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Anti beggary laws in India: A critical analysis

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Previously, it was believed that the state's primary concerns were law and order, as well as the protection of citizens' lives and property. However, in the nineteenth century, laissez-faire became the political gospel, with individual business managed without state involvement. More human misery resulted from the idea of minimal government intrusion in economic concerns and maximum private free entrepreneurship. Again, Collectivism's concept created a new situation in which money was concentrated in a few hands and the poorer members of society suffered greatly. The concept of social justice and the welfare state originated from collectivism's philosophy. The welfare state is a notion in which the government plays a key role in ensuring the socio-economic well-being of its citizens. Since independence, the government has played a key role in ensuring that its citizens are treated fairly in all aspects of life. Begging is viewed as an antithesis to social policy in the context of constitutional philosophy. Despite the existence of numerous social programs, begging continued unabated. Without getting into the morals or immoralities of begging, some states have established legislation making it illegal to beg. An attempt is made in this article to discuss India's anti-begging regulations.

Keywords: *human rights, welfare state, poverty, beggar law.*

INTRODUCTION

Since independence, India's government has played a vital role in ensuring that its people are treated fairly in all aspects of life. However, poverty is created by a disproportionate

distribution of wealth. Poverty, along with a precarious living situation, pushed many people to live as beggars in society. In India, beggary is a long-standing societal phenomenon. In India, this system of begging and almsgiving to mendicants and the impoverished is still prevalent. In 2015, India had 4,13,670 beggars, with West Bengal leading the way with 81,000 beggars. According to certain surveys, 99 percent of males and 97 percent of women turn to beggary as a result of abject poverty, distress migration from rural communities, and the lack of economic opportunities. On the contrary, according to a study, the act of begging that actually occurs is systemized and properly practiced as a career. Every city has its own gangs, each with its own gang leader in charge of the entire group. The gang leader receives all of the beggars' profits, and this is how it works. An article describes six of India's wealthiest beggars and how begging may make a person wealthy. Begging is illegal in several countries around the world, and many Indian states have approved similar legislation. The 'Prevention of Begging Bill; 2010'¹ was also introduced by the federal government. The goal of the law is to delegitimize begging as a result of organised gangs exploiting youngsters and forcing them to beg. Some individuals abduct children and force them to go begging in order to gather large sums of money. Anti-begging laws are opposed by several organisations. Because the enforcing authorities, such as the police, are harassing some innocent and homeless people. The living circumstances of beggar homes, which are supposed to give vocational training, have frequently been shown to be deplorable. Odisha has made an endeavor to rehabilitate beggars in the state. The purpose of this study is to examine the constitutional provision as well as the current anti-begging law. Finally, it offers certain steps to improve the enforcement of welfare policies in order to live a democratic life.

MEANING AND CONCEPT

Beggars have always existed in society, dating back to the dawn of humanity. Begging can be found in almost every society on the planet. Beggars can be spotted begging in India at crowded places such as bus stops, railway stations, markets, and near places of worship. Many religions, including Hinduism, Islam, Buddhism, and Jainism, have authorised begging as an

¹ Prevention of Begging Bill 2010

acceptable method of support for certain kinds of believers. Religious beliefs dictate that devotees should concentrate solely on spiritual growth, with no chance of becoming involved in earthly issues.

Beggary is defined as soliciting or receiving alms in a public place, whether or not under any pretense such as singing, dancing fortune-telling, performing or offering any article for sale, entering on any private premises for the purpose of soliciting or receiving alms, exposing or exhibiting any sore, wound, injury, deformity, or disease, whether of a human being or an animal, with the intent of obtaining or extorting alms, or having no visible means of subsistence and A beggar is someone who approaches people in public areas and asks for money, food, or other requirements for personal use, typically as a routine way of making a living. The term 'beggar' has a broad definition that includes poor people who are beggars. There have been numerous cases where police have wrongly accused poor people of begging and taken them into custody.

CONSTITUTIONAL PARAMETERS

The Indian constitution ensures that every citizen has the right to work and that their social and economic rights are protected. A right is a claim made by an individual that is essential to the realisation of human rights and the protection of individual freedom and dignity. The conditions of social existence without which no one can live in dignity are known as rights. Poverty is one of the most serious life conditions that affect human rights. The United Nations Organization has developed a structure for the promotion and protection of human rights on a global scale. Similarly, practically every country's constitution protects citizen and noncitizen human rights at the national level. India's constitution, as a social welfare state, guarantees the right to life and personal liberty to all people, regardless of their social status. The right to life encompasses all aspects of life that contribute to making one's life meaningful and worthwhile. The Supreme Court of India has construed Article 21 of the constitution liberally,² holding that the right to life includes the right to live in dignity, free from all forms of exploitation. In a separate decision, the Supreme Court clarified that the term "right to life" in Article 21

² Constitution of India, art 21

encompasses "right to livelihood" [14]. The right to a life free of exploitation is guaranteed by Article 23 of the Constitution.³ Its goal is to eliminate begging and other types of human trafficking. Article 23(1)⁴ should be interpreted in conjunction with paragraphs 39(e)⁵ and 39(f)⁶, which require the state to safeguard people against exploitation and moral and material abandonment.

THE BEHAVIOR OF THE PUBLIC TOWARDS BEGGARS

In today's culture, beggars are not treated favorably. Because beggars are impoverished and lazy people who rely on others' sympathy, there is a negative attitude against them. There are very few people in society who show compassion and sympathy to beggars. They are labeled as drug traffickers and child-lifters, among other things. There have been numerous occasions where states have adopted a negative attitude against beggars and taken particular measures to punish them. Beggars are thought to be a barrier to tourism and a stain on highly developed towns. As a result, beggars are dehumanized, and the country's reputation is tarnished in the eyes of the world. Before the opening of the Common Wealth Games in India, a campaign was launched to rid the streets of beggars. Nine police teams were dispatched to pick up beggars from twelve zero-tolerance zones, and two mobile tribunals were set up to prosecute beggars immediately. Currently, religious beliefs are not taken into account. In certain circumstances, police officers have a bad attitude toward the beggars. This incites widespread opposition to India's anti-begging laws.

