determine.

(2) Subject to any general or special orders of the State Government the committee may, for the purpose of enabling it to perform its functions efficiently or to exercise its powers appoint such other officers or employees as it may think fit and determine their functions and conditions of service.

- Local Relief Committees.** 7. (1) The Committee may, for the purpose of carrying out the provisions of this Act in any local area, constitute a Local Relief Committee in such manner as may be prescribed.
- (2) The Local Relief Committee shall, subject to the control of the State Destitutes Relief Committee, perform such functions as may be prescribed or assigned to it by or under this Act.

CHAPTER III PREVENTION OF BEGGARY

- Prohibition of begging.** 8. No person shall beg within an area to which this Act applies.
- Power to arrest person found begging.** 9. (1) Any police officer may arrest without warrant any person who is found begging and shall take or send the person so arrested to a Court:
- Provided that no person entering upon any private premises for the purpose of soliciting or receiving alms shall be arrested or shall be liable to any proceedings under this Act except upon an oral or written complaint to such police office by any occupier of the premises.
- (2) The provisions of sections 50, 51, 52, 56 and 57 of the Code of Criminal procedure, 1973 shall, so far as may be, apply to every arrest 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 can be brought before a Court.
- Inquiry in respect of persons found begging.** 10. (1) Where a person is brought before the Court under section 9 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:
- Provided that the Court may, Pending inquiry, release a person on furnishing bond, with or without sureties that during the inquiry, he shall not resort to begging and shall attend the Court whenever required.
- (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 re-arrested 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 beggar.
- ¹(5) If a person is found to be a beggar under the last preceding sub-section the Court may pass any of the following orders, namely :-
- (a) If the Court is satisfied from the circumstances of the case that the person found to be a beggar as aforesaid is not likely to beg again, it may, after due admonition, release that person on a bond, with or without sureties, for his abstaining from begging, and being of good behaviour during the period in which the bond is in force ;
- (b) The Court may order him to be detained in a Certified Institution for a period which shall be not less than one year and may extend up to two years :
- Provided that the court may, by a subsequent order, and for reasons to be recorded, reduce the period for such detention."
- (6) In passing any order under the provisions of this Act, the Court shall have regard to the following, that is to say-
- (a) the age and character of the person charged with begging.
- (b) the circumstances and conditions in which that person was living,
- and

¹Substituted by sec. 2 of U.P. Act no. 21 of 1978.

(c) such other matters as may, in the opinion of the Court, be necessary to be taken into consideration in the interests of such person.

(7) A copy of the order made under sub-section (5) shall be sent forthwith to the Superintendent of the Certified Institution.

Special provision for child beggars.

11. (1) Notwithstanding anything contained in this Act, where it is found that a person against whom an inquiry is to be held under section 10 is a child, the Court shall, if the provisions of Uttar Pradesh Children Act, 1951 are applicable in that local area, forward the child to a Juvenile Court which shall deal with him in accordance with the provisions of that Act.

(2) For ascertaining the age of a person for the purpose of sub-section (1) the Court may cause him to be examined by a registered medical practitioner or take such other evidence as it considers necessary.

Penalty for subsequent offence.

12. (1) Whoever, having been previously detained in a Certified Institution under this Act, is found begging, shall on conviction be punished as hereinafter 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 which shall not be less than one year and may extend up to 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 in a Certified Institution for a period of five years and may convert any period of such detention (not exceeding two years) into a sentence of imprisonment extending to a like period.

Keeping of child below 5 years wholly dependent on beggar.

13. Where the court has ordered the detention of a person in a Certified Institution under section 10 or section 12 it may, after making such inquiry as it thinks fit, order any child below the age of five years wholly dependent on such person, to be kept in the Certified Institution during the whole or part of the period of his detention.

Recovery of cost of maintenance from the beggar or his relatives.

14. (1) The Court which makes an order for the detention of any person in a Certified Institution under section 10 or section 12 may make an order that the parent or any other person liable to maintain him shall, if able to do so, contribute to his maintenance in the prescribed manner.

(2) If the Court is satisfied that the person against whom an order for detention is made under section 10 or section 12 has any property or is entitled to a share in any property, it may direct that such costs of maintenance as may be specified in the order shall be recovered from his property or share in the property as the case may be.

