

THE VAGRANCY ACT, 1943

(BENGAL ACT NO. VII OF 1943).

[25th October, 1943]

An Act to provide for dealing with vagrancy in Bangladesh. ¹

WHEREAS it is expedient to make provision for dealing with vagrancy in Bangladesh;

It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the ²[* * *] [Vagrancy Act](#), 1943.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force in such areas on such dates as the Government may, by notification in the official Gazette, direct.

Definitions

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

(1) "Board" means the Vagrancy Advisory Board established under sub-section (i) of section 3;

³[* * *]

(3) "child" means a person under the age of fourteen years;

(4) "Controller" means the Controller of Vagrancy appointed under sub-section (1) of section 4;

⁴[* * *]

(6) "prescribed" means prescribed by rules made under this Act;

(7) "receiving centre" means a house or institution for the reception and temporary detention of vagrants, provided by the Government or certified as such under sub-section (1) of section 12;

(8) "Special Magistrate" means a Magistrate empowered to act as such under section 5;

(9) "vagrant" means a person found asking for alms in any public place, or wandering about or remaining in any public place in such condition or manner as makes it likely that such person exists by asking for alms but does not include a person collecting money or asking for food or gifts for a prescribed purpose;

(10) "vagrants' home" means an institution provided by the Government under sub-section (1) of section 13 for the permanent detention of vagrants.

**Vagrancy
Advisory Board**

3. (1) The Government as soon as possible after the commencement of this Act shall establish a Board to be called the Vagrancy Advisory Board.

(2) The Board shall be constituted in the manner prescribed, subject to the condition that the number of the members of the Board shall not be less than ten.

(3) The function of the Board shall be to advise the Government on all matters relating to the control of vagrancy and in particular on the administration of this Act and for the aforementioned purposes any member of the Board may enter and inspect at any time any receiving centre or vagrants' home.

(4) The Board may, with the previous approval of the Government, make regulations to provide for,-

(a) the times and places at which its meetings shall be held;

(b) the issue of notices concerning such meetings; and

(c) the conduct of business thereat.

**Appointment of
Controller of
Vagrancy and
his assistants**

4. (1) For carrying out the purposes of this Act the Government may appoint a person to be Controller of Vagrancy together with such other persons to assist him as it thinks fit.

(2) Persons appointed under sub-section (1) shall exercise such powers as may be conferred and perform such functions as may be required by or under this Act.

**Special
Magistrates**

5. For the purposes of Chapter II of this Act the Government may empower any Magistrate of the first class to act as a Special Magistrate.

CHAPTER II

PROCEDURE

**Power to
require
apparent
vagrant to
appear before
Special
Magistrate**

6. Any police officer authorised in this behalf by the District Magistrate ⁵[and, in ⁶[a Metropolitan Area], by the Police Commissioner] may require any person who is apparently a vagrant to accompany him or any other police officer to, and to appear before, a Special Magistrate.

**Summary
inquiry in
respect of
apparent
vagrant and
declaration of
person to be a**

7. (1) When a person is brought before a Special Magistrate under section 6, such Special Magistrate shall make a summary inquiry in the prescribed manner into the circumstances and character of such person, and if, after hearing anything which such person may wish to say he is satisfied that such person is a vagrant, he shall record a declaration to this effect and the provisions of this Act relating to

**vagrant by
Special
Magistrate**

vagrants shall thereupon apply to such person.

(2) If on making the summary inquiry referred to in sub-section (1) the Special Magistrate is not satisfied that the person brought before him under section 6 is a vagrant such person shall forthwith be released.

(3) A Special Magistrate recording a declaration under sub-section (1) that a person is a vagrant shall forthwith send a certified copy of such declaration to the Controller, and to the officer-in-charge of the receiving centre to which such vagrant is sent under sub-section (1) of section 8.

**Detention in
receiving centre
and medical
examination of
vagrant**

8. (1) When a person has been declared to be a vagrant under sub-section (1) of section 7 he shall forthwith be sent in the manner prescribed to the nearest receiving centre and there handed over to the custody of the officer-in-charge of such receiving centre, and such vagrant shall be detained in such receiving centre until he is sent therefrom to a vagrants' home under sub-section (1) of section 9.

(2) As soon as possible after the commencement of the detention of a vagrant in a receiving centre the medical officer of such receiving centre shall with such medical help as may be necessary medically examine the vagrant in the manner prescribed as quickly as is consistent with the circumstances of the case and shall thereupon furnish the officer-in-charge of the receiving centre with a medical report regarding the health and bodily condition of the vagrant.

