

## ANALYSIS OF BEGGARY IN INDIA: STRATEGIES AND LEGAL FRAMEWORK

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### INTRODUCTION

Beggars are the one who depends on others for their livelihood due to poverty and unemployment. In India one can see beggars in almost all public places. We became tolerant and habitual to beggary, which is a serious socio economic issue. There is a huge gap in distribution of wealth in India; on one hand we have billionaires and on the other hand a large number of people living on streets, starving and depended on alms for survival. Beggary is a symbol of inequality in the society. We talk about justice but human right which is the minimum that one should have is also not served. According to 2011 census there are 3, 72,217 beggars in India.

Beggars can be found at any public place (temples, mosque, market, railway stations, etc). They ask for money in different ways, some of them are - telling one that they are hungry, good would bless them if they will give them money, showing their infant child, asks for medical expenses, etc. Many of them seems fit and fine but still begs as this is easy and they might get more money through this than from any other work. Male, Female, old aged, children, infants, everyone are involved in this. They lose their self esteem and want to work for a better living.

There were some regional investigations and local studies conducted in this field but no proper research to address this problem entirely with a practical solution. It is an important social issue and needs a practical solution.

There are many able-bodied persons, who live on begging due to their laziness. Due to this, people like, old aged poor person or a handicapped, are also considered not to be genuine. Apart from male, female and old aged, children are also indulged in this activity. From a very early age they are indulge in begging that too by their parents, result is that they also ultimately became beggars and remain illiterate and doesn't opt for any other living. As children are sympathised they get more alms, so beggars tends to reproduce more to get more helping hands. They forget that children are their responsibility and not utility. Beggars are constantly neglected and exploited due to which they lose their self esteem and want to do something better.

Beggars are the symbol of inequality and are an important issue of human rights which must be addressed immediately.

### RESEARCH

The study is based on both primary and secondary source of data. Primary data has been collected from the beggars of Infocity region of Gandhinagar, Gujarat. It has been collected by using tools like, face to face interview, focused group discussion and keen observation. Research was conducted on 15 beggars.

Secondary data includes various journal articles, internet sources, news paper articles, 2011 census data and laws and bills related to beggary in India. Review and critical analysis has been done of all the available data.

The following is analysis drawn from the primary data collected –

Sr. No.	Approximate age of beggar	Sex	Able to work	No. of children/ siblings	Literate/ illiterate, Going to school or not (for children)
1	60	F	No	N.A.	N.A.
2	5	M	No	5(siblings)	No

3	20	F	Yes	4(children)	No
4	10	M	No	5(siblings)	No
5	35	M	Yes	N.A.	Till 4 or 5 <sup>th</sup> standard
6	8	F	No	6(siblings)	No
7	5	F	No	6(siblings)	No
8	38	M	Yes	6(children)	No
9	30	F	Yes	N.A.	N.A.
10	30	F	Yes	N.A.(carried one infant)	N.A.
11	10	M	No	4(siblings)	Yes
12	50	M	Yes	N.A.	No

### CASE STUDY

Some of the interactions with Beggars which will be help full in understanding their conditions are,

**Mute Boy-** I came across a 5 (approx) year old boy, who was in a shabby condition with torn clothes. I gave him some money, asked if he is hungry, he nodded his head and I bought him some food. He was not able to answer my questions properly. After a lot of struggle I got to know that he had 5 siblings and his parents were somewhere around, his house was close from the place and he knew nothing about school.

**Old lady-** It was easy to observe the old lady as she sat at one place. After enough observation I got to know that she earned approximately 70 rupees in 2 hours. She called the passerby and asked them to help her in the name of God. When I reached her to ask some questions, she ignored me and told to go away if don't have money to give her.

Many such question answer and observations were conducted which were accumulated and converted into tabular form.

### CAUSES OF BEGGARY

There are many causes of beggary, they can be broadly categorized as –

1. **Economic Causes-** one the reason of beggary is economic instability. This includes unemployment or under employment, destitution, landlessness, unjust land relations, oppressive wage structure and loss in agriculture occupation. They found no resources by themselves to sustain and starts begging.
2. **Social Causes-** We are social animals and need society to live better life but. Social disorders like the breakdown of joint family, cultural conflict, community disorganization, migration, etc<sup>1</sup>.leave economically backward and vulnerable people with no resources, no property, no employment and the only option left with them is begging. Children run away from their home because of abuse, hunger or in search of jobs, widows who are accepted neither by her in-laws nor by her own parents, are left with nothing.