(3) Before making any order under sub-section (1) or (2) the Court shall afford opportunity to the person against whom an order is proposed to be made under the aforesaid provisions to show cause against the same.

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

(5) Any sum ordered to be recovered under sub-section (1) or (2) shall be recovered as if, it were fine imposed by a Court of criminal jurisdiction.

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

15. Whoever employs or causes any person to beg or whoever having the custody, charge or care of a child, connives at, induces or encourages him or whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punished with imprisonment for a term which shall not be less than one year and may extend up to three years.

Punishment for refusing to go to a Magistrate etc.

16. Any person refusing or failing to accompany a police officer or any other person authorised in this behalf to appear before a Court or Magistrate or to taken to a Certified Institution or other place, when required under this Act, shall on conviction be punished with imprisonment for a term which may extend to six months or with fine or with both.

CHAPTER IV

CERTIFIED INSTITUTIONS

- | | |
|--|---|
| Certified Institutions. | <p>17. (1) The state Government may provide and maintain one or more Certified Institution 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.</p> <p>(2) Every such Certified Institution shall be under the charge of a superintendent who shall be appointed by the State Government on such terms and conditions as may be prescribed.</p> <p>(3) In any such Certified Institution, there shall, so far as practicable, be made provision for the teaching of agricultural, industrial and other pursuits and for the general education and the medical care of the inmates.</p> |
| Management and discipline. | <p>18. Any person who is detained in a Certified Institution under this Act shall be subject to such rules of management and discipline including the taking of manual or other work and the awarding of punishment for breach of any such rules, as may, from time to time be prescribed.</p> |
| Transfer of detenus. | <p>19. Subject to such condition as may be prescribed any person detained in a Certified Institution under this Act may be transferred to any other Certified Institution provided that the total period of detention of such person shall in no case be increased by such transfer:</p> <p style="padding-left: 40px;">Provided further that no person shall be transferred to any other State without the consent of the Government of that State.</p> |
| Arrest of person escaping from Certified Institution. | <p>20. Any person who leaves a Certified Institution without the permission of the Superintendent thereof or any other lawful excuse, or fails to return after the expiry of the period of absence permitted under this Act, may be arrested by any police officer without warrant or by an officer of the Certified Institution authorised in this behalf by the State Government and shall be sent back to the Certified Institution.</p> |

CHAPTER V

POWERS OF THE STATE GOVERNMENT

- | | |
|---|---|
| Detention of persons suffering from certain diseases. | <p>21. (1) Where it appears to the State Government or any person authorised by the State Government in this behalf that any person detained in a Certified Institution under this Act is a leper, or of unsound mind, the State Government, or the person so authorised as the case may be, may order the removal of that person to a leper asylum or a mental hospital or other place of safe custody.</p> <p>(2) Subject to the provision of the Lepers Act, 1898 and the Indian Lunacy Act, 1912 no such person as aforesaid shall be detained in a leper asylum or mental hospital or other place, as the case may be for a term inclusive of the period of detention undergone in a Certified Institution, which would exceed the total period for which he has been ordered to be detained in a Certified Institution under section 10 or section 12.</p> <p>(3) Where it appears to the State Government or any person authorised by it in this behalf that the person has ceased to be of unsound mind or is cured of leprosy, the State Government or such other person shall by order direct him to be sent back to the Certified Institution, if still liable to be detained and shall otherwise direct him to be discharged.</p> <p>(4) Subject to the provisions of this section where the removal of a beggar due to unsoundness of mind or leprosy is immediately necessary, it shall be open to the Superintendent of a Certified Institution to proceed in the prescribed manner until such time as the order of the State Government or any other person authorised in that behalf can be obtained, as aforesaid.</p> |
| Temporary or unconditional release before expiration of the period of detention. | <p>22. (1) Subject to such conditions as may be prescribed, the State Government or any other person authorised in this behalf may at any time grant permission to a person detained in a Certified Institution to absent himself for short periods or may at any time release such person conditionally and issue him a licence therefor.</p> |

(2) Subject to such conditions as may be prescribed, a licence issued under sub-section (1) may at any time be revoked and thereupon the person released on such licence shall surrender and in case of default shall be arrested and sent to a Certified Institution for detention until the expiry of the term for which he had been ordered to be detained under section 10 or section 12.

