

The Persons in Destitution (Protection, Care and Rehabilitation) Model Bill, 2016

	An	
	Act	
	to provide for the protection, care, support, training and other services to all persons in destitution and for establishing agencies to further the objectives identified in this Act.	
	Be it enacted by the State Legislature in the Sixty-Seventh year of the Republic of India as follows: -	
	CHAPTER I GENERAL PROVISIONS	
	1. (1) This Act may be called “The Persons in Destitution (Protection, Care & Rehabilitation) Model Bill, 2016”.	Short title, extent and commencement
	(2) It is a State Legislation and extends to the whole of the state.	
	(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.	
	2. For the purpose of this Act	Definitions
	(1) ‘Destitution’ refers to a state of poverty or abandonment, arising from economic or social deprivation including age and infirmity, homelessness, disability, sustained unemployment etc. which requires support for the person to move out of it.	
	(2) ‘Persons in destitution’ refers to homeless persons, persons in begging, persons with physical and mental disabilities, the old, infirm and other such persons who are above 18 years of age and in a state of poverty or abandonment arising from economic or social deprivation and sustained unemployment.	
	(3) “Begging” means- (a) Soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortune telling, performing or offering any article for sale; (b) entering on any private premises for the purpose of soliciting or receiving alms; (c) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity of diseases whether of a human being or animal; (d) 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 exist soliciting or receiving alms; (e) 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 given for a purpose authorizes by any law.	
	(4) "person with disability" means a person suffering from not less than forty per cent of any disability as certified by a medical authority	
	(5) 'Implementing agencies' refers to the State Government, registered Voluntary Organizations or Non-Governmental Organizations, Panchayati Raj Institutions (PRIs), Urban Local Bodies / institutions managed or funded by State/ Central or a local body, a registered Public Trust, a company established under Section 25 of the Companies Act, 1956 or any other well established organizations/institutions which may be approved by the State Government and which can establish and administer the rehabilitation centres and care services for the persons in destitution.	
	(6) 'Outreach and Mobilization Unit' refers to division established for the purpose of this Act to reach out to persons in destitution in the community and mobilize them to access services provided under this Act.	
	(7) 'Rehabilitation Centre' refers to any institution or non-custodial home established and maintained by the State Government, Voluntary Organizations or any other implementing agencies which shall be certified/registered in such a manner as prescribed by the State Government for the purpose of this Act to provide protection, care, vocational training/skill development and other necessary rehabilitative services to the persons in destitution.	
	(8) 'Referral Unit' refers to division established for the purpose of this Act to assess the needs and requirements of the persons in destitution and link them with appropriate services.	
	(9) 'Counselling Unit' refers to division established for the purpose of this Act to provide counselling support to the persons in destitution at Rehabilitation Centre.	
	(10) 'State Government' in relation to a Union Territory means the Administrator of the Union Territory appointed by the President under Article 239 of the Constitution.	
	(11) 'Child' means the meaning assigned to it under the Juvenile Justice (Care and Protection) Act, 2000 as amended from time to time.	
	(12) 'Prescribed' means prescribed by rules made under this Act.	
	Chapter II Agencies	
	3. (1) The State Government and other implementing agencies shall constitute the following units for the purpose of this Act ;	Constitution of Agencies
	i. Outreach and Mobilization Units as provided in Section 5	

	<p>ii. Rehabilitation Centres as provided in Section 7</p> <p>iii. Referral Units as provided in Section 8</p> <p>iv. Counselling Units as provided in Section 9</p>	
	(2) The State Government shall constitute the above centres and units within three months of the coming into force of this Act.	
	(3) The District Welfare Officer, Department of Social Welfare or the concerned Department handling the issues of destitution/beggary in the State shall be responsible for the supervision, monitoring and coordination for the implementation of this Act in the districts and the Director, Social Welfare shall be responsible for the same at the State level.	
	(4) The State shall appoint and engage qualified and appropriate persons such as doctors, social workers, counsellors etc. in these units for its effective working.	
	(5) The State Government shall ensure the constitution of the above units by other implementing agencies also.	
	(6) The record of the persons/inmates availing the services shall be maintained properly by the above constituted units.	
	4. (1) Any person in destitution may approach any of the centres or units established under this Act for support and assistance.	Right to Approach Centres and Units
	(2) Every request for such support and assistance shall be registered and / or referred to the appropriate institutions through Outreach and Mobilisation Unit for measures as deemed fit.	
	(3) A record shall be maintained for such requests and the measures taken thereon.	
	5. (1) The State Government shall constitute an Outreach and Mobilisation Unit in districts and at any other level as may be felt necessary by the Competent Authorities.	Outreach and Mobilisation Unit
	(2) The Outreach and Mobilization Unit shall perform the following functions:	
	(a) Conduct surveys for the purpose of mapping areas and identifying persons in destitution with a special emphasis on identification and rehabilitation of persons engaged in Begging at Bus Depots, Railway Stations, platforms and	

