

GOVERNMENT OF WEST BENGAL
Department of Public Health and Local Self-Government
Public Health

NOTIFICATION

No. 2799P.H.—25th September 1945. In exercise of the powers conferred by section 28 of the Bengal Vagrancy Act, 1943 (Bengal Act VII of 1943), the Governor is pleased to make the following rules, namely:

THE BENGAL VAGRANCY RULES, 1945

Short Title

PART I

1. These rules may be called the Bengal Vagrancy Rules, 1945.

Under section 2(9)

Part II—Purposes for which a person may collect money or ask for food or gifts

2. A person collecting money or asking for food or gift in a public place shall not be deemed to be a vagrant, if the money, food or gift be intended for a social, humanitarian, religious, charitable or any other public purposes from which he derives no personal profit or benefit.

Under section 3(2)

Part III—Constitution and working of the Vagrancy Advisory Board

3. The Board shall consist of the following members and the names of the members constituting the Board shall be notified in the *Calcutta Gazette*:

- (a) Chief Presidency Magistrate, Calcutta,
- (b) District Magistrates of the districts in which the vagrants' homes may be situated,
- (c) Assistant Secretary to the Government of West Bengal, Food, Relief and Supplies Department, Relief Branch (ex-officio),
- (d) one nominee of the Director of Health Services, West Bengal,
- (e) one nominee of the Commissioner of Police, Calcutta,
- (f) one nominee of the Director of Public Instruction, Bengal,
- (g) one nominee of the Director of Industries, Bengal,
- (h) three social workers to be nominated by the Provincial Government of whom at least one shall be a lady,
- (i) one nominee of the Rotary Club, Calcutta,
- (j) two nominees of Corporation of Calcutta, and

(k) the Controller of Vagrancy.

4. The Board shall elect one of their members to be Chairman and the Controller of Vagrancy shall be the ex-officio Secretary to the Board.

5. A member of the Board other than an ex-officio member shall hold office for a period of three years and shall, unless he is removed under rule 7, be eligible for re-nomination on the expiry of each term.

6. When the place of a member other than an ex-officio member becomes vacant by reason of death, resignation or removal, a new member shall be nominated in the manner provided in rule 3 and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred.

7. The Provincial Government may remove a member if such member without excuse sufficient in the opinion of the Provincial Government is absent from all the meetings of the Board for a period of six months or for other reasons sufficient in the opinion of the Provincial Government.

Under section 7(1)

Part IV—Manner in which the summary enquiry shall be made

8. (1) On the production of any person before a Special Magistrate by a police officer authorised in this behalf by the Commissioner of Police in Calcutta, and the District Magistrates elsewhere, the Special Magistrate shall hold a summary inquiry to ascertain—

(a) whether the person arrested has any lodging, if so, where;

(b) by what means he earns his livelihood;

(c) the circumstance of his arrest. For this purpose the Magistrate may put such question as he thinks proper to the person arrested and to the police officer who made the arrest and to any other person who may appear to be acquainted with the facts of the case.

(2) The facts ascertained in each case and other relevant details and the order of the Magistrate shall be entered in Parts A and B of Form 1.

(3) A certified copy each of Form 1 shall forthwith be forwarded by the Magistrate to the Controller of Vagrancy and to the officer-in-charge of the receiving centre to which the vagrant is sent.

9. A separate form shall be used for each vagrant, adult or child.

10. The Special Magistrate shall maintain a register in Form 2 annexed to these rules to record particulars of cases of persons produced before him.

Under section 8(1) and proviso to section 10(1)

Part V—Manner of sending a vagrant to a receiving centre

11. When any person has been declared by the Special Magistrate to be a vagrant or has been ordered to be detained under sub-section (1) of section 10 he shall be sent with a police escort to the receiving centre and the police officer-in-charge of the escort shall hand him over to the officer-in-charge of the receiving centre together with Form 1.