(3) The period during which any 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.

Notwithstanding anything contained in the foregoing provisions, the State Government may, if it is satisfied that a person detained in a Certified Institution will abstain from begging, direct at any time that he shall be released 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 VI

MISCELLANEOUS

Medical examination of the beggar.	23.	(1) A person ordered to be detained in a Certified Institution under this Act shall, as soon as may be, after his arrival at a Certified Institution be examined by a Medical Officer. (2) The Medical Officer shall report about the age and general state of health and mental and bodily condition and in particular whether the person is a leper or whether he is suffering from any infectious or contagious disease and whether he is capable of rendering any kind of manual labour. (3) The report of the Medical Officer referred to in sub-section (2) shall be forwarded to the superintendent of such Certified Institution and a copy of the report shall also be sent to the State Government or a person authorised in that behalf for such action as may be deemed fit.
Search in Certified Institution.	24.	The superintendent of Certified Institution may direct that any person received in the Certified Institution shall be searched, that he shall be cleansed that his personal effects shall be inspected and that any money or other thing found with 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.
Power to take finger prints.	25.	(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 any officer empowered by rules in this behalf. (2) Whoever refuses to allow his finger prints to be taken under sub-section (1) shall on conviction be liable to imprisonment for a term which may extend to three months.
Seizure and disposal of animals.	26.	(1) Any police officer arresting a person under section 9 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 exorting alms. (2) Any animal seized under sub-section (1) may be removed to the nearest veterinary hospital and shall be disposed of in accordance with the orders of the Court.
Offences to be cognizable and non-bailable.	27.	All offences under this Act shall be cognizable and non-bailable.
Appeal and revision.	28.	For the purposes of appeal and revision under the Code of Criminal Procedure, 1973 an order of detention passed under this Act shall be deemed to be a sentence of imprisonment.
Persons to be deemed public servants.	29.	All person empowered to perform any function by or under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian penal Code.

Bonds taken under this Act. 30. The provisions of Chapter XXXIII of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to bonds taken under this Act.

Rules. 31. (1) The State Government may by notification in the official Gazette make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the powers, functions and duties of the Committee;
(b) the constitutions, powers, functions, and duties of the Local Relief Committees;

(c) the manner in which a person arrested under section 9 is to be kept until he can be brought before a court;

(d) the manner of making summary inquiry under sub-section (1) of section 10;

(e) the manner in which contribution for the maintenance of a person detained in a Certified Institution may be made under sub-section (1) of section 14;

(f) the management and discipline including the taking of manual or other work and the awarding of punishment for breach of rules in respect of the person detained in a Certified Institution;

(g) the conditions subject to which a person may be transferred from one Certified Institution to another in the State or outside the State;

(h) the manner of and the conditions for the removal of any person from Certified Institution owing to unsoundness of mind or any other reason under sub-section (4) of section 21;

(i) the conditions of permission for temporary absence from a Certified Institution and the conditions of licence for temporary release under sub-section (1) of section 22;

(j) the manner in which the medical examination of a beggar is to be held under section 23;

(k) the manner of disposal of things found in possession of a person detained in Certified Institution under section 24;

(l) fees in respect of any of the matters provided by or under this Act;

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

(3) All rules made under this section shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in its one session or in two or more successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulment as the Houses of the Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

In exercise of the powers under section 31 of the Uttar Pradesh Prohibition of Beggary Act, 1975 (U.P. Act no. 36 of 1975), the Governor is pleased to make the following rules. namely :

THE UTTAR PRADESH PROHIBITION OF BEGGARY RULES. 1975

Short title and commencement 1. (1) These Rules may be called the Uttar Pradesh Prohibition of Beggary Rules. 1975.

(2) They shall come into force at once

Definitions.

2. In these Rules unless the context requires otherwise-

(a) "Act" means the Uttar Pradesh Prohibition of Beggary Act, 1975;

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act;

(d) "Words and expressions not defined in these rules but defined in the Act shall have the same meaning as assigned to them in the Act.

