



# Decriminalising Begging

## Why in News

The Supreme Court has asked the Centre and four States to file their response on a plea seeking a direction to **repeal the provisions** [criminalising begging](#).

- It has been argued in the plea that a person, who is compelled to beg due to certain circumstances, **cannot be faulted for his actions**.
- Recently, the [Ministry of Railways has also proposed to decriminalise begging](#) on trains or railway premises.

## Key Points

- **Plea's Argument For Decriminalising Begging:**
  - **Earlier Judgment On Decriminalisation:** The [Delhi High Court which had decriminalised begging](#) in the national capital said provisions of the **Bombay Prevention of Begging Act, 1959**, which **treats begging as an offence cannot sustain constitutional scrutiny**.
  - **Criminalising Begging Against Right To Life:** The provisions of the statutes criminalising the act of begging put people in a situation to make an **unreasonable choice between committing a crime or not committing one and starving**, which goes against the very spirit of the Constitution and violates **Article 21 i.e. Right to Life**.
  - **Government's Obligation To Provide Social Security:** The government is mandated to provide **social security to everyone and ensure that all had basic facilities**, as embedded in the **Directives Principles of State Policy (DPSP)** in the Constitution.
    - The presence of beggars is evidence that the state has failed to provide basic facilities to all its citizens.
    - So instead of working on its failure and examining what made people beg, **criminalising the act of beggary is irrational and against the approach of a socialist nation** as embedded in the preamble of Indian Constitution.
- **Plea's Suggestion:**
  - **Fast Forward Beggars Rehabilitation Legislation:** The plea has claimed that the **Abolition of Begging and Rehabilitation of Beggars Bill 2018** had been introduced in the Lok Sabha but till now, this bill is not passed and is wedged in length parliamentary procedures.
    - It has resulted in **thousands of poor facing more hardships because of present arbitrary statutes**.
    - The legislation process must be fast forwarded.
  - **Declare Some Provision As Void :** The petition has sought directions to declare as **"illegal and void" all provisions**, except some sections, of the **Bombay Prevention of Begging Act, 1959, Punjab Prevention of Beggary Act, 1971, Haryana Prevention of Begging Act, 1971** and **Bihar Prevention of Begging Act 1951**.
  - It has also sought to declare all other similar Acts prevailing in any part of the country as

illegal.

#### ▪ **Bombay Prevention of Begging Act, 1959:**

- There is **no central Act on beggary**, many states and Union Territories have used the Bombay Act as the basis for their own laws.
- The **Act defines a “beggar”** as anyone having no visible means of subsistence, and wandering about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exists by soliciting or receiving alms.
- “Begging” under the Act includes soliciting or receiving alms in a public place, whether or not under any pretence of singing, dancing, fortune-telling, performing or offering any article for sale.
- The **Act gives the police the power to arrest individuals without a warrant**. It gives magistrates the power to commit them to a detention centre for up to three years on the commission of the first “offence”, and up to 10 years upon the second “offence”.
  - Before that, it strips them of their privacy and dignity by compelling them to allow themselves to be fingerprinted.
- The **Act also authorises the detention of the family of the beggar**, and the separation of children over the age of five.
- **Certified institutions or detention centres have absolute power over detainees**, including the power of punishment, and the power to exact “manual work”. Disobeying the rules of the institution can land an individual in jail.

#### **Number of Beggars In India**

- According to the **Census 2011** total number of beggars in India is 4,13,670 (including 2,21,673 males and 1,91,997 females) and the number has increased from the last census.
- **West Bengal tops the chart followed by Uttar Pradesh and Bihar** at number two and three respectively. Lakshadweep merely has two vagrants according to the 2011 census.
- Among the union territories, New Delhi had the largest number of beggars 2,187 followed by 121 in Chandigarh.
- Among the northeastern states, Asam topped the chart with 22,116 beggars, while Mizoram ranked low with 53 beggars.

#### **Way Forward**

- The Centre made an attempt at repealing the Act through the **Persons in Destitution (Protection, Care and Rehabilitation) Model Bill, 2016**, with provisions including **doing away with the Beggary Act and proposing rehabilitation centres** for the destitute in each district.
  - Persons in Destitution Bill, 2016, needs to see the light of the day.
- Bihar government’s **Mukhyamantri Bhikshavriti Nivaran Yojana** is a scheme worth emulation.
  - The scheme, instead of detaining persons under the Act, provides for open homes and community outreach for destitute persons.
  - Now, rehabilitation centres have been set up, with facilities for treatment, family reintegration and vocational training.
- The very real problem of **organised begging rackets will have to be addressed** by other means, perhaps based on the law of trafficking.

**Source:TH**

