



**KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SEVENTH SESSION**

**THE KARNATAKA PROHIBITION OF BEGGARY (AMENDMENT) BILL, 2020
(LA Bill No. 27 of 2020)**

A Bill to amend the Karnataka Prohibition of Beggary Act, 1975.

Whereas it is expedient to amend the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975) for the purposes hereinafter appearing;

Be it enacted by Karnataka State Legislature in the seventy first year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Prohibition of Beggary (Amendment) Act, 2020.

(2) It shall come into force at once.

2. Substitution of section 14.- For section 14 of the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975), the following shall be substituted, namely:-

"14. Medical examination and detention of beggars under certain circumstances.- (1) Where it appears to the Government that any beggar detained in an institution under any order of a magistrate is suffering from mental illness or any contagious disease, the Government may, by an order setting forth the grounds for the belief that the beggar is suffering from mental illness or any contagious disease, order his removal to a mental health establishment or a government or private hospital or medical institution or other place of safe custody, there to be kept and treated as the Government direct during the term for which he has been ordered to be detained, or if on the expiration of that term, it is certified by a Government Medical Officer that it is necessary for the safety of the beggar or of others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Government that the beggar has ceased to be of mental illness or is cured of any contagious disease, the Government shall, by an order direct the person having charge of the beggar if still liable to be kept in custody, send him to the institution from which he was removed or if the beggar is no longer liable to be kept in custody, order him to be discharged.

(3) Subject to the provision of sub-section (2), the provisions of section 104 of the Mental Health Care Act, 2017 (Central Act 10 of 2017) or the corresponding provision of any other law in force in any area of the State, shall apply to every beggar confined in a mental health establishment or a Government or private hospital or medical institution under sub-section (1) after the expiration of the period for which he was ordered to be detained; and the time during which a beggar is admitted in a mental health establishment or a Government or private hospital or medical institution under that sub-section shall be reckoned as part of the period for which he may be ordered by the magistrate to be detained.

Provided that, where the removal of a beggar due to mental illness or any contagious disease is immediately necessary, it shall be open to the authorities of the institution in which the beggar is detained to apply to a court having jurisdiction under the Mental Health Care Act, 2017 (Central Act 10 of 2017) or under any corresponding law in force in any area of the State for an immediate order of committal to a mental health establishment or a Government or private hospital or medical institution until such time as the orders of the Government can be obtained in the matter.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975) to remove the discriminatory provisions in respect of leprosy affected persons in conformity with the decision of the Honorable Supreme Court of India in Writ Petition (Civil) No. 767/2014 Pankaj Sinha V/s Union of India, dated: 05.07.2018 read with Writ Petition Civil No. 1151/2017(PIL-W) Vidhi Centre for Legal Policy V/s Union of India dated: 24.04.2018.

Hence, the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

Govind M. Karjol
Deputy Chief Minister and
Minister for Social Welfare

M.K. Vishalakshi
Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE**Extract from the Karnataka Prohibition of Beggary Act, 1975
(Karnataka Act 27 of 1975)****XX****XX****XX****14. Medical examination and detention of leprosy patients and lunatics.-**

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

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

(3) Subject to the provision of sub-section (2) the provisions of section 31 of the Lunacy Act, 1912 (Central Act 4 of 1912) or section 14 of the Lepers Act, 1898 (Central Act 3 of 1898), or the corresponding provision of any other law in force in any area of the State, shall apply to every beggar confined in a mental hospital or a leper asylum under sub-section (1) after the expiration of the period for which he was ordered to be detained; and the time during which a beggar is confined in a mental hospital or leper asylum under that sub-section shall be reckoned as part of the period for which he may be ordered by the magistrate to be detained:

Provided that where the removal of a beggar due to unsoundness of mind or leprosy is immediately necessary, it shall be open to the authorities of the institution in which the beggar is detained to apply to a court having jurisdiction under the Lunacy Act, 1912 (Central Act 4 of 1912) or the Lepers Act, 1898 (Central Act 3 of 1898) or under any corresponding law in force in any area of the State for an immediate order of committal to a mental hospital or a leper asylum until such time as the orders of the Government can be obtained in the matter.

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