Authorisation for soliciting or receiving aims. 3. (1) A person or any institution desiring to solicit or receive money, food or gifts for any charitable or religious or any other purpose shall apply to the Local Relief Committee for the area if any or the committee for an authorisation.
[Section 2 (iv)]

- (2) The application shall contain the following particulars:-
- (a) In the case of an individual :-
- (i) full name of the applicant :
 - (ii) his age :
 - (iii) his occupation :
 - (iv) his address:
 - (v) the period the purpose and the manner of collection of money, food or gifts;
 - (vi) the method of its disposal and the area within which the disposal to be made.
- (b) in case of an institution :-
- (i) name of the institution:
 - (ii) whether registered or unregistered:
 - (iii) the functions of the institution in brief;
 - (iv) the period, the purpose and the manner of collection of money, food or gifts:
 - (v) the names and other particulars of persons for which authorisation is required:
 - (vi) the method of its disposal and the area within which the disposal is to be made.
- (3) The Local Relief Committee or the committee as the case may be after making an enquiry, if considered necessary through the District Magistrate concerned or in any other manner as it may deem fit, issue an authorisation in Form A, subject to such further conditions as it may deem fit to impose having regard to the purpose for which the collection shall be made.
- (4) The holder of an authorisation shall carry the authorisation with him and if he is working on behalf of an institution authorised under this rule then the authority from such institution, while soliciting or receiving money, food or gifts and shall on demand by a Police Officer or an officer authorised by the State Government in this behalf. produce it for inspection.
- (5) For all monies up to the extent of one rupee and above received in cash a receipt, duly signed by the person making collection, shall be given and a proper account of all such monies maintained.
- (6) A breach of any of the conditions of authorisation shall render the authorisation liable to cancellation.
- (7) If the Local Relief Committee or the committee, as the case may be, is of the opinion that an authorisation should not be issued to the applicant, it shall record its reasons therefor and as soon as may be, inform the applicant that the authorisation is refused.

(8) The State Government may issue an authorisation to any person or institution in respect of any place or area irrespective of such authorisation having been refused under sub-rule (7).

(9) The authorisation issued under sub-rule (3) shall be communicated without delay to the District Magistrate concerned and to the State Government and also to the Committee if it is issued by the Local Relief Committee and to the Local Relief Committee concerned if it is issued by the committee.

(10) Every Local Relief Committee shall be deemed to be authorised under this rule.

Members of the Committee:
[Section 3 (2).]

4. The committee shall consist of the following :-
- | | |
|--|-------------------|
| 1. Samaj Kalyan Mantri | Chairman |
| 2. Secretary, Social Welfare Department. | Member |
| 3. Secretary Judicial Department or his nominee not below the rank of Joint Secretary. | " |
| 4. Secretary, Home Department or his nominee not below the rank of Joint Secretary. | " |
| 5. Three members, at least one of whom shall be a women to be elected by the members of the U.P. Legislative Assembly from amongst themselves. | " |
| 6. One member to be elected by the members of the U.P. Legislative Council from amongst themselves. | " |
| 7. Three eminent social workers at least one of whom shall be a woman to be nominated by the State Government. | " |
| 8. Director of medical and Health Servies. U.P. or his nominee not below the rank of Joint Director. | " |
| 9. Director Social Welfare | Member Secretary. |

Constitution of Local Relief Committee
[Section 7 (1).]

5. (1) The Local Relief Committee shall consist of the following :-
- | | |
|--|-------------------|
| 1. Adhyaksha, Zila Praishad. | Chairman |
| 2. An officer not below the rank of a deputy Collector nominated by the District Magistrate. | Member |
| 3. Two members of Legislature. residing in the area to be nominated by the committee. | " |
| 4. Two prominent Social Workers in the area to be nominated by the committee. | " |
| 5. Chief Medical officer of the district. | " |
| 6. An officer not below the rank of a deputy Superintendent of Police nominated by the Superintendent of Police of the District concerned. | " |
| 7. District Harijan and Social Welfare Officer. | Member Secretary. |
- (2) The term of unofficial members of the Local Relief Committee shall be two years.

Function of the Local Relief Committee

6. (1) The Local Relief Committee shall :-
- advise the committee on matters concerning prohibition and the provision of relief to destitute with reference to the area in which it is functioning.
 - to appeal for and receive donations for providing relief to destitutes.
 - to issue authorisation under rule 3.
 - to perform such other functions as may be entrusted to it by the committee.