<sup>1</sup>BHAVYA SHARMA, ANALYSIS OF ANTI BEGGARY LAWS IN INDIA- A CRITICAL LEGAL STUDY, 13, (2016).

3. Biological Causes- persons suffering from chronic illness, disability, insanity and old age are left by members of their family on their own, and due to their incapability of earning livelihood they beg.
4. Natural Calamities and Famines- natural calamity and disasters like tsunami, earth quake and famines and epidemic results in the huge loss of man and property. People lose all of their savings, resources, property, employment etc.. Though government aid them but usually it is either insufficient to recover the losses or never reach them.
5. Forced Beggary - At least 300,000 children across India are drugged, beaten and forced to beg every day, in what has become a multi million rupee industry controlled by human trafficking cartels... According to the Indian National Human Rights Commission, up to 40,000 children are abducted in India every year, of which at least 11,000 remain untraced... Children are sometimes maimed or burned to elicit greater sympathy and get more alms<sup>2</sup>. Children are used as an object of sympathy, they are forced to beg, and they are presented pitifully. This is not just against right to education and human rights but also a crime and can be categorise as slavery.
6. Illiteracy and Lack of Skills – As many of the beggars are involved in this since childhood, they don't know anything but begging. Even if they want to leave it, they have no alternative as they are unskilled and illiterate.

### **TYPES OF BEGGARY**

Beggars can be broadly categorised in the following types-

1. Professional/ Hereditary Beggars<sup>3</sup>- there are many nomadic tribes which live be showing their talent of juggling, walking on the rope, singing, etc. These are professional beggars. Transgender can also be categorised in this type who get their livelihood by begging. These beggars do this from childhood and it is like a tradition for them.
2. Child beggars,
3. Physically handicapped beggars/ mentally retarded Beggars,
4. Diseased beggars-person suffering from chronic illness/ disease due to which he is unable to work and sometimes considered as economic burden on family are left out on their own.
5. Religious mendicant's beggars-they have apparently renounced and became saint (sadhu, fakir) of a particular religion. They ask alms in the name of God and give their blessings in exchange.
6. Employed Beggars- They do Beggary as a part time job.
7. Temporarily unemployed beggars,
8. Able Bodied Beggars –they find beggary easy and don't opt for any other job due to lethargy and unemployment.
9. Migrant Beggars- some of the poor section of rural area and other parts of country migrant to urban cities in search of employment but usually have to beg for their daily household expense.