	<p>inside the trains.</p> <p>(b) Create awareness amongst the persons so identified about the services available under the Act for their benefit and give them the option to avail the same.</p> <p>(c) Community mobilisation through constant follow-up with the persons identified.</p> <p>(d) Refer any person in destitution to whom an existing scheme or legislation applies to the institution(s) created under such scheme or legislation.</p> <p>(e) Provide such persons assistance in procuring the documents required to avail of the benefits of any such scheme or legislation.</p> <p>(f) Submit periodic reports to the State Advisory Board or District Authority.</p> <p>(g) To assist in applying for Identity Cards as mentioned in Section (6).</p> <p>(h) Act as a nodal agency for furnishing information under Right to Information Act, 2005.</p>	
	<p>6. Suitable identity cards for the persons in destitution shall be made and provided to them by the State Government or any other agency designated by it. This will facilitate them in availing the benefits under different welfare schemes of the Government and at governmental institutes like hospitals, public health centres etc. and in applying for Aadhar Card, Voter ID etc.</p>	Identity Card
	<p>7. (1) The State Government shall establish Rehabilitation Centres for the care, protection, recreation, rehabilitation and vocational/skill development training of the persons in destitution.</p>	Rehabilitation Centres
	<p>(2) Each Centre shall be adequately staffed and supported by qualified persons such as doctors, social workers, counsellors, vocational training instructors, etc. Primary medical care shall be an integral component of the Centre. It may also establish any other facilities as may be specified by the State Government in the Rules framed under this Act or through administrative orders issued from time to time.</p>	
	<p>(3) The State Government shall make a provision to carry out Basic Literacy Programme in these centres and ensure that the inmates who are not literate may get a basic elementary education.</p>	
	<p>(4) The State Government may establish separate rehabilitation centres for women and differently abled destitutes. These centres shall have infrastructure, equipments and staff as per special needs of the inmates. Further, the funds allotted may be utilised for the treatment and rehabilitation facilities for persons with disabilities in such manner as to overcome their disability.</p>	
	<p>(5) The existing shelters running for the persons in</p>	

	destitution and homeless persons shall be upgraded in such manner that it provides comprehensive services for their rehabilitation.	
	(6) The State Government shall ensure that each centre is well maintained and appropriate living conditions including food, hygiene, cleanliness and sanitation, medical facilities etc. are provided, making the Centre conducive for use by the persons.	
	(7) The State Government shall further ensure that Rehabilitation Centres are established near the areas where such communities reside and the focus of intervention in such cases should be the entire family, with specific rehabilitative measures required for each member, viz. children, women, and the elderly.	
	(8) The Rehabilitation Centres shall keep an accessible record of its inmates with a copy being provided to Outreach and Mobilisation Units on a quarterly basis.	
	8. (1). The State Government shall constitute a Referral unit attached to each Rehabilitation Centre to facilitate better linkage and access of various services available as not all persons in destitution will be seeking to stay at Rehabilitation Centres but might be requiring one or the combination of services.	Referral Unit
	(2) The Referral Units shall identify the needs and capacity of the persons in destitution and refer them to appropriate institutes/agencies for further assistance to them according to their requirements such as	
	<ul style="list-style-type: none"> i) medical services including de-addiction and mental health services ii) education iii) shelter iv) vocational training and employment opportunities v) legal aid vi) linking with social protection schemes of the Government etc. 	
	(3) The State Government shall ensure proper linkages with centres providing specialized services for people in need of special care and protection.	