	<p>(2) Any member of a Local Relief Committee may visit any Certified Institution within the jurisdiction of such committee with a view to ensuring that it is being run properly.</p>
Manner of keeping arrested persons until their production in Court [Section 9(2)]	<p>7- (1) Subject to the provisions of the sub rule (2), the officer in charge of a police Station shall cause a person arrested under section 9, until he can be brought before a court, to be kept at the Police Station or Camp, if any, established by the State Government for this purpose hereinafter called Receiving Centre or in a certified institution. Such person shall, while in custody at the Police Station be, as far as possible, kept apart from other persons in custody therein:</p> <p>Provided that nothing in this sub-rule shall require such person to be kept apart from other persons kept at the Police Station in pursuance of the sub-rule.</p> <p>(2) No person shall, in pursuance of sub-rule (1) be kept with a person not of the same sex.</p> <p>Provided that nothing in this sub-rule shall apply to a child under twelve years of age.</p> <p>(3) Every person brought to a Receiving Centre or Certified Institution, in pursuance of sub-rule (1) shall...</p> <p>(a) Submit to-</p> <p>(i) preliminary medical examination and such medical treatment as may in the opinion of the Medical Officer deputed for this purpose, be necessary;</p> <p>(ii) such trimming or shaving of the hair on any part of the person as may in the opinion of the Medical Officer be necessary for the administration of medical treatment or for securing cleanliness and health ;</p> <p>(iii) through cleansing and washing of the body with such material as may be provided a complete removal of clothing in order to secure this object.</p> <p>(b) wear such clothes as are provided, in case the clothes worn by him are in the opinion of the Medical Officer unfit to be worn on hygienic grounds.</p> <p>(4) The Medical Officer shall arrange in the Receiving Centre for such medical treatment of persons brought to a Receiving Centre as he deems necessary and urgent in respect of each or any of such person.</p>
Manner of Summary inquiry [Section 10(1)]	<p>8- So far, as may be, the procedure prosecution in the Code of Criminal Procedure, 1973 (Act. No-2 of 1974), for the trial of summons cases and recording evidences therein, shall be followed in making an inquiry under sub-section (1) of section 10.</p>
Recovery of cost of maintenance from relatives. [Section 14(1)]	<p>9- (1) The court making an order under sub-section (1) of section 14 may direct the parent or any other person liable to maintain the person detained in the Certified Institution to pay in the court in advance in beginning of each month such sum of money as the court having regard to the financial circumstances of the parent or such others person concerned deems appropriate not exceeding rupees fifty per month towards the maintenance of such person.</p> <p>(2) All payments made under sub-rule (1) shall be credited by the court into Government Treasury as the miscellaneous receipts of the State Government.</p>
Terms and conditions of appointment of Superintendents. [Section 17]	<p>10- The pay, allowances and other terms and conditions of appointments of Superintendents of institution maintained by Government shall be the same as those of Superintendents of other Homes maintained by Social Welfare Department.</p>
Management and discipline in a certified Institution. [Section 18]	<p>11- (1) Every certified institution shall arrange for vocational training and other useful employment for its inmates which may seem profitable employment to them or their discharge from the institution.</p> <p>(2) At dawn the inmates of every certified institution shall be marched off to perform their ablutions and a reasonable time should be allowed for the performance of hygienic duties.</p> <p>(3) The inmates shall be employed first in cleaning of dormitories, compound and other parts of the Certified Institution, thereafter the inmates shall attend to their respective duties such as carpet weaving or any other assignment to which they can usefully be employed.</p>

(4) All inmates, provided they are medically fit shall ordinarily be required to work for 8 hours on every working day. Exemption from work or reduction in the hours of work may be granted by the Superintendent on the recommendation of the Medical Officer.

(5) The Details of the daily routine and employment of the inmates during the various hours of the day shall be filled by the Superintendent with the approval of the Committee, who shall have power to make change therein from time to time if necessary. The approved time table shall be displayed on the notice board of the Certified Institution.

