



## BEGGARS AND THE LAW

BEGGARY IS an age old problem. In India this problem has assumed a stupendous proportion. In accordance with the Census of 1971, there were 10,11,619 beggars and vagrants in the country of which 5,91,501 were male and 4,20,118 female. The beggar population in the age group of 60 and above is about twenty-five per cent who can hardly earn their living and learn any craft. The problem with this category of beggars can be solved by establishing permanent liability institutions so that they may have a shelter for the remaining periods of their lives. There is need for treatment, training and employment for the remaining seventy-five per cent of beggar population in accordance with a system of classification. There are different categories of beggars. They may be broadly divided into four categories: (i) juvenile; (ii) able-bodied; (iii) diseased, old and infirm; and (iv) physically handicapped and mentally ill.

In the category of able-bodied beggars fall various kinds of beggars like casual beggars, fake beggars, habitual or professional beggars. The habitual or professional beggars want to evade work, remain indolent although they are able to eke out a living on their own. They generally come from rural areas and throng in cities, places of pilgrimage and tourist centres. The lure of easy life and prospects of employment drive them out of their rural surroundings and throw them into a plight of uncertainty and helplessness. Thus, this problem is, by and large, of urban nature and has its roots in the socio-economic conditions prevailing in the country.

The problem of begging by children has, of late, assumed an alarming proportion. The Government of India has set up a committee in 1968 to go into the problem of kidnapping of children for purposes of begging. A few case studies in that connection revealed that there were organised gangs who enticed children to the nefarious act of begging and exploited them for purposes of soliciting alms from door to door. The committee suggested that stringent measures should be taken to deal with this problem by amending the relevant section of the Indian Penal Code. It opined that under section 363A(1) of the Indian Penal Code a minimum sentence of three years should be provided so as to make the law more effective and deterrent. It went further to add that the definition of begging under section 363(4)(a) should be amended to make it more comprehensive in conformity with the anti-beggary legislation of some states. It was also suggested by the committee that relevant provisions of the central and state Children Acts as well as the state anti-beggary legislations might be examined in the context of section 363A of the Penal Code.

The able-bodied professional beggars take to begging as an organised business. While some beggars are so desperately poor and solicit alms just to keep the body and soul together, other beg because they have made it their



profession in the name of religion and find it an easy and lucrative vocation. All such beggars are not actually homeless. Some of them have fixed abodes where they return after begging during the day and retire like normal daylabourers. They have their community life and the instinct of living in herds plays an important role.

There are several causes of begging. One of the causes is the age-old tradition of giving alms to beggars. A sort of religious sanctity is attached to alms giving and many people are by nature reluctant to refuse a beggar. There are many legends enshrined in our great epics on this. One important cause of begging is the rapid increase of population and consequent pressure on land. A considerable part of the rural people have been displaced from agricultural land and in the absence of any viable subsidiary industry in rural areas, these people are driven to begging. Subdivision of holdings coupled with the problems of large families and traditional methods of cultivation yielding little are also responsible for the deplorable plight of the rural masses. Recent industrialisation and scientific developments have heralded a new way of life and the age-old social system which provided security and assistance to each individual in a society is gradually losing its ground. The joint family system which was a source of security to its members has given way. Nowadays, in the event of sudden death of the earning member of the family, all dependent members become helpless and destitute and sometimes take to begging. When a person suffers from a chronic and pernicious disease, people feel a sort of contempt for him. Even his family members sometimes abandon him. It becomes difficult for him to stay in the locality, let alone in the family. He finds himself in utter helplessness and leaves for an unknown destination. In some cases ignorant parents allow their children to beg with a view to increasing their income. Lack of facilities for learning useful crafts and trades is also often responsible for large scale unemployment and frustration which ultimately lead to begging. There is no organisation at the rural level to look after the welfare of the unattached, abandoned and disabled. People in the community are generally averse to pooling together the available resources for the welfare of the helpless people.

Begging is an offence under the penal law, while poverty, like a disease, is a misfortune which calls for relief under social security laws. The distinction between the two is found in the United Kingdom where begging is punished under the Vagrancy Acts, while poverty is relieved under the poor laws and the social security Acts. In India, West Bengal alone follows the British example in this respect. The Bengal Vagrancy Act of 1943, penalises begging, while the Bengal Poor and Unemployment Act, 1939 seeks to give suitable relief to the poor and the unemployed. Relief is needed not only for the poor who beg but also for those who do not beg.

The earliest law in India was the European Vagrancy Act of 1874, which was applicable to the whole of the then British India. However, there is no all India law against begging as such. Certain sections of the Criminal



Procedure Code could be used to prohibit begging, *i.e.*, section 109(b) of the old Criminal Procedure Code prohibited vagrancy. A vagrant is defined therein as one who has no ostensible means of subsistence or who cannot give a satisfactory account of himself. Section 133 of the Old Criminal Procedure Code provided for penalty for public nuisance. But these were indirect laws for dealing with the problem of begging. There is, of course, a direct all India measure to prevent begging; but it is limited to railways only. The Government of India passed the Indian Railways Act, 1941 prohibiting begging in the railway premises and in trains.