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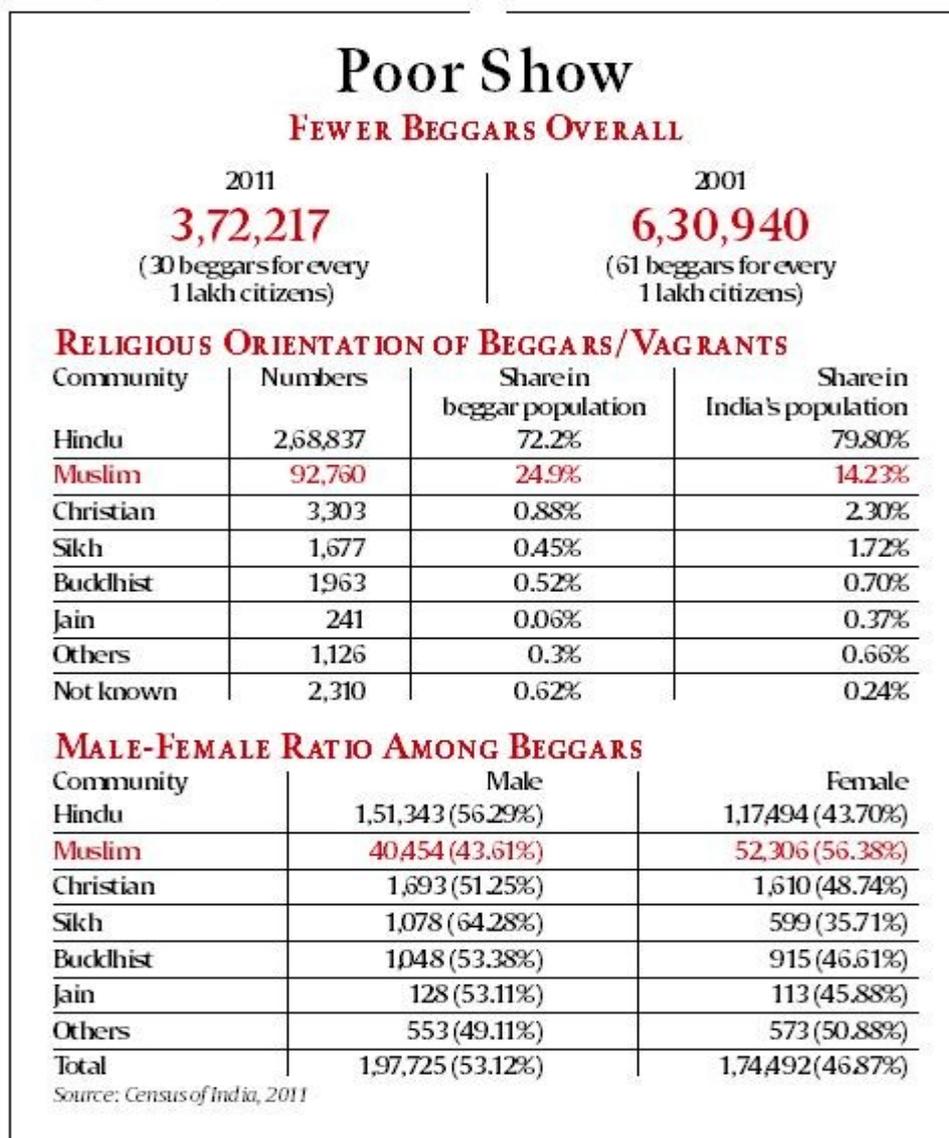
23,00,000 Children across India are Forced to Beg by Cartels: Report, DNA INDIA, (Jun 1, 2016, 10: 03 PM), <http://www.dnaindia.com/india/report-300000-children-across-india-are-forced-to-beg-by-cartels-report-2218856>.

3BHAVYA SHARMA, ANALYSIS OF ANTI BEGGARY LAWS IN INDIA- A CRITICAL LEGAL STUDY, 20, (2016).

10. Forced Beggars –In urban areas beggars have formed associations. Some groups also abduct and deform children and force them to beggary and keep the money collected by them.

### EXTENT OF BEGGARY IN INDIA

Beggars in India can be found in any public place, temples, mosque, market area etc. We have become tolerant and habitual to their presence. Besides genuine old aged and physically disabled many able bodied and children are also indulge in this. It has become a way of living for many.



Beggary is a failure of humanity. It should not be seen just through the perspective of religion and sexes; to solve it we must see it from a broader perspective. They must be classified under the categories like skilled, unskilled, minor, major, able and disable.

Though the number of beggars has decreased considerably, but it is still major issue of human right and will be unless none is a beggar.

## LIMITATIONS AND LOOPHOLES OF PAST STRATEGIES AND LEGAL FRAMEWORK

### 1. CONSTITUTIONAL PROVISIONS

According to the Constitution, to make provisions for beggars comes under the jurisdiction of State government.

Under Article 21<sup>4</sup> of Constitution the meaning of right to life is expanded to right to life with dignity. The provisions of Article 39A<sup>5</sup> of the Constitution of India aims at providing free and comprehensive legal services to the indigent section of the population<sup>6</sup>. Article 45<sup>7</sup> guarantees compulsory free education till 14 years of age. But it is very regretful to say that these are not yet properly served when we have 3.7 lakh beggars in our country.

### 2. STATE LEGISLATIONS

There is uniform law in India to deal with beggary, though any states have passed their own laws. There are 22 different laws in different states and UTs which are mainly the extension of Bombay Prevention of beggary (BPB) act, 1959. BPB criminalises beggary in Mumbai and Delhi.

Section 2 of BPB act defines begging and Section 6 has provision for punishment of 3 to 10 years of jail for begging. While the punishment of employing person for begging is 1-3 years of jails under Section 11 of the act. The law prima facie looks unconstitutional. It gives the provision of punishing the victim. It is applicable in Mumbai and Delhi which are the two most important cities of India. This may be due to the presence of large number of beggars and rackets in these places but to punish the victim is not the right way to solve any problem.