**Persons
detained in
Certified
Institutions
forbidden to do
certain acts.
(Section 18).**

- 12.** (1) A person detained in a Certified Institution shall not:-
- (i) refuse to receive any training arranged or ordered for him or to do the work allotted to him;
 - (ii) manufacture any articles without the knowledge or permission of the officer-in-Charge of the various industries;
 - (iii) misbehave or quarrel with any other inmate;
 - (iv) fail to assist in the maintenance of discipline or to give assistance to an officer when called upon to do so;
 - (v) do or omit to do any act with intent to cause to himself any illness, injury or disabilities;
 - (vi) answer untruthfully any question or refuse to give a true account of his movements;
 - (vii) cause any disturbance or violence or fail to assist in suppressing and disturbance;
 - (viii) do any act or use any language calculated to hurt or offend the feelings and prejudices of a fellow inmate;
 - (ix) commit a nuisance or any act of indecency in any part of the institution or refuse to obey any orders for proper sanitation;
 - (x) disobey any order regulating the cleanliness of his person, clothing, bedding, utensils or any other articles;
 - (xi) steal any article whatsoever or damage any part of the kit of any other inmate or any property or implement of the institution;
 - (xii) refuse without reasonable excuse, to eat food prescribed by the diet scale or wilfully destroy any food or render it unpalatable or unwholesome;
 - (xiii) leave without permission the working part to which he is assigned or the part of the premises or grounds in or at which he may be required to be present at any particular time;
 - (xiv) receive or possess or partake of any prohibited articles mentioned in sub-rule (2);
 - (xv) resist or obstruct an officer in the execution of his duty or refuse or omit to obey any lawful order of an officer or refuse to perform or omit to perform work or duties in the manner indicated for this purpose.
- (2) No person shall, except with the permission of the Superintendent or Medical Officer, take into a certified institution any of the following articles :-
- (i) Alcohol and spirit of every description;
 - (ii) Bhang, Ganja and Opium;
 - (iii) Drugs of every description;
 - (iv) Matches and materials for providing fire;
 - (v) Implements of gambling;
 - (vi) Any implements capable of causing hurt or facilitating escape.
 - (vii) Any other article specified in this behalf by the Superintendent by order in writing.

- Grade System and Gratuities. (Section 18).** **13.** (1) With a View to encouraging steady behaviour and maintaining discipline and application to the training and vocations provided in the certified institution the following grade system may be employed in the certified institution, namely—
- (a) Naik-at the head of every working party there shall be a Naik selected

from amongst the inmates who have settled down to the institutional life and whose conduct and progress have been satisfactory;

(b) Head Naik-Not more than one person from amongst 10 Naiks, of exceptionally good conduct shall be promoted as a Head Naik.

(2) The duties and privileges of Naiks and Head Naiks shall be such as may be fixed by the committee.

(3) Promotion or reduction from the grade of Naik and Head Naik shall be made by the Superintendent.

(4) An inmate who shows satisfactory progress in the training or vocation provided for him or whose conduct is good may be paid a gratuity not exceeding five rupees per month.

(5) The amount earned by way of gratuity by inmates shall be kept with the Superintendent who shall credit it to the account of the inmate in the Saving's Bank Account. The inmate may spend out of the balance to his credit such amount and as such articles, as the Superintendent may consider to be reasonable. On the release of an inmate the balance, if any, left in his account shall be handed over to him.

**Punishments.
(Section 18.)**

14. If a person commits a breach of any of the provisions of rule 12, he shall be liable to any one or more of the following punishments which may be awarded by the Superintendent who shall record all such disciplinary measures in a register provided for the purpose: -

- (i) Formal warning personally addressed to the inmate by the Superintendent;
- (ii) Forfeiture of privileges, if any;
- (iii) Degradation in grade, if any;
- (iv) Confinement in the lock-up for a period not exceeding 3 days;
- (v) Imposition of hand-cuffs, except in the case of a female;
- (vi) solitary confinement not exceeding 10 at a time :

Provided that the penalty specified in clause (i) shall not be combined with any penalty other than that specified in clause (ii), and the penalties specified in clauses (iv) and (vi) shall not be carried out in combination even when awarded at different times and for different offices.