(3) The medical report referred to in sub-section (2) shall state inter alia, -

(a) the sex and age of the vagrant;

(b) whether the vagrant is a leper;

(c) from what, if any, communicable diseases other than leprosy the vagrant is suffering;

(d) whether the vagrant is insane or mentally deficient;

(e) what is the general state of health and bodily condition of the vagrant and for which, if any, of the prescribed types of work he is fit.

**Procedure or
sending vagrant
to vagrants'
home**

9. (1) On receipt of the medical report referred to in sub-section (2) of section 8 the officer-in-charge of a receiving centre shall, as soon as the necessary arrangements can be made, send the vagrant in the prescribed manner to such vagrants' home as the Controller may by general or special order in this behalf direct, and the said officer-in-charge shall along with such vagrant send to the Manager of the said vagrants' home,-

(a) the certified copy of the declaration made under sub-section (1) of section 7 relating to such vagrant which is to be sent to such officer-in-charge under sub-section (3) of the said section, and

(b) the said medical report.

(2) When a vagrant is sent to a vagrants' home under the provisions of sub-section (1) he shall be handed over to the custody of the Manager of such vagrants' home and shall be detained therein, or in a vagrants' home to which he may be transferred under section 16, until duly discharged therefrom under section 18.

(3) In issuing any order under sub-section (1) the Controller shall ensure that the following classes of vagrants, namely,-

(a) lepers,

(b) the insane or mentally deficient,

(c) those suffering from communicable diseases other than leprosy,

(d) children,

are segregated from each other and from vagrants who do not belong to any of the aforementioned classes and shall also ensure that the male vagrants are segregated from the female vagrants:

Provided that the provisions of this sub-section in respect of children may be relaxed as prescribed.

**Externment of
vagrant from
area in which
the Act is in
force**

10. (1) If after an inquiry made under sub-section (1) of section 7 the Special Magistrate is satisfied that the person brought before him under section 6 is a vagrant but, in the course of such inquiry, it has appeared that the vagrant was not born in the area in which this Act is in force or has not been continuously resident therein for more than one year, the Special Magistrate, after making such further inquiry, if any, as he may deem necessary, may by order in writing direct the said vagrant to leave the said area within such time and by such route or routes as may be stated in the order and not to return thereto without the permission in writing of the Controller, and in such case, notwithstanding anything contained in sub-section (1) of section 7, the provisions of sections 8 and 9 shall not apply to such vagrant:

Provided that if the Special Magistrate deems it necessary to make any further inquiry as aforesaid in respect of such vagrant, the vagrant shall be detained pending conclusion of the said inquiry in such receiving centre as the Controller may by general or special order in this behalf direct and for this purpose shall be sent thereto in the manner prescribed and there handed over to the custody of the officer-in-charge of such receiving centre, and shall, while he is so detained, be subject to the rules of management and discipline referred to in sub-section (1) of section 15.

(2) The Controller shall not give the permission referred to in sub-section (1) unless, if the vagrant had been detained in a vagrants' home, such vagrant would have been eligible to have been discharged therefrom under the provisions of sub-section (1) of section 18.

(3) When a vagrant against whom an order has been made under sub-section (1) fails to comply with such order within the time specified therein, or after complying with the said order returns without the permission in writing of the Controller to any place

within the area referred to in the said order, such vagrant may be arrested without a warrant by any police officer, and shall be liable, on conviction before a Magistrate, to be punished with rigorous imprisonment for a term which may extend to six months.

Validity of custody and detention of vagrant

11. A declaration that a person is a vagrant recorded by a Special Magistrate under sub-section (1) of section 7 shall be sufficient authority to any person to retain such vagrant in his custody when such person is under the provisions of this Act or of any rule made thereunder conveying a vagrant from the Court of a Special Magistrate to a receiving centre or, from a receiving centre to a vagrants' home or from one vagrants' home to another and to the officer-in-charge of a receiving centre and to the Manager of a vagrants' home for detaining such vagrant in accordance with the provisions of this Act in a receiving centre or vagrants' home, as the case may be.

CHAPTER III

RECEIVING CENTRES AND VAGRANTS' HOME

Provision of receiving centres

12. (1) The Government may provide and maintain together with the necessary furniture and establishment one or more receiving centres at such place or places as it thinks fit, or may certify by notification in the official Gazette, any existing charitable or other institution, subject to the prior consent of the controlling authority of such institution and on such conditions as may be mutually agreed upon between the Government and the said authority, to be a receiving centre for the purposes of this Act.

(2) For the purposes of this Act every receiving centre shall be under the immediate control of an officer-in-charge who shall be appointed by the Government and who shall perform his functions subject to the orders of the Controller.

