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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by
Shri Relvantsinh Rainut, M.L.A. is Published under rule 127 A of the

GUJARAT BILL NO. 7 of 2016.

THE ABOLITION OF BEGGING BILL, 2015

A BILL

to provide for abolition of begging and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 2016.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement

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

(a) "Government" means the Government of Gujarat;

(b) "beggar" means a person who indulges in begging;

(c) "begging" means—

Definitions.

- (i) soliciting or receiving alms in a public place including railways, bus stops, road sides or any other place where public has access;
- (ii) exposing or exhibiting any wound, deformity or disease of self or of any other person or of an animal for the purpose of soliciting or collecting alms;
- (iii) allowing one self to be used as an exhibit for the purpose of soliciting or collecting alms;

but does not include—

- (i) soliciting or receiving money or food or gift by executing an act of art or music or dance or acrobatics or painting at any public place; and
- (ii) soliciting or receiving money or food or any offering in connection with any religious practice or a custom involved in any religion;
- (d) "child" means a boy or a girl who has not attained the age of eighteen years;
- (e) "children's home" means a children's home established under the Juvenile Justice (Care and Protection of Children) Act, 2000;
- (f) "prescribed" means prescribed by rules made under this Act; and
- (g) "receiving centre" means a centre established under section 5.

Abolition of begging.

3. Begging by any person in any manner is hereby abolished.

Punishment for forcing or encouraging any person for begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also liable to fine.

Arrested beggars to be sent to receiving centres.

5. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the *bona fide* of the arrested beggar.

(2) Any person, other than a child, arrested on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the Government, wherein such person shall be provided with facilities for his rehabilitation.

Explanation.—For the purpose of this section, facilities for rehabilitation includes medical care, sustenance and training in agricultural or industrial or other pursuits aiming at providing gainful employment to the beggars.

(3) Any child arrested on the ground of begging shall be sent to a children's home.

(4) Every child sent to a children's home shall be provided with food, medical care and education free of cost.

Constitution of Beggar's Welfare Fund.

6. (1) The State Government shall constitute a Fund to be known as the Beggars' Welfare Fund for the welfare of the beggars.

(2) Every beggar shall be provided with such financial assistance, out of the Welfare Fund, for self-employment in such manner as may be prescribed.

Formulation of schemes, plans for beggars.

7. (1) The Government shall, for the purpose of providing employment opportunities to beggars, formulate such schemes, work out such plans, including plans for provision of education, and create such suitable infrastructure in every district, as it considers appropriate.

(2) The Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not indulge in begging.

8. (1) Any person who maims himself or other persons for the purpose of soliciting or collecting alms shall be punished with rigorous imprisonment for a term which may extend to ten years.

Punishment for maiming.

(2) Where a person maims any child or woman or any person who is above the age of sixty years for the purpose of soliciting or collecting alms shall be punished with imprisonment for a term which shall not be less than ten years.

9. Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable.

Offence to be cognizable and non-bailable.

10. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules, may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition that any rule made after previous publication

shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

Despite welfare measures taken by Government, the menace of begging continues unabated all over the State, especially in the metropolitan cities and urban areas.

The Existing legal frame work have been found to be inadequate to curb the menace of begging & failed to achieve desired results. Today the menace of begging has assumed criminal proportions.

It is therefore considered necessary to enact a special law to tackle the menace of begging and also to create an environment in the society wherein a life of dignity is assured to persons indulged in begging.

Hence this Bill.

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "Receiving Centres" by the State Government. Clause 6 provides for constitution of the Beggars' Welfare Fund by the State Government. Clause 7 provides for formulation of schemes and providing suitable infrastructure in every receiving centre or destitute home established in every district for the purpose of creating employment opportunities for beggars. The State Government would have to incur expenditure from the Consolidated Fund of the State for the establishment of receiving centres, destitute homes and creating suitable infrastructure in such centres. The Bill, if enacted, will involve expenditure from the Consolidated Fund of the State. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of rupees twenty crore is also likely to be involved.

Gandhinagar
Dated the 15th May, 2015 ,

BALVANTSINH RAJPUT
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the State Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Gandhinagar
Dated the 15th May, 2015 .

BALVANTSINH RAJPUT
M.L.A.

Gandhinagar
Dated the 25th February, 2016 ,

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.