**Transfer of
detenus,
(Section.19)**

15. (1) The Committee may subject to the provisions of sub-rule (2) direct that any person detained in a certified institution shall be transferred to another certified institution, subject to the following conditions, namely :-

- (i) every such direction shall be issued with due regard to the accommodation available;
- (ii) no such direction shall be issued except on-
 - (a) a report from the Medical Officer recommending the transfer of such person on medical or hygienic grounds, or
 - (b) a direction given by a Court, or
 - (c) a report from the Superintendent recommending transfer in the interest of discipline or for other reasons.

(2) Where such person is transferred from one certified institution to another, all his effects, valuables or money in the custody of the Superintendent shall be sent alongwith him to the superintendent of the certified institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof.

**Removal of
beggar for
unsoundness of
mind or leprosy
[Section 21 (4).]**

16. (1) Where the Superintendent of a certified institution considers immediate removal of a beggar necessary due to unsoundness of mind or leprosy he shall intimate to the State Government or any person authorised by it in this behalf with the full details of the case alongwith the reasons requiring his removal.

(2) The Superintendent shall thereafter make necessary arrangement for such a person to be kept apart from other inmates of the certified institutions till the orders of State Government or any person authorised by it are obtained.

(3) The Medical Officer shall examine such a person and shall advise to such medical treatment as he deems fit.

(4) Without prejudice to the provisions of any of these rules, the minimum physical force necessary may be used to secure compliance with all or any of the provisions of sub-rule (2) or (3)

**Permission for
absence from
Certified
Institution.
[Section
22(1)].**

17. (1) The State Government or person authorised by it by notification in the official Gazette may, on sufficient cause being shown to its or his satisfaction grant permission in writing to an inmate of the certified institution to absence himself from the institution for such period not exceeding two weeks for the purpose of visiting parents and relatives or for such other purposes as may be approved by the authority granting permission.

(2) Before permission for absence is granted the authority granting permission may require the detainee to give an undertaking in writing that he shall return to the Institution by the due date or may require him to execute a bond with or without sureties, for his return.

(3) If a detainee fails to return to the Institution after expiry of leave granted to him, the Superintendent of the Institution shall immediately make a report to the authority granting leave who shall take necessary action for securing return of the detainee to the institution.

**Release of
detenue on
licence.
[Section
22(1).]**

18. (1) A person detained in a Certified Institution may be released conditionally on licence if such person has been of good behaviour and is, in the opinion of the authority releasing him, not likely to beg or employ or cause persons to beg or use them for purposes of begging and will be able to maintain himself and his dependents by honest means and satisfies the following conditions, namely :-

(a) in case he is undergoing detention for the first time, he has resided in the Certified institution for not less than one-third of the term of his detention: and in any other case he has resided in the Certified Institution for not less than two-thirds of the term of detention;

(b) during one month immediately preceding the date of release in the case of first detention, three such months in the case of detention for the second time and six such months in the case of any subsequent detention, has not been awarded any punishment under any of the clauses (iii) to (vii) of rule 14.

(2) In the case of a child or female inmate of a Certified Institution the Superintendent of the Institution shall give timely intimation of the probable date of such an inmate's release from the Institution to its or her relative and invite the relative to come to the Institution and take charge of the inmate. If the relative takes charge of the inmate accordingly, actual expenses of the journey undertaken by the relative both ways and the inmate's return journey shall be paid by the Superintendent to the relative at the time of the inmate's release. If the relative does not come to take charge of the inmate, the inmate shall be taken to his native place by a guard from the Institution.

(3) Without prejudice to the provisions of sub-rules (1) and (2), a detainee shall be released on licence which shall be in Form B, on the Conditions specified in Appendix A.

(4) A licence may be revoked at any time by the authority issuing it for breach of any of its conditions.

**Disposal of
property u/s
24. (Section
24)**

19. (1) In every Certified Institution, the Superintendent shall maintain a Register of money valuables or effects, if any, found with or on persons received therein.

(2) On a person being received in such Institution the money, valuables or effects, if any found with or on him, on search and inspection under section 24 and taken possession of, shall be entered in such register and the entries in the register shall be read over to him and in token of the correctness of such entries his signature or the thumb-impression shall be taken in the presence of superintendent.

(3) All entries in such register shall be attested by Superintendent.