LEGAL PROVISIONS AGAINST BEGGING

Some of the epithets alluded to India's ugliness in the eyes of the world. It resulted in a rather unpleasant situation. Beggars are occasionally involved in illegal activities and live in squalid conditions. Many Indian states have implemented laws declaring beggary illegal in order to regulate it. The following are some of the most important Acts:

³ Constitution of India, art 23

⁴ Constitution of India, art 23(1)

⁵ Constitution of India, art 39(e)

⁶ Constitution of India, art 39(f)

- The Hyderabad Prevention of Beggary Act, 1941⁷
- The Bengal Vagrancy Act, 1945⁸
- The Mysore Prevention of Beggary Act, 1945⁹
- The Bombay Prevention of Beggary Act, 1945¹⁰
- The Madras Prevention of Beggary Act, 1945.¹¹
- The Cochin Vagrancy Act, 1945¹²
- The Travancore Prohibition of Begging Act, 1945¹³
- The Bhopal Prevention of Beggary Act, 1947¹⁴
- The Bihar Prevention of Beggary Act, 1952¹⁵.

Aside from these statutes, Section 363-A of the Indian Penal Code¹⁶ makes abduction or obtaining possession of a juvenile, as well as harboring a minor for the purpose of begging, criminal offenses. It imposes a deterrent penalty that can include life imprisonment if the children are maimed. The Criminal Law (Amendment) Act of 2013¹⁷ makes it possible for a beggar to be imprisoned (10 years). The following provisions are included in the Act.

- a) Beggars may be arrested without a warrant
- b) They can be sentenced to jail without trial or may be sent to shelter homes/certified institution
- c) The punishment for beggary ranges from 3-10 years imprisonment.
- d) Court may pass detention of persons if totally dependent on a beggar.

⁷ Hyderabad Prevention of Beggary Act 1941

⁸ Bengal Vagrancy Act 1945

⁹ Mysore Prevention of Beggary Act 1945

¹⁰ Bombay Prevention of Beggary Act 1945

¹¹ Madras Prevention of Beggary Act 1945

¹² Cochin Vagrancy Act 1945

¹³ Travancore Prohibition of Begging Act 1945

¹⁴ Bhopal Prevention of Beggary Act 1947

¹⁵ Bihar Prevention of Beggary Act 1952

¹⁶ Indian Penal Code 1860, s 363A

¹⁷ Criminal Law (Amendment) Act 2013

- e) prescribes Penalty for employing persons to beg or using them for purposes of begging
- f) Provisions are made for the teaching of agricultural, industrial, and general education.
- g) Provisions are made for medical care of the inmates of the Receiving Centres and/ Certified institutions.
- h) If any beggar detained in a certified institution, found to be of unsound mind or a leper, he/ she can be removed to a mental hospital or leper asylum as per provisions of the Indian Lunacy Act, 1912¹⁸ and of the Lepers Act, 1898¹⁹.

BEGGARS AND INSTITUTIONALIZED CARE

Anti-begging laws cover a wide range of people, including those who have no evident means of subsistence and those who solicit or receive handouts. The Act imposes harsh penalties on professional beggars, but it also traps many innocent people in its web. The current law's main goal is to help disadvantaged and impoverished people get back on their feet. Rehabilitation homes and accredited institutions are ill-equipped to teach offenders how to provide alternate sources of income. 286 inmates of Bangalore's Nirashithara Parihara Kendra (Beggars Home) died suddenly in 2010. It shows that the institution's care has been mismanaged and that the individuals working there have an inhumane attitude. Similarly, the case of Ram Lakhan illustrates the judicial attitude toward beggars. The courts do not consider cases on humanitarian grounds and instead strive to resolve them quickly based on police reports. Odisha's government has taken good measures to detect beggars and offer them alternate remedies. Homestead land, dwellings, insurance coverage, Aadhar card, ration card, healthcare, and developing skill living by recovering their psychological strength, confidence, and giving them training for occupational skills for wage or self-employment are all part of the beggars' rehabilitation strategy." "Elderly beggars would be immediately relocated to an old age home," the administration said of elderly and female beggars. Female beggars can be

¹⁸ Indian Lunacy Act 1912

¹⁹ Lepers Act 1898

housed in short-term shelters. Lepers should be housed in homes developed under various government programs already underway.

CONCLUSION

Beggary is a social issue that has become accepted as a way of life. The administration wants to eliminate beggars from society. The states have made numerous steps to alleviate poverty. The initiative is commendable, but when carried out in a social context, it results in the harassment of innocent people. The legislation should be changed to penalize those who make begging a living rather than those who beg out of desperation. The rehabilitation strategy is thought to be out of step with the legal requirements. The mentality of the begging home's staff needs to alter. The rehabilitation center should not be seen as a prison. It should be able to modify the thinking of inmates who are able to locate another source of income. Beggary will not be eradicated from our culture unless we cease to encourage it. The stakeholders in the state administration must also take some ground-breaking steps to rehabilitate the poor person. Professional beggars and gang stars should be subjected to harsher penalties. For the homeless and hungry, the *Parens patriae* mentality should be adopted. The administrative authorities must avoid criminalizing poverty and work to build a proud nation devoid of slackers and alcoholics.