It was about half a century ago that the first attempts for controlling begging through laws were made in this country. These were the Municipal Acts which made importunate begging and exposure of diseased limbs for the purpose of begging as offences. The main aim was to prevent annoyance and public nuisance in urban areas. In accordance with the Constitution of India, the subject of beggary is relatable to item 9 of List II of the seventh schedule. The implementation of the programmes pertaining to the eradication of beggary is within the jurisdiction of the state governments. The States of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu and West Bengal and the Union Territories of Delhi and Goa have enforced anti-beggary Acts in their respective areas. All these Acts provide for the prevention of begging through the detention, training and employment of beggars and also for the custody, trial and punishment of beggars. Begging is a cognizable offence under these Acts and special police squads operate in areas where the anti-beggary legislation is in force. The police can round up beggars and produce them before the court. In passing any order under the provisions of the Act, the court considers the report of the probation officer with regard to the age, character, circumstances and conditions in which the accused was living, his health, *etc.*, and if he is found to be a beggar, he is sent to an institution for treatment, care and training for a period of not less than one year, but not more than three years. At present there are seventy-six institutions for beggars in the country with a total inmate population of 8,951 approximately. During the Second and Third Five Year Plans efforts were made to provide outlays in the state plans to enable the states to set up adequate institutional machinery for making the laws effective. Some beggar homes came into existence during the second plan in some states. These have further been developed in the third and fourth plans. In spite of these efforts, it appears that the existing anti-beggary laws have not been adequate to deal with this stupendous problem. The services in this field lack uniformity and standardisation because of the variations in the legal provisions and administrative machineries. The approach adopted in tackling the problem is based primarily on punitive devices with very little scope for a diversified treatment of various categories of beggars. Analysing the prevailing situation, the Study Group on Begging and Vagrancy, appointed by the Planning Commission in 1965, had re-



commended that a double track system consisting of social defence approach towards those who beg professionally, wilfully and habitually and social assistance approach towards those who are socially handicapped, crippled, diseased, old and infirm, may be devised.

It has been realised that there should be comprehensive programmes of treatment with provision for punitive action for habitual beggars. The programmes should include out-door relief, proper utilization of man-power and follow-up services. In view of the existing lacunae in the Acts, the Department of Social Welfare, Government of India, has taken steps to evolve a 'Model Antibeggary Bill' for the union territories. In this draft Bill various new measures have been envisaged to improve services and strengthen the machinery for enforcement. It provides that the cases of beggars are to be thoroughly studied in classification centres and beggars classified into different categories in accordance with their physical and mental health conditions. In most of the cases, beggars are found to be in a precarious state of health and many of them are afflicted with communicable diseases like tuberculosis, leprosy, *etc.* Necessary arrangements for their treatment in hospitals is to be made so that they may be cured and become fit for earning their livelihood. For the habitual beggars, provision should be made for institutionalisation and treatment. In these cases institutional treatment may help in inculcating habits of work and facilitate their rehabilitation on release.

Now the question arises as to whether a comprehensive legislation will be sufficient to prevent the festering evil of begging. The answer is in the negative. Unless the people are made conscious of the futility of indiscriminate charity and cooperate with the government in the implementation of the anti-beggary Acts, this problem will continue to defy all attempts at its solution. Giving alms to an individual does neither help him nor society as a whole; rather such benevolence aggravates the socio-economic problems and encourages indolence in society. The idea should be disseminated through various kinds of mass media like radio, television, newspapers, magazines, pamphlets, *etc.* An anti-beggary week may also be observed once in a year and an extensive campaign undertaken to arouse people's interest in solving this problem. Voluntary organisations have an important role to play. There are a number of trusts in operation at various places of pilgrimage. These trusts may be involved in activities connected with the anti-beggary programmes. Huge amounts are often spent by way of distributing food to beggars at holy places. Such expenditure may be channelised through well organised institutions so that the helpless beggars get not only food but treatment, training and work facilities as well. At each important place of pilgrimage and tourist centre, there should be a well-equipped special police squad who can round up a beggar at sight and put him into the classification centre. On receipt of reports from the classification centre, the court may order for committal of each beggar to an institution or a work-centre in accordance with his or her ability. The work-centre should be on the



lines of a training-cum-production centre. This will not only provide work to persons but also impart training in some useful crafts. All the concerned departments, viz, health, social welfare, tourism, railways, transports and voluntary organisations should make concerted efforts for eradicating this evil. Committees at various levels with representatives from these departments and organisations may occasionally meet and deliberate on this problem in the context of a particular area and suggest measures for further intensification of efforts.

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