12. Before admitting a vagrant, the officer-in-charge of the receiving centre shall put such question as he thinks proper to such vagrant and ascertain that the name and other particulars of the vagrant correspond with those entered in Form 1. If they do not agree, the officer-in-charge of the receiving centre shall request the officer-in-charge of the police escort to identify the vagrant as the person named in the abovementioned form. In cases of doubt the officer-in-charge of the receiving centre shall admit the vagrant and report the case to the Controller of Vagrancy for orders.

13. No vagrant shall be admitted into any receiving centre or a vagrants' home except on an order recorded in Form 1 by a Special Magistrate or on an order recorded in writing by the Controller of Vagrancy, Bengal, for such apparent vagrants produced by the Police, who are required to be detained for summary trial.

14. Where the Special Magistrate orders any person to be detained under the proviso to sub-section (1) of section 10, he shall issue an order to this effect in Form 1 and shall send the person with the form to the receiving centre specified in this behalf by the Controller of Vagrancy.

Under section 8(2)

Part VI—Manner in which a Medical Officer shall examine a vagrant

15. (1) Every vagrant who is admitted to a receiving centre shall at once be brought before a Medical Officer trained in leprosy for medical examination and if such vagrant is found to be suffering from leprosy, he shall thenceforth be segregated from non-lepers.

(2) A female vagrant shall be examined only by a female Medical Officer or by a male Medical Officer in the presence of a female attendant.

16. The Medical Officer shall enter the result of medical examination in Part C of Form 1 in respect of each vagrant. He shall also certify in the manner referred to in rule 21 relating to each vagrant. He shall then submit his report to the officer-in-charge of the receiving centre.

17. Every vagrant, on admission, shall be vaccinated and inoculated against typhoid and cholera.

Under section 9(1)

Part VII—Manner in which a vagrant is to be sent to a vagrant's home

18. The officer-in-charge of the receiving centre shall, on perusal of the medical report and other particulars contained in Form 1, classify the vagrants and shall select the appropriate vagrants' home for the confinement of such vagrant, according to any general or special directions given by the Controller of Vagrancy.

19. The officer-in-charge shall then send a written requisition in Bengal Form No. 5344 to the Deputy Commissioner of Police of the area in which the receiving centre is situated in Calcutta or the Superintendent of Police of the area in which the receiving centre is situated to escort vagrants from the receiving centre to the vagrants' home. Such requisitions shall state the number of vagrants to be escorted, their sex and whether there are any insane, violent or dangerous character amongst them. The officer-in-charge of the receiving centre shall also send an intimation of the proposed transfer to the Managers of the vagrants' homes to which such vagrants are sent specifically mentioning whether any food is to be kept ready for them at the homes.

20. Every vagrant shall be carefully searched before he is made over to the police escort. A female-vagrant shall only be searched by a female.

21. The Medical Officer shall examine each vagrant before such vagrant is made over to the police escort and certify in Form 3 on the reverse as to the fitness of such vagrant to undertake the proposed journey.

22. (1) While in transit by railway, female, child and juvenile vagrants shall be separated from the adult male vagrants. Female vagrants shall invariably be accompanied by a female escort to be furnished by the Controller of Vagrancy.

(2) No vagrant shall be handcuffed during transit unless such vagrant is insane, violent, dangerous or tries to escape. The handcuffs shall be supplied by the Police Department.

23. (1) When delivering vagrants for transfer into the custody to the escort, the officer-in-charge of the receiving centre shall make over the following sums of money, property and documents to the officer-in-charge of the escort:

(a) to be expended on the journey:

- (i) a money allowance of four annas a day for each vagrant if the journey is likely to extend for a full day and allowance of two annas each for half-a-day's journey or part thereof,
- (ii) conveyance charge for journey by road as may be necessary.

(b) to be made over at the vagrant's home to which the vagrant sent—

(i) cash money and any other articles found on the person of the vagrants on admission into the receiving centre or sale proceeds of same if subsequently sold,

(ii) Government clothings if issued to the vagrants,

(iii) Combined Nominal Roll Form in Form 1 annexed to these rules,

(iv) a list of vagrants destined for each separate vagrants' home together with the medical certificate and Combined Nominal Roll in Form 1, annexed to these rules; for each vagrant,

(v) a letter to the Manager of vagrant's home in Form 3 annexed to these rules.

