

N.L.C.D. 392
BEGGARS AND DESTITUTES ACT, 1969

ARRANGEMENT OF SECTIONS

1. Institutions.
2. Begging as an offence.
3. Powers of District Magistrate.
4. Transfer from prison to institution.
5. Encouraging begging is an offence.
6. Destitutes.
7. Further powers of District Magistrate.
8. Release from institution.
9. Removal to another institution.
10. Escape by destitute to be an offence.
11. Regulations.
12. Interpretation.
13. Repeal.

N.L.C.D. 392
BEGGARS AND DESTITUTES ACT, 1969(1)

AN ACT to provide for the establishment of institutions at places for the reception of destitute persons and for related matters.

1. Institutions

(1) The Minister may establish institutions at places that the Minister thinks fit for the reception and care of destitutes.

(2) The Minister may, by executive instrument, declare as an institution for the purposes of this Act, a place previously used

- (a) for the reception and care of destitutes,
- (b) with the concurrence of the Minister responsible for Health, for the reception and care of persons suffering from leprosy, and
- (c) as a hospital or a part of a hospital.

2. Begging as an offence

(1) A police officer may arrest without a warrant

- (a) a person who is found begging,

(b) a person wandering, or

(c) a person who is in any premises or place for the purpose of begging.

(2) A person arrested under subsection (1) is liable on conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

(3) Subsection (1) does not apply to a person who is soliciting or receiving alms in accordance with a religious custom or the custom of a community or for a public charitable purpose or organised entertainment.

(4) Subsection (1) does not apply to a juvenile, to a collector duly authorised under the Public Collections Act, 1961 (Act 59) or to a collection or a person to which or to whom section 5 of that Act applies.

3. Powers of District Magistrate

(1) A District Magistrate before whom a person arrested under section 2 is brought shall enquire into the circumstances and character of the offender and for that purpose may order an officer of the Department of Social Welfare and Community Development to investigate and make a report on that person within the time specified by the Magistrate.

(2) Where an officer of the Department of Social Welfare reports that the offender is suffering from an infectious or a contagious disease, and that facilities are available for the treatment of that disease in a government hospital, the Magistrate may, considering the circumstances, order that the offender be admitted to a specified government hospital, and may order that pending that admission the offender be admitted to reside in a suitable institution.

(3) The Magistrate may issue summons requiring a relative of the offender to appear before the Magistrate considering the evidence and the circumstances, and may commit the offender to the care of a relative or any other fit person who is willing to undertake the care of the offender.

(4) Where an offender is dealt with under subsection (3), the Magistrate may order the relative of the offender to give security for the good behaviour of the offender for a period not exceeding one year.

4. Transfer from prison to institution

(1) Where the Director-General of Prisons is of the opinion that the rehabilitation of a person serving a term of imprisonment for an offence under section 2 may best be served by the transfer from prison to an institution, the Director-General of Prisons may, with the consent of a chief social welfare and community development officer, and subject to subsection (3) of section 7, order the transfer of that person to a specified institution.

(2) Where an order is made under subsection (1), the Chief Social Welfare and Community Development Officer may order that person to reside in the specified institution for the period that the officer thinks fit.

5. Encouraging begging is an offence

A person who permits or encourages another person to commit an offence under section 2 may be arrested by a police officer without a warrant and is liable on conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both the fine and the imprisonment.

6. Destitutes

(1) A person found wandering about and unable to provide evidence of having

- (a) a settled place of abode or an employment,
- (b) visible and sufficient means of subsistence, or

a defective found neglected or abandoned shall be deemed to be a destitute.

(2) A police officer may require a person who is apparently a destitute to accompany the officer to appear before a District Magistrate and may take that person to a police station or institution and that person may be there detained for not more than twenty-four hours or until it is practicable to appear before a District Magistrate whichever is the shorter period.

(3) A person who is apparently a destitute and who refuses or fails to accompany a police officer or to appear before a magistrate when required to do so may be arrested by a police officer without a warrant, and liable on conviction to a fine of fifty penalty units or in default to a term of imprisonment not exceeding one month.

7. Further powers of the District Magistrate

(1) The District Magistrate shall, in respect of a person who is apparently a destitute brought before the Magistrate, enquire into the circumstances and character of that person and for that purpose may order an officer of the Department of Social Welfare and Community Development to investigate and make a report to the Magistrate within the time specified by the Magistrate and pending the result of the inquiry may, subject to subsection (3), order that person to reside in a suitable institution.

(2) On being satisfied, after the inquiry, that that person is a destitute, the Magistrate may declare that person to be a destitute and may

- (a) order a relative of that person or any other fit person to take that person under care, or
- (b) subject to subsection (3), order that person to reside in a suitable institution for the period specified by the Magistrate.

(3) A person shall not be ordered to reside in an institution which is a hospital or place used for the reception and care of persons suffering from leprosy without the prior approval of the officer in charge of that institution.

8. Release from institution

(1) The Director of Social Welfare and Community Development may, if satisfied that a person resident in an institution, other than a hospital or place used for the reception and care of persons suffering from leprosy, is likely to be rehabilitated outside the institution and despite the order of a District Magistrate under section 7, order the release of that person on the conditions specified by that officer.

(2) The officer in charge of a hospital or place used for the reception and care of persons suffering from leprosy may, despite an order of a District Magistrate under section 7, discharge a person ordered to reside in that institution by the Magistrate, to the custody of an officer of the Department of Social Welfare and Community Development having first given not less than seven days' prior notice of the discharge to the officer.

9. Removal to another institution

(1) The Director of Social Welfare and Community Development may order the removal of a person from an institution, in which that person has been ordered to reside by a District Magistrate, to any other institution.

(2) An order of removal to a hospital or place used for the reception and care of persons suffering from leprosy shall not be made without the written concurrence of the officer in charge of that hospital or place.

10. Escape by destitute to be an offence

(1) A destitute who escapes from the police whilst committed to their charge under section 6, or

- (a) who leaves an institution without permission from the officer in charge of that institution,
- (b) who having with permission left an institution for a limited time or a specified purpose fails to return on the expiration of that time or when that purpose has been accomplished or proves impracticable, or
- (c) who fails to comply with or contravenes any of the conditions imposed by the Chief Social Welfare and Community Development Officer on the release,

commits an offence and is liable on conviction to a term of imprisonment not exceeding three months.

(2) In lieu of imprisonment, the District Magistrate may order a destitute who leaves an institution in the circumstances referred to in subsection (1) to be returned to the institution from which the destitute left.

11. Regulations

The Minister may, by legislative instrument, make Regulations for the more effectual carrying out of this Act.

12. Interpretation

In this Act, unless the context otherwise requires,

“**defective**” means a person in respect of whom there exists mental defectiveness to a degree that renders that person unable to guard against common physical dangers or to conduct normal every day affairs, and thus requires care, supervision and control for protection or for the protection of others;

“**institution**” includes

- (a) an institution for the reception and care of destitutes established or declared under section 1 for the reception and care of destitutes,
- (b) a hospital, and
- (c) a place made for the reception and admission of persons suffering from leprosy;

“**juvenile**” means a person under the age of seventeen years;

“**Minister**” means the Minister responsible for Labour and Social Welfare.

13. Repeal

Omitted.2(2)

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Beggars and Destitutes Decree, 1969 ([N.L.C.D. 392](#)), made on the 11th day of September, 1969 and published in the *Gazette* on 19th September, 1969.

2 (Popup - Footnote)

2. The provision reads,
“The Control of Beggars and Destitutes Ordinance, 1957 (No. 36) is hereby repealed.”