

As

[TO BE INTRODUCED IN THE SENATE]

A

BILL

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

WHEREAS it is expedient to prohibit the tradition of beggary in order to maintain good conduct and morality of general public, for preventing beggary and making beggars good citizens;

AND WHEREAS it is expedient to make uniform and better provision for the prevention of begging in Islamabad Capital Territory; 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 as follows:-

1. Short title, extent and commencement.- (1) This act may be called the Islamabad Prevention of Beggary Act, 20²⁰~~19~~.

- (2) It shall be applicable in the Islamabad Capital Territory.
- (3) It shall come into force at once

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

- (a) "Begging" means:-
 - (i) Soliciting or receiving alms in a public place, whether or not under any pretence such as fortune telling, performing tricks, selling articles or frequently by knocking at the window panes of vehicles waiting on signals or sometimes forcefully cleaning the windscreen of vehicles in order to seek alms;
 - (ii) 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;
 - (iii) entering on any private premises for the purposes of soliciting or receiving alms;
 - (iv) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity or disease, whether of a human being or of an animal; or
 - (v) 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 authorized by any law, or authorized in the manner prescribed;

- (b) "Certified Home" means a home certified by the Federal Government or by any subordinate authority empowered by it in this behalf to be a fit place for the reception of beggars suffering from leprosy or any other infectious or contagious diseases notified in this behalf by the Federal Government;
- (c) "Certified Institution" means any institution which the Federal Government provides and maintains for the detention, training and employment of beggars and their dependents and includes a Certified Home, Special Home or Work Home;
- (d) "Chief Inspector" means the person appointed to be the Chief Inspector of Certified Institutions under section 14;
- (e) "Child" means a person below the age of sixteen years;
- (f) "Court" means the court of a Magistrate of not less than second class;
- (g) "Guardian" means a person who looks after or takes care of a child in the absence of, or in the event of the death of his parent;
- (h) "Parent" means the father or the mother of a child;
- (i) "Police officer" means a police officer not below the rank of an assistant sub-inspector;
- (j) "Prescribed" means prescribed by rules made under this Act;
- (k) "Probation Officer" means an officer appointed to be a Probation Officer under section 14;
- (l) "Public place" includes a railway station and any open space, to which for the time being the public have or are permitted to have an access, whether on payment or otherwise;
- (m) "Special Home" means a home notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor; and
- (n) "Work House" means a place notified by the Federal Government as suitable for the reception of beggars physically capable of ordinary manual labor;

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

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

Provided further that in case of a child found begging she/he shall be entrusted to "Certified Institution" established under the said Act.

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

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

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

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

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

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

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

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

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

- (a) the age and character of the beggar;
- (b) the circumstances and conditions in which the beggar is living;
- (c) report made by the Probation Officer; and

(d) such other matters as may, in the opinion of the Court require to be taken into consideration in the interest of the beggar.

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

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

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

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

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

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

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

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

7. Report of Medical Officer before committal.- (1) The court which finds a person to be guilty of an offence of begging under section 4 or section 5, shall, before passing any sentence of his committal to a Certified Institution, send such person to the Medical Officer in charge of the federal public hospital, if any, and call

for a report about his age, physical capacity for ordinary manual labor and also whether he is suffering from any infectious or contagious disease.

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

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

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

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

9. 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, 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 purposes 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.

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

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

12. Power of State Government to release from Certified Institutions.- If the Federal Government at any time, of its own motion or on application made to it, is satisfied that a person convicted under section 4 or section 5 and committed to a Certified Institution has been cured of a disease or is in a fit state of health to earn his living or is otherwise fit to be discharged before the expiry of the period for which he has been committed, the Federal Government may, by order, direct that the

person so detained shall be released subject to such restrictions and conditions, if any, as may be specified in the order.

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

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

14. Appointment of Chief Inspector and other authorities.- (1) For carrying out the purposes of this Act, the Federal Government may appoint a Chief Inspector of Certified Institutions, an Additional Chief Inspector of Certified Institutions, an Inspector and such number of Assistant Inspectors and Probation Officers as it thinks fit to assist the Chief Inspector; and every person so appointed to assist the Chief Inspector shall have such of the powers, and perform such of the duties, of the Chief Inspector, as the Federal Government directs, but shall act under the direction of the Chief Inspector.

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

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

16. Advisory committee.- (1) The Federal Government may, constitute an Advisory Committee consisting of such persons, exceeding twenty-one in number, as it may be appointed:

Provided that where a local authority has agreed to render such financial assistance as the Federal 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 Federal Government shall appoint such number of persons as it deems fit on the Advisory Committee for such area representing the local authority.

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

- (3) The Advisory Committee may also,-
- (a) tender advice as regards management to any Certified Institution through the Chief Inspector or such other officer, as the Federal Government may specify;
 - (b) collect subscriptions towards the recurring as well as non-recurring expenses of any or all Certified Institutions within the local area or one in which beggars from that area are detained, and disburse the collections in the prescribed manner;
 - (c) advise the Federal Government, through the Chief Inspector as regards the certification of any Institution as Certified Institution or the de-certification of any Certified Institution within the area; and
 - (d) advise the Federal 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 Federal Government.

17. Power to make rules.- The Federal Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Islamabad has witnessed a rising number of beggars on the streets and in squares recently. Some avenues and boulevards like Constitution Avenue or Margalla Road may be free of the nuisance of beggars but other areas, especially in the outskirts of the city, beggars can be seen frequently. Some labourers can also be seen begging, particularly in the evening. Usually peaceful plans of strolling or sitting outdoors are ruined by the constant persistence of these beggars. This forms a negative impression on the visitors as well. People who visit Islamabad mostly complain that's its very awkward for them to see such activity in the capital of Pakistan. The Government should take serious steps to stop such activity, although the Interior Ministry has now established squads for anti-begging. But even then strict regulatory mechanism is required under the law to control these social evil.

We may notice that there are about three types of beggars. Professional Beggars: there were present a large number of professional beggars in our society. They make sentimental cries and beg in the name of religion and morality. They recite the verses of the Holy Quran and recite Naat to seek our attention. They make heart rending appeals. These professional beggars are properly trained. Some of them are quite healthy but they pose to be sick. There were some others who have broken their arms or legs. They sit on carts pulled by some strong and healthy men. Some of them creep and crawl on the road or footpaths. They were seen frequently in the bazaar, Markaz, U turns etc.

