

THE INDIAN PENAL CODE (AMENDMENT) ACT, 1959

No. 52 OF 1959

[17th December, 1959]

An Act further to amend the Indian Penal Code.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1959.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of  
new section  
363A.

2. After section 363 of the Indian Penal Code, the following section shall be inserted, namely:—

Kidnapping  
or maiming  
a minor for  
purposes of  
begging.

'363A. (1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of that minor in order that the minor might be employed or used for the purposes of begging.

<sup>1</sup>15th January, 1960, vide Notfn. No. G.S.R. 49, dt. 9-1-60, Gazette of India, Ex., pt. II, Sec. 3(i), p-9.

(4) In this section,—

(a) "begging" means—

(i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise;

(ii) entering on any private premises for the purpose of soliciting or receiving alms;

(iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;

(iv) using a minor as an exhibit for the purpose of soliciting or receiving alms;

(b) "minor" means—

(i) in the case of a male, a person under sixteen years of age; and

(ii) in the case of a female, a person under eighteen years of age.

5 of 1898.  
45 of 1860.

3. In the Code of Criminal Procedure, 1898, in Schedule II, after the entry relating to section 363 of the Indian Penal Code, the following entry shall be inserted, namely:—

Amendment  
of Schedule  
II, Act 5 of  
1898.

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<p>“93A Kidnapping, or obtaining the custody of, a minor, in order that such minor may be employed or used for purposes of begging.</p>	<p>May arrest without warrant.</p>	<p>Warrant</p>	<p>Not bail-able.</p>	<p>Not com-poundable.</p>	<p>Imprisonment either description for 10 years and fine.</p>	<p>of Court of Session, Presidency Magistrate, or Magistrate of the first class.</p>	<p>Court of Session”.</p>
<p>Maiming a minor in order that such minor may be employed or used for purposes of begging.</p>	<p>Ditto</p>	<p>Ditto</p>	<p>Ditto</p>	<p>Ditto</p>	<p>Imprisonment for life and fine.</p>	<p>for Court of Session”.</p>	<p>Court of Session”.</p>