(4) The effects other than money or valuables, shall be disposed of in the following manner: -

(a) if it consists of obscene pictures or literature tobacco, snuff, opium and drug or liquor or perishable articles or trivial value, it shall be destroyed;

(b) if it consists of perishable articles of more than trivial value, it shall be sold by auction as soon as possible, and the proceeds kept in safe custody by the Superintendent;

(c) the clothing, bedding or other articles of such person shall be destroyed

if the Superintendent considers it essential on hygienic grounds or considers them to be worthless, or if the clothing or bedding is ragged, and the clothing bedding and other articles of persons found to be suffering from any infectious or contagious disease, shall be burnt;

(d) clothing, bedding and other articles not covered by the provisions of clauses (a), (b) and (c) shall after being washed and disinfected, if necessary, be made up into a bundle or bundles and suitably stored. The Superintendent shall be responsible for their safe custody.

(e) The money and other valuables, unless adjusted towards cost of maintenance of the detainee by the order of the Court, and the articles referred to the clause (d) shall be handed over to the detainee at the time of his discharge from the Institution and an entry to that effect made in the register kept under sub-rule (1).

(5) No person on the staff of a Certified Institution shall, whether directly or indirectly bid at the auction of, or purchase, any property auctioned under these rules.

**Officers
empowered to
take finger
print. (Section
25(1).**

20. Every person ordered to be detained in a Certified Institution shall allow the Superintendent of the Institution or any officer authorised by the Superintendent in this behalf or any police officer not below the rank of a Head Constable to take his finger prints.

FORM A

Name :

No.

Address :

money

is authorised to solicit or receive food

gifts

for the purpose of

at the following places

within the following areas

during the period commencing on the

and ending

on the

,subject to the following conditions: -

- (i) This authorisation shall be carried by the holder when collecting alms and on demand by any police officer or any other person authorised, by the State Government, be produced for inspection.
- (ii) This authorisation shall not be transferable.
- (iii) The collection shall be used only for the purpose mentioned above.
- (iv) The manner of collection shall be as under :-
(to be specified by issuing authority.)
- (v) This authorisation shall be liable to cancellation for the breach of any of its conditions.

Given under my hand and seal the

day of 19.

Secretary,

State Destitute Relief Committee.

Secretary,

Local Relief Committee.

Secretary,

Social Welfare Department.

FORM B

Form of release on license

I,

The State Government, Uttar Pradesh, do by this licence permit*

caste

residence

number

who was ordered to be detained in a Certified Institution by

the Court at under section of the Uttar Pradesh Prevention of Beggary Act. 1975 (U.P. Act no. 36 of 1975),
for a term of on the/day of19 and who is now detained in the at

..... to be released from the said institution for the remaining portion of the aforesaid period of
detention.

This licence is granted subject to the conditions given in the Appendix A, upon the breach of any of
which it shall be liable to be revoked.

Given under my hand and seal this

day of

19

* Here specify name of inmate.

* Here specify name of Certified Institution.

APPENDIX A

Conditions

1. The licensee shall proceed to _____ and _____ reside there, and may, with the consent of the _____ reside at any place until the expiry of the period of his/her detention unless he/she is released unconditionally or the license is revoked earlier.
2. The licensee shall find regular employment within a period of one month from the date of his/her release and shall obey such instructions as he/she may receive from the _____ with regard to punctual and regular attendance at employment or otherwise.
3. The licensee shall abstain from begging or employing or causing persons to beg, or using them for the purpose of begging.
4. The licensee shall lead a sober and industrious life to the satisfaction of the _____.
5. The licensee shall abide by the instructions of the supervising Probation Officer.
6. In the event of his/her committing a breach of any of the above conditions, the licence shall be revoked and thereupon the licensee shall be liable to be detained in a Certified Institution till the expiry of the term for which he/she had been ordered to be detained by the Court.
7. The _____ shall be the sole Judge as to whether a _____ of any condition of this licence has taken place.
I hereby acknowledge that I am fully aware of the above conditions which have been read over to me and that I accept the same. _____ explained

Signature or mark of the Licensee.

Certified that the conditions specified above have been read over to
explained

(name _____) and that the licensee has accepted them and that he/she has been released accordingly on
the _____ 19 _____

**Signature of the Superintendent by order
and in the name of the Governor of
U.P.**