(3) The Government shall also appoint for every receiving centre one or more suitably qualified persons as medical officers.

Provision of vagrants' homes

13. (1) The Government may provide and maintain together with the necessary furniture, equipment and establishment, one or more vagrants' homes at such place or places as it thinks fit and such vagrants' homes may include provision for the teaching of agricultural, industrial or other pursuits and for the general

education and medical care of the inmates.

(2) Every such vagrants' home shall be under the immediate charge of a Manager who shall be appointed by the Government and who shall perform his functions subject to the orders of the Controller.

(3) The Government may appoint in respect of a vagrants' home a suitably qualified person as medical officer and one or more suitably qualified persons as teachers.

**Search of
vagrants**

14. Every officer-in-charge of a receiving centre or Manager of a vagrants' home may order that any vagrant detained in such receiving centre or vagrants' home shall be searched and that the personal effects of such vagrant shall be inspected and any money then found with or on the vagrant shall be applied in the manner prescribed towards the welfare of vagrants and any of such effects other than money may be sold in auction and the proceeds of the sale shall be applied as aforesaid:

Provided that a female vagrant shall be searched by a female only and with due regard to decency.

**Management
and discipline**

15. (1) Vagrants detained in receiving centres or vagrants' homes under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed.

Explanation.- Discipline includes the enforcement of the doing of manual or other work by a vagrant.

(2) If any vagrant wilfully disobeys or neglects to comply with any rule referred to in sub-section (1) he shall on conviction before a Magistrate be liable to be punished with rigorous imprisonment for a term which may extend to three months.

(3) The Government may authorise the Manager of a vagrants' home to punish any vagrant detained in such vagrants' home who wilfully disobeys or neglects to comply with any rule referred to in sub-section (1) with hard labour of the type prescribed for any period not exceeding seven days; and such punishment may be in lieu of or in addition to any punishment to which the vagrant may

be liable under sub-section (2).

**Transfer of
vagrants from
one vagrants'
home to another**

16. The Controller may by order in writing direct the transfer of a vagrant from one vagrants' home to another and a vagrant in respect of whom such an order is passed shall thereupon be sent in the manner prescribed to, and handed over to the custody of, the Manager of the vagrants' home to which he has by such order been transferred.

**Outside
employment to
be obtained for
vagrants when
possible**

17. The Manager of a vagrants' home shall use his best endeavours to obtain outside the vagrants' home suitable employment for vagrants detained therein.

**Discharge of
vagrants from
vagrants' home**

18. (1) A vagrant may be discharged from a vagrants' home under orders of the Controller, -

(a) on the Manager of such vagrants' home certifying in the prescribed manner that satisfactory employment has been obtained for such vagrant;

(b) on its being shown to the satisfaction of the Controller that such vagrant has become possessed of an income sufficient to enable him to support himself without resorting to vagrancy;

(c) on a relative of such vagrant, or a person who the Controller is satisfied is interested in the welfare of such vagrant, entering into a bond with or without sureties for a sum prescribed, to look after and maintain such vagrant and to prevent him from resorting to vagrancy;

(d) for other good and sufficient reasons to be recorded by the Controller in writing.

(2) When the employment referred to in clause (a) of sub-section

(1) has been obtained for a vagrant, any such vagrant refusing or neglecting to avail himself thereof shall be liable to be punished on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to one month.

CHAPTER IV

PENALTIES AND MISCELLANEOUS

Punishment for employing or causing persons to ask for alms

19. Whoever employs or causes any person to ask for alms, or abets the employment or the causing of a person to ask for alms, or whoever, having the custody, charge, or care of a child, connives at or encourages the employment or the causing of a child to ask for 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.

Punishment for refusing to go before a Special Magistrate

20. Any person refusing or failing to accompany a police officer to, or to appear before a Special Magistrate, when required by such officer under section 6 to do so, may be arrested without warrant, and shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one month or with fine, or with both.

Punishment for refusing to submit to medical examination at receiving centre

21. Any vagrant who refuses to submit to a medical examination by the medical officer of a receiving centre or by any person assisting such medical officer under the provisions of sub-section (2) of section 8 shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one month.

Punishment for escape from receiving centre or vagrants' home

22. Any vagrant who escapes from any custody to which he has been committed under this Act or any rule made thereunder or who leaves a receiving centre without the permission of the officer-in-charge thereof, or who leaves a vagrants' home without the permission of the Manager thereof, or who, having with the permission of such officer-in-charge or Manager, as the case may be, left a receiving centre or a vagrants' home for a time specified under any rule referred to in sub-section (1) of section 15, wilfully fails to return on the expiration of such time, may be arrested without warrant and shall for every such offence, be liable to be punished, on conviction before a Magistrate with rigorous imprisonment for a term which may extend to six months.