(vi) railway credit note in Form 4 annexed to these rules for the number of fares to be paid for the vagrants.

(2) A receipt shall be taken from the officer-in-charge of the escort for the vagrants as well as the money, property and documents made over to him. He shall be responsible for all these during the journey.

24. No party of vagrants and guards when their aggregate number exceeds twelve and no vagrants suffering from any communicable disease or who is violent or insane shall be despatched by rail except in a reserved compartment.

25. (1) Officer-in-charge of the escort on reaching his destination shall make over the vagrants to the receiving officers of the vagrants homes along with the money, property and documents referred to in clause (b) of sub-rule (1) of rule 23 and render a detailed account of the funds referred to in clause (a) of sub-rule (1) of that rule.

(2) If any vagrant or any article or document is found missing at the time of the reception of the vagrants from the custody of the police escort, the receiving officer of the vagrants' home concerned shall ascertain the cause thereof from the officer-in-charge of the

escort whose explanation shall be recorded on the spot and the fact of the loss should be noted on the receipt to be given to the officer-in-charge of the escort. The loss shall be forthwith reported to the Manager of the vagrants' home and the officer-in-charge of the receiving centre concerned.

(3) The receiving officer of the vagrants' home shall also question the vagrants in the presence of the escort party as to their treatment on the way and whether they received their meals, if the record shows that any subsistence allowance was given at the despatching centre to the escort for the vagrants.

26. If a vagrant falls seriously ill on the way he shall be removed to the nearest hospital and the fact shall be reported to the Manager of the home to which the vagrant was destined to whom the documents, property and money relating to the vagrant shall also be made over. The Manager shall thereupon make arrangement for escorting the vagrant to the home on recovery.

27. If a vagrant dies on the way during transit, the Magistrate of the district or the subdivision in which the death takes place shall hold an inquiry into the circumstances attending the death, shall suitably dispose of the corpse and shall report the result of his investigation to the Controller of Vagrancy. The officer-in-charge of the escort shall return all documents, money and property of the deceased to the despatching centre, the officer-in-charge of which will forward the documents to the Controller of Vagrancy with a note as to the fact and date of the vagrant's death.

28. If an escape occurs en-route an intimation shall at once be given by the officer-in-charge of the escort to the nearest police-station for the vagrant's recapture. The Manager of the home to which the vagrant was destined as well as the officer-in-charge of the despatching centre shall also be informed. The officer-in-charge of the escort shall return the documents, property and any money to the officer-in-charge of the despatching centre who will report the fact of the escape to the Controller of Vagrancy.

Under section 9(3)

Part VIII—Manner in which the provisions of this sub-section may be relaxed in respect of children

29. All male children above the age of five years shall have a home for themselves and if, due to overcrowding at the children's home or for any other sufficient reasons, they are admitted to the home for male adults, they shall use their discretion to segregate them from adult females, as far as the age of five years may, however, be allowed to live with their vagrant mother or any other suitable vagrant woman in the female home.

30. Female children shall be kept in the female home and Managers shall use their discretion to segregate them from adult females, as far as circumstances permit. Female children up to the age of 5 years may stay with their vagrant mothers or a suitable vagrant woman.

31. Unless otherwise directed by the Manager of the vagrants' home to be recorded in writing, the children may have interviews with their parents, brothers or sisters once a week during the first six months of their separation and once a fortnight thereafter.

Part VIIIA - Constitution of Board of Visitors

31A - See G.O. No. 3205-Sr Under section 14 at 21.3.79

Part IX—Manner in which the money or the proceeds of the sale of other personal effects found on a vagrant may be applied to the welfare of vagrants.

