

# THE VAGRANCY (KARACHI DIVISION) ACT, 1950

<sup>1</sup>ACT No. LXXIV of 1950

[23<sup>rd</sup> October, 1950]

## An Act to provide for dealing with vagrancy in the <sup>2</sup>[Karachi Division]

WHEREAS it is expedient to provide for dealing with vagrancy in the <sup>2</sup>[Karachi Division];

It is hereby enacted as follows:—

**1. Short title, extent and commencement.**— (1) This Act may be called the Vagrancy <sup>2</sup>[Karachi Division] Act, 1950.

(2) It extends to the <sup>2</sup>[Karachi Division].

(3) It shall come into force on such day<sup>3</sup> as the <sup>4</sup>[Federal Government] may, by notification in the official Gazette, appoint.

**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

(1) “Child” means a person who has not completed his fourteenth year and is neither a contagious leper nor a lunatic;

(2) “Old, disabled or infirm” means and includes a person who by reason of age, disease, affliction, or physical or

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<sup>1</sup>For Statement of Objects and Reasons, *see* Gaz. of P., 1950, Pt. V, p. 283.

<sup>2</sup>Subs. by A. O., 1964, Art. 2 and Sch., for “Federal Territory of Karachi” which had been subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2nd Sch., for “Capital of the Federation”.

<sup>3</sup>The 15th February 1951, *see* Gaz. of P., Ext., 1951, p. 43.

<sup>4</sup>Subs. by F.A.O. 1975, Art. 2 and Table for “Central Government”

mental defect is, in the opinion of the Court, not capable of earning his livelihood and is neither a contagious leper nor a lunatic;

(3) “Poor House” means a house or institution for the detention and maintenance of vagrants who are children or old, disabled and infirm persons, and set up for the purpose by the <sup>1</sup>[Federal Government] or any private person or persons;

(4) “Prescribed” means prescribed by rules made under this Act;

(5) “Public place” includes a railway train or any motor vehicle or carriage;

(6) “Special Magistrate” means a Magistrate empowered under section 3;

(7) “Vagrant” means a person of any age or either sex who—

(a) solicits or receives alms in a public place;

(b) enters on any private premises without the permission of the occupier for the purpose of soliciting or receiving alms

(c) exposes or exhibits with the object of obtaining alms any sore, wound, injury, deformity or disease;

(d) has no ostensible means of subsistence or no fixed abode and is or remains in any public place in such condition or manner as makes it likely that he lives by soliciting or receiving alms; or

(e) allows himself to be exhibited for the purpose of soliciting or receiving alms;

but does not include a person who—

(i) solicits or receives alms in any place of Hindu worship, or

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<sup>1</sup>Subs. by F.A.O. 1975, Art. 2 and Table for “Central Government”.

- (ii) solicits or receives money, food or gifts in accordance with any religious usage or for a purpose authorised by any law or authorised in the prescribed manner by the <sup>1</sup>[Provincial Government]:

Provided that on the application of the trustee or trustees of any place of Hindu worship, the <sup>1</sup>[Provincial Government] may, in the manner prescribed, direct that "vagrant" shall include a person who solicits or receives alms in such place.

**3. Special Magistrate.** The <sup>1</sup>[Provincial Government] may empower any Magistrate of the First Class as a Special Magistrate for the purposes of this Act.

**4. Power of arrest.**— (1) Any police officer authorised in this behalf in pursuance of a direction of the <sup>1</sup>[Provincial Government] may arrest without warrant any person who appears to him to be a vagrant:

Provided that no such person shall be so arrested if he furnishes bail for appearance before the Special Magistrate.

(2) The police officer making the arrest shall, without unnecessary delay, take or send the person so arrested to a Special Magistrate.

(3) The provisions of section 61 of the Code of Criminal Procedure, 1898 (V of 1898), shall apply to every person arrested under this section and the custody in which he may be detained until he is brought before the Special Magistrate shall be such as may be prescribed.

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<sup>1</sup> Subs. by A.O., 1964, Art. 2 and Sch., for "Central Government".

**5. Declaration of persons as vagrants.**— (1) When a person is brought before a Special Magistrate under section 4, the Special Magistrate shall make a summary inquiry into the circumstances and character of such person.

(2) If the enquiry referred to in sub-section (1), cannot be completed forthwith, the Special Magistrate may adjourn it from time to time and order the person to be remanded for not longer than 7 days at a time to such place and custody as may be prescribed.

(3) If on completing an inquiry under this section, the Special Magistrate is not satisfied that such person is a vagrant, he shall order him to be released forthwith.

(4) If on completing the inquiry the Magistrate is satisfied that such person is a vagrant, he shall make a declaration to that effect and shall further inquire whether the said vagrant is a child, or an old, disabled or infirm person within the meaning of this Act.

**6. Detention of vagrants.**— (1) A person declared a vagrant under the preceding section shall, if upon the further enquiry required by sub-section (4) of that section he is found to be neither a child nor an old, disabled or infirm person, be liable to be ordered to be detained.

(2) Such detention may, upon a first declaration of vagrancy, extend to a period not exceeding one month, and upon any subsequent declaration to a period not exceeding six months.

(3) So long as there remains in force in respect of any person an order under this section directing that he be detained, he shall be liable to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment of offences and breaches of discipline as the <sup>1</sup>[Provincial Government] may from time to time specify, and discipline shall include the imposition of manual and such other work as may be prescribed..

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<sup>1</sup> Subs. by A. O., 1964, Art. 2 and Sch., for "Central Government".