	<p>9. Persons in destitution, apart from training, medical support, shelter etc, also require emotional and psychological support, and encouragement.</p> <p>For this purpose, the State Government shall constitute Counselling Unit attached to each Rehabilitation Centre which will counsel the persons in destitution to come out of the state of destitution by assisting them in opting for vocational training and engaging them in meaningful and sustainable activities as a measure of rehabilitation and their reintegration with the mainstream society.</p>	Counselling Unit
	<p>10. (1) The State Government shall constitute a Monitoring and Advisory Board to monitor, review, coordinate for implementation of the schemes and advise the Government on matters related to care, protection, welfare and rehabilitation of persons in destitution. It will act as a linkage between various government bodies, non- government agencies and community groups for facilitating the rehabilitation and mainstreaming of the persons in destitution.</p>	State Monitoring and Advisory Board
	<p>(2) The Board shall be constituted within three months of the enactment of this law.</p>	
	<p>(3) The Chairperson of State Advisory Board shall be Principal Secretary of the Social Welfare Department or as designated by the State Government and shall include officers from other concerned Government departments, eminent social workers, representatives of voluntary organizations in the field of destitution, experts etc as the Government may think fit. Total number of members shall not exceed ten. The advisory board shall meet once in six months.</p>	
	<p>(4) The State Government may appoint inspection Committees for the rehabilitation centres for the State or a District, as the case may be, for such period and for such purposes as may be prescribed. These Committees may consist of representatives from the Government, voluntary organizations, medical experts, social workers etc. as may be prescribed. The inspection report of the Committee shall be submitted to State Monitoring & Advisory Board within one month.</p>	
	<p>(5) The State Government may consider social auditing by monitoring and evaluating the functioning of the units at such period and through such persons and institutions as may be specified by it.</p>	
	<p>(6) The Board shall release reports for the public every year and it will also act as a review committee for the fund to be established under Section (12).</p>	

	CHAPTER III Procedure For Dealing With Beggar Offenders	
	11. (1) Any form of organised/syndicate or forced Beggary will be a punishable crime and shall be dealt with under appropriate provisions of Indian Penal Code.	Penalty for employing or causing persons to beg or using them for purposes of begging.
	(2) Whoever abets, employs or uses any child for the purpose of begging or cause any child to beg shall be punishable under the provisions of Juvenile Justice (Care and Protection) Act, 2000 as amended from time to time.	
	(3) If a person is found to be engaged in begging repeatedly inspite of undergoing rehabilitation and counselling, the assistance of Police Authorities may be sought and the person may be detained in the Rehabilitation Centre upto a time as may be deemed fit in the interest of the person as regards his/her rehabilitation.	
	CHAPTER IV Miscellaneous	
	12. (1) The State Government shall create a Fund with adequate budgetary allocation for the purposes of implementation of this Act.	Fund
	(2) There shall be credited to the fund such voluntary donations, contributions or subscriptions as may be made by any individual or an organization.	
	(3) The Fund created under sub-section (1) along with donations/contributions received under sub-section (2) shall be administered by the State Monitoring and Advisory Body constituted under Section 10, in prescribed manner and for the purposes of this Act.	
	13. The State Government shall implement Social Security Schemes including provisions for self-employment ventures for the persons in destitution. In addition, formation of Self Help Groups among the persons in destitution may also be encouraged.	Social Security Schemes
	14. The State Government shall also ensure linkage with existing social protection schemes including insurance and shelter.	
	15. No suit, prosecution or legal proceedings shall lie against the State Government or any person acting under the direction of the State Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or orders made under this Act.	Protection of action taken in good faith
	CHAPTER V Powers To Make Rules	
	16. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government, may make such order or give such direction, not	Power of State Government to make Rules

	inconsistent with the provisions of this Act, as appears to be necessary or expedient for the removal of any difficulty.	
	(2) The State Governments may, by notification, and subject to the condition of previous publication, and consistent with this Act, make rules to carry out the purposes of this Act.	
	17. (1) If immediately before the date on which this Act comes into force in the State, there is in force in the State, any law corresponding to this Act, that law shall stand repealed on the said date.	Repeal and Savings
	(2) From the commencement of this Act, the infrastructure, human resource and institutions established under the Beggary Prevention Legislation, in the state, shall be utilized for purposes under this Act.	