32. The funds shall be utilised for the benefit of the vagrants and may be applied at the discretion of the Controller of Vagrancy, towards:

- (i) providing any games or amusements for the vagrants;
- (ii) providing any amenities for the vagrants;
- (iii) providing special food for the vagrants on festive occasions; and
- (iv) any other purpose approved by the Controller of Vagrancy as being for the benefit of vagrants.

Under section 15(1)

Part X—Management and discipline to which vagrants detained in receiving centres and vagrants' homes shall be subject.

33. The following acts are forbidden and any vagrant who wilfully commits any of these acts shall render himself liable to punishments as provided under sub-section(2) and (3) of section 15 of the Bengal Vagrancy Act, 1943:

- (i) talking unnecessarily loudly when at file or at work or at locking, unlocking, latrine, bathing, feeding and counting parades;
- (ii) talking or singing in the wards at night after 9 p.m., leaving bed for any purpose without first obtaining the permission of the watchman, sitting or lying on any other vagrant's bed;
- (iii) quarrelling with or assaulting any other vagrant;
- (iv) showing disrespect towards any officer or visitor or assaulting or attempting to assault any of them;
- (v) making groundless or frivolous complaints;
- (vi) secreting or stealing any article;
- (vii) answering untruthfully any question put by an officer or a visitor;
- (viii) holding any communication (written or otherwise) with an outsider or with a vagrant of another home without permission of the authorities;
- (ix) indecent behaviour and using objectionable or filthy language towards anybody or doing or saying anything which may be calculated to wound or offend the feelings and prejudices of a fellow vagrant;
- (x) doing any act calculated to create unnecessary alarm in the minds of other vagrants or officers;
- (xi) breaking file, loitering and leaving the gang or the ward to which the vagrant may be attached;
- (xii) throwing away food or refusing to eat food prepared according to the prescribed diet scale or appropriating any food not assigned to him or her or disobeying any order as to the issue or distribution of food and drink or mixing any undesirable foreign matter to food while being cooked or distributed;
- (xiii) omitting or refusing to wear the clothing given to him or her or exchanging any portion of it for the clothing of other vagrants or losing, discarding, damaging, or altering any part of it;

- (xiv) removing or defacing any distinctive number, mark or badge attached to or required to be worn on the clothing or not wearing the respective identity discs that may be issued;
- (xv) omitting or refusing to keep the person clean or disobeying any order regulating the cutting of hair or nails or the washing of clothings;
- (xvi) omitting or refusing to keep clean and properly arranged his or her clothing, blankets, beddings and other articles issued to him or her;
- (xvii) tampering with any property in the receiving centres or the homes or the hospitals or not promptly reporting any loss or breakage or injury which he may have caused to any property or implements;
- (xviii) committing nuisance or soiling any part of the receiving centre or the home or spitting anywhere except in the spittoons provided for the purpose;
- (xix) wilfully befouling the walls, latrines, washing or bathing places and the buildings and the compound;
- (xx) wasting water or other articles of use;
- (xxi) omitting to do any work or refusing to learn any work or to do it properly or neglecting the lessons or refusing to avail of the facilities for education and training;
- (xxii) doing or omitting to do anything with intent to cause to himself or herself or others any illness, injury or disability;
- (xxiii) causing or omitting to assist in suppressing insubordination, disorderly conduct, violence or rioting of any kind;
- (xxiv) taking part in any attack upon any vagrant or officer;
- (xxv) omitting or refusing to help any officer in preventing attempted escape or an attack upon an officer or another vagrant;
- (xxvi) omitting to report any plot to escape or conspiracy against the authorities;
- (xxvii) refusing to submit to counting by officers whenever required;
- (xxviii) instigating others to break the regulations;
- (xxix) disobeying any lawful order of an officer or omitting or refusing to perform duties in the manner directed;
- (xxx) refusing to submit to medical examination or vaccination or inoculation, whenever required, or to take prescribed treatment or medicines.