**7. Detention in the Poor House.**— (1) Any person declared a vagrant under section 5 and found in the further enquiry required by sub-section (4) of that section to be a child or an old, disabled or infirm person, shall be so certified by the Special Magistrate and be ordered to be detained in a Poor House.

(2) Any person ordered to be detained under this section shall be sent under police custody to a Poor House, along with the said certificate of which a copy shall be sent to the <sup>1</sup>[Provincial Government], and there detained until he is discharged in accordance with the provisions of section 11.

**8. Dependent children.** When in respect of any vagrant a certificate has been issued under sub-section (1) of section 7 and there is any child, being a child within the meaning of this Act, dependent on him, the Special Magistrate may direct that such child may also be sent to the Poor House.

**9. Externment of vagrant.** — (1) If in the course of the further inquiry required by sub-section (4) of section 5 it appears to the Special Magistrate that the person declared a vagrant under that section belongs to any territory outside the <sup>2</sup>[Karachi Division], he may, instead of proceeding under section 6 or section 7, by order in writing direct the vagrant to leave the <sup>2</sup>[Karachi Division] with such children dependent on him as may be named in the order and within such time and by such route as may be stated in the order and not to return thither without his permission in writing.

(2) When a vagrant against whom an order has been made under sub-section (1) fails to comply with such order or returns to the <sup>3</sup>[Division] without the permission in writing of the Special Magistrate, he may be arrested without warrant by any police officer and shall be liable, on conviction before a Magistrate,

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<sup>1</sup> Subs. by A.O., 1964, Art. 2 and Sch., for “Central Government”.

<sup>2</sup> Subs. *ibid* for “Federal Territory of Karachi” which had been subs. by the Repealing and Amending Ordinance, 1961 (1 of 1961), s. 3 and 2<sup>nd</sup> Sch., for “Capital of the Federation”.

<sup>3</sup> Subs. *ibid.*, for “Territory” which had been subs. by the Repealing and Amending Ordinance 1961 (1 of 1961,) s. 3 and 2<sup>nd</sup> Sch., for “Capital”.

to be punished with rigorous imprisonment for a term which may extend to one year.

(3) Nothing in sub-section (2) shall be construed as rendering any child liable to be proceeded against thereunder.

**10. Conduct and discipline.** A vagrant detained in the Poor House under this Act shall be subject to such rules of conduct and discipline including the imposition of manual and such other work as may be in keeping with his general state of health and as may be prescribed.

**11. Discharge from Poor House.**— (1) A vagrant may be discharged from the Poor House under the written order of the Special Magistrate—

- (a) if he is satisfied that satisfactory employment has been obtained for the vagrant; or
- (b) that the vagrant has become possessed of an income sufficient to support himself without resort to vagrancy;
- (c) on a relative of the vagrant, or a person in respect of whom the Magistrate is satisfied that he is interested in the welfare of the vagrant, entering into a bond with or without sureties in such sum as may be prescribed, to look after and maintain the vagrant and to prevent him from resorting to vagrancy;
- (d) for other good and sufficient reasons to be recorded by the Special Magistrate in writing.

(2) When the employment referred to in clause (a) of subsection (1) is obtained for a vagrant detained in a Poor House, or discharged from a Poor House in order to take up that employment, a vagrant refusing or wilfully neglecting to take up the same shall be liable to be punished on conviction

before a Magistrate with rigorous imprisonment for a term which may extend to six months.

**12. Punishment for employing or causing persons to solicit or receive alms.**

Whoever employs or causes any person to solicit or receive alms, or abets the employment or the causing of a person to solicit or receive alms, or exhibits a person for the purpose of soliciting or receiving alms or whoever having the custody, charge, or care of a child, connives at or encourages the employment or the causing of the child to solicit or receive alms shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to two years or with fine or with both.

**13. Punishment for escape from custody.** Any vagrant who escapes from any custody or detention to which he has been committed under this Act or any rules made thereunder may be arrested without warrant and shall for any such offence be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one year.

**14. Prosecution for escape.** No prosecution for an offence under section 13 shall be commenced except by, or with the permission of, such officer as may be authorised in this behalf by the <sup>1</sup>[Provincial Government].

**15. Procedure at end of imprisonment for escape.** Every person imprisoned under the provisions of section 13 shall at the end of his term of imprisonment be sent back, under police custody, to the custody or detention from which he escaped, and there kept for the purpose for which he was entrusted to that custody or detention before his escape.

**16. Indemnity.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

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<sup>1</sup> Subs. by A.O., 1964, Art. 2 and Sch., for "Central Government".

**17. Appeal.** Notwithstanding anything in any other law for the time being in force an appeal shall lie to the District Magistrate from any conviction or order of detention under this Act, and the order of the District Magistrate in appeal shall be final.

**18. Rules.**— (1) The <sup>1</sup>[Provincial Government] may make rules<sup>2</sup> for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for the conduct and inspection of Poor Houses and the maintenance of persons detained therein.

**19. Delegation of powers.** The <sup>1</sup>[Provincial Government] may, by notification in the official Gazette, direct that any power or duty conferred or imposed upon it by or under this Act, or any document required by or under this Act to be submitted to it shall be exercised or performed or submitted to, as the case may be, such officer subordinate to it as may be specified in the direction.

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<sup>1</sup> Subs. by A.O. 1964. Art. 2 and Sch. For “Central Government”.

<sup>2</sup> For the Vagrancy (Capital of the Federation) Rules, 1951, *see* Gaz. Of P. Ext., 1951, p. 43.