**Procedure at
end of
imprisonment**

23. Every person imprisoned under the provisions of sub-section (2) of section 15, sub-section (2) of section 18, section 20, section 21 or section 22 shall at the end of his term of imprisonment be brought under police custody before the nearest Special Magistrate who shall forthwith deal with such person in the manner laid down in sections 7, 8 and 9 as if such person had been brought before such Special Magistrate under the provisions of section 6:

Provided that if the said Special Magistrate is of the opinion that such person would, if detained under this Act as a vagrant in a vagrants' home, be eligible to be discharged therefrom under the provisions of sub-section (1) of section 18, he may, instead of dealing with such person as aforesaid, direct that such person be released and such person shall thereupon be set at liberty.

**Prosecution and
jurisdiction to
try offenders**

24. (1) No prosecution for an offence under this Act may be commenced except by, or with the permission of, such officer as may be prescribed in this behalf.

(2) No offence under this Act shall be triable by any Magistrate other than a Magistrate of the first class.

**Persons to be
deemed public
servants**

25. All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of section 21 of the ⁷[Penal Code].

Indemnity

26. No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is in good faith done or intended to be done under this Act.

[Repealed]

27. [Repealed by the First Schedule of the East Pakistan Ordinance, 1960 (Ordinance No. XXVIII of 1960).]

Power to make rules

28. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

(a) the purposes for which a person may collect money or ask for food or gifts referred to in clause (9) of section 2;

(b) the constitution of the Board referred to in sub-section (2) of section 3;

(c) the manner in which the summary inquiry referred to in sub-section (1) of section 7 shall be made;

(d) the manner in which a vagrant is to be sent to a receiving centre under sub-section (1) of section 8 and the proviso to sub-section (1) of section 10;

(e) the manner in which a medical officer is medically to examine a vagrant under sub-section (2) of section 8;

(f) the types of works for which a vagrant may be reported fit under clause (e) of sub-section (3) of section 8;

(g) the manner in which a vagrant is to be sent to a vagrants' home under sub-section (1) of section 9;

(h) the manner in and the extent to which the provisions of sub-section (3) of section 9 in respect of children may be relaxed;

(i) the manner in which the money found with or on, or the proceeds of the sale of other personal effects of, a vagrant may be applied to the welfare of vagrants under section 14;

(j) the management and discipline referred to in sub-section (1) of section 15 to which vagrants detained in receiving centres and vagrants' homes shall be subject;

(k) the type of the hard labour which is to form the punishment which may be awarded under sub-section (3) of section 15;

(l) the manner in which a vagrant may be sent from one vagrants' home to another under section 16;

(m) the manner in which the Manager of a vagrants' home is to certify under clause (a) of sub-section (1) of section 18 that satisfactory employment has been obtained for a vagrant;

(n) the amount of the bond referred to in clause (c) of sub-section (1) of section 18;

(o) the officer referred to in sub-section (1) of section 24.

[] 29. [Continuance of action taken under Bengal Ordinance II of 1943.- Omitted by section 2 and the First Schedule of the East Pakistan Repealing and Amending Ordinance, 1962 (East Pakistan Ordinance No. XIII of 1962).]

¹ Throughout this Act, the words "Bangladesh" and "Government" were substituted for the words "East Pakistan" and "Provincial Government" respectively by section 3 and the Second Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act, 1973](#) (Act No. VIII of 1973)

² The word "Bengal" was omitted by section 3 and the Second Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act, 1973](#) (Act No. VIII of 1973)

³ Clause (2) was omitted by First Schedule of the East Pakistan Ordinance No. XXVIII of 1960

⁴ Clause (5) was omitted by First Schedule of the East Pakistan Ordinance No. XXVIII of 1960

⁵ The words and comma "and, in the Dacca Metropolitan Area, by the Police Commissioner" were inserted by section 12 and the Schedule of the Dacca Metropolitan Police (Amendment) Ordinance, 1976 (Ordinance No. LXIX of 1976)

⁶ The words "a Metropolitan Area" were substituted for the words "the Dacca Metropolitan Area" by section 114 and the Schedule III of the [Chittagong Metropolitan Police Ordinance, 1978](#) (Ordinance No. XLVIII of 1978)

⁷ The words "Penal Code" were substituted for the words "Pakistan [Penal Code](#)" by section 3 and the Second Schedule of the [Bangladesh Laws \(Revision And Declaration\) Act, 1973](#) (Act No. VIII of 1973)

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