Under section 15(3)

Part XI—Type of the hard labour with which a vagrant may be punished

33. (1) In lieu of or in addition to the punishment to which a vagrant may be liable under sub-section (2) of section 15, the Managers of the vagrants' homes are authorised to punish vagrants with hard labour of the following type, namely:

- (i) removing heavily laden gunny bags in the stores or other heavy articles;
- (ii) bringing articles or raw rations from the store to the kitchen;
- (iii) making roads and carrying materials for them;
- (iv) watering plants;
- (v) any other work of an analogous nature at the discretion of the Manager.

(2) No vagrant shall be put on hard labour unless such vagrant is certified by the Medical Officer to be fit for it. Female, child or leper vagrants shall work only in their respective homes.

Under section 16

Part XII—Manner in which a vagrant may be sent from one vagrants' home to another

34. The transfer of a vagrant from one home to another shall be sanctioned in writing by the Controller of Vagrancy.

35. (1) On receipt of the order of the Controller directing the transfer of a vagrant from one home to another, the Manager of despatching home after endorsing the order on the vagrant's Combined Nominal Roll Form shall send the vagrant under escort of warders, to the home to which he has been ordered to be transferred after giving previous intimation to the Manager of the latter home. The Combined Nominal Roll Form as well as a forwarding letter addressed to the receiving home shall be sent along with the vagrant and a receipt shall be obtained from the receiving home in acknowledgement of the receipt of the vagrant and the documents sent.

(2) At the time of the transfer necessary note shall be made in red ink in the Home Admission Register against the entry of the vagrant's name and in other relevant papers.

Under section 18(1)

Part XIII—Manner in which the Manager of a vagrants' home shall certify the fact of a vagrant having obtained satisfactory employment

36. On the Manager of a vagrant's home being able to find a suitable outside employment for a vagrant he shall send a certificate in Form 5 annexed to these rules to the Controller of Vagrancy, for his orders regarding the vagrant's discharge from the vagrants' home.

Under section 18(1)(c)

Part XIV—Amount of the bond to be entered into for maintaining a vagrant

37. (1) When any relative of a vagrant or any person interested in the welfare of a vagrant, is desirous that such vagrant shall be delivered over to the care and custody of such relative or person, such relative or person may apply to the Controller of Vagrancy, who, after proper enquiry, if necessary, in Form 6 annexed to these rules, may pass an order for the discharge of the vagrant under clause (c) of sub-section (1) of section 18 of the Bengal Vagrancy Act, 1943, from the vagrants' home in Form 7 annexed to these rules, if he thinks fit, and if such relative or person enters into a bond in Form No. 8 annexed to these rules. The amount of bond to be executed with or without sureties shall be determined by the Controller of Vagrancy in each case and shall not be for a sum of less than Rs. 200.

(2) On an order being made by the Controller under sub-rule (1), the Manager of the vagrants' home shall discharge the said vagrant and make him over to the custody of the applicant.

Under section 24(1)

Part XV—Officer by whom or with whose permission prosecution should be commenced

38.(1) Prosecution for offences under sections 19 and 20 of the Bengal Vagrancy Act, 1943, shall be commenced by the Commissioner of Police, Calcutta, in Calcutta and the Superintendent of Police elsewhere.

(2) No prosecution, however, for offences under other sections of the Bengal Vagrancy Act, 1943, shall be commenced except by or with the permission of the Controller of Vagrancy.

Under section 28(1)

Part XVI—General

39. There shall be maintained by every officer in charge of a receiving centre and every Manager of a vagrants' home a Register of Vagrants in Form 9 annexed to these rules.

Form 1

[See rules 8(2) and 16]

*Combined Nominal Roll, Magistrate's Declaration and Medical Report Form relating to a vagrant
(To be drawn up in triplicate)*

Receiving Centre at

Original

Date of commitment

Duplicate

TriPLICATE

A. Nominal Roll

1. Name
2. Father's
Mother's name
Husband's name
3. Age
4. Sex
5. Home Address—
Village
Police-Station
Post-Office
District
6. Single, married or widower
7. If with children now, how many?
8. Literate or illiterate
9. Did the vagrant ever work, if so, in what capacity
10. Place of arrest
11. Name of the arresting police officer

Date

Special Magistrate, at