Criminalising forced beggary and prohibiting child beggars seems to be logical but criminalising beggary with heavy punishment is not. In the BPB act the ambit of 'Begging' is extended by including "singing, dancing, fortune telling, performing or offering any article for sale<sup>8</sup>", which is not only restricting them to get their livelihood from begging but also from legitimate means.

### 3. OTHER LAWS RELATED TO BEGGARY

Under IPC provision for punishment for kidnapping or maiming a minor for the purpose of begging is given in Section 363A<sup>9</sup>. The Indian Railways Act, 1941, prohibits begging in railway premises and trains. But the implementation of this law does not seem to be effective as many beggars can be found on various railway premises and trains.

Blanket law for decriminalising of beggary should come into effect. As various states have different laws which have several loopholes. The Persons in Destitution (Protection, Care and Rehabilitation) Model Bill, 2016, which is a pending bill, should be passed which have provisions of rehabilitation and rescue of beggars. Government spend a lot of money to eradicate poverty, but no proper strategy and implementation is followed to do so. It is

<sup>4</sup>INDIA CONST. art. 21.

<sup>5</sup>INDIA CONT. Art.39A.

<sup>6</sup>BHAVYA SHARMA, ANALYSIS OF ANTI BEGGARY LAWS IN INDIA- A CRITICAL LEGAL STUDY, 64, (2016).

<sup>7</sup>INDIA CONST.art.45.

<sup>8</sup>The Bombay Prevention of Begging Act, 1959.

<sup>9</sup>Indian Penal Code Act, 1860.

the need of hour to have a better and practical intervention strategy which is implemented in whole country to fight with poverty.

### **STRATEGIES AND POLICES TO DEAL WITH BEGGARY**

The following strategy has been planned to deal with beggary in India. The following steps should be followed to implement it-

1. Though Beggary should be decriminalised as beggars are victims and not criminals, but person indulge in beggary after seeking sufficient aid from government and practice of forced beggary should be criminalised.
2. All the beggars should be registered and given IDs and proper reasons for their being beggar should be asked.
3. Those who are able bodied but don't have any resources or employment should be given employment or resources to became self sufficient. Like vocational training or initial capital for their small business. But at the same time they must be made accountable to the government to tell what progress they have made through this help.
4. More rehabilitation centres should be opened to accommodate old age, physically disabled, infant, victims of forced labour and forced beggary.
5. Old age and physically disabled who are capable of doing certain jobs should also be given training. Like a handicapped can do sewing, weaving, binding etc.
6. Children should be given stipend for coming to school, and mid day meal as already guaranteed by government should be provided. Proper care must be taken so that no discrimination shall take place in school or any other such places.
7. Though we have special funds to rehabilitate beggars but there proper allocation need to be done, in order to make beggars independent rather than dependent on government and society.
8. Large scale campaign should be carried on to encourage people to not to give money directly to beggars but to donate them to the fund created by government (if they are willing).
9. Expenditures of the fund should be made public to increase transparency. Which can be done by making a website which would carry all the information of work done and expenditure, so that anyone can check and also file complaint if they have suspected anything wrong.
10. Regular inspection of schools should be done to ensure that poor and lower caste children are not discriminated and proper facilities are provided to them.
11. Government can start various small scale industries to ensure beggars employment and the profit can be used for their benefit.
12. They can be trained for nursing, care taker, gardener etc then enrolled by government with proper Ids and the person who their need service can contact them and avail their services.

The suggestions and ways to stop beggary are many. Only thing which is required is willingness and proper implementation of plan which require participation and cooperation of beggars, government as well as society at large.

## CONCLUSION

There are enormous beggars in India, who are dependent on others for their earnings. Even after 67 years of republic India, rights guaranteed by preamble of Indian Constitution are not served (dignity, equality of opportunity, etc). Human Rights which are the minimal one should have are also not given. But we have become tolerant to this and accepted it as a fact.

Beggary is a socio economic problem. This is a disease that can be cured only if whole society comes together and fight for it. They should be given fair opportunity to live a better and dignified life on their own. As a society and nation we owe duty towards them. Law should be made to rehabilitate and rescue them, not to punish them.

Beggary is the effect of problems like poverty, unemployment, illiteracy, caste bias etc. And eradication of beggary from society will help in eradication of these evils from the society too.