

# Rehabilitation of Beggars in India - A Jural Analysis with Special Reference to Indian Constitution

Chayan Chakraborty

LL.M (Vidyasagar University, West Bengal, India.)

## ABSTRACT

Beggars of today have adopted beggary as a profession as it has changed its form in the modern period and the problem has become a colossal one. There are two faces of the mirror where on one side India is striving towards Social justice for all but in other side Beggary still prevails in mass. Beggars are not given any source to improve their condition. Government has made various laws, various schemes to uplift the life of these categories of people but most of them remain unfruitful. Article 21 of the Indian Constitution Provide “Right to Life” or in simple term it means no persons shall be deprived of his life, but people begging do not enjoy and benefit coming out of it. Social and economic conditions of these people and economic conditions of these people need to change and change only can be made if governments take serious action in this matter. Only when all portions of the society is treated equal given equal opportunities be it both stronger and weaker ones can the problem of beggary come to an end.

**Key words:** Society, social justice, anti-beggary laws, right to life, rehabilitation

## INTRODUCTION

Sociology is the systematic study of human societies, giving special, but not exclusive emphasis, to modern industrialized societies. <sup>[1]</sup> A social problem is considered a sub-discipline of sociology. A social problem is a condition or set of events that some people in society view as being undesirable, drug abuse, alcoholism, population, explosion, corruption, child abuse, AIDS, terrorism, poverty, pollution, unemployment and crime against women are not individual problems but affect the society at large. <sup>[2]</sup> Apart from the problems stated above beggary is an age old problem. The beggary is a course for humanity as a whole. But in a poor country like India it is not only a curse but a great financial burden too. At present there are more than half million beggars in India and if we include among these, those persons who occasionally beg the number will swell into

few millions. The beggars perform no useful social function. Beggary is a symbol of inequality in the society. We are well concerned about justice but human right which is the basic right that one should have is also not served. The following chart <sup>[3]</sup> showing the census 2011, the number of total Beggars in India which are major concern today.

## CAUSES OF BEGGARY:

1. Economic causes - Economic instability is one of the reason of beggary. This includes poverty, unemployment & under employment in rural areas, unjust land relations, cruel practices of maiming and deforming children.
2. Social causes - Social disorders like the breakdown of joint family, divorce or desertion by husband leads a woman for beggary, employed parents are not able to control their children.

3. Biological causes - Persons suffering from disability, insanity and old age are left by family members, due to their incapability of earning livelihood they beg.
4. Religious causes - Religious custom in India encourages charity and the beggars provide occasion for extending such charity near temples and at the places of pilgrimages. [4]
5. Natural causes - Frequent floods, famines and draught conditions force many rural people to enter into beggary.
6. Lack of education - Illiteracy is a great concern for a begging.

Sl. No.	India/State/UT	Beggars		
		Persons	Males	Females
	INDIA	413670	221673	191997
1.	J & K	4134	2550	1584
2.	H. P.	809	504	305
3.	PUNJAB	7939	5197	2742
4.	CHANDIGARH	121	87	34
5.	UTTARAKHAND	3320	2374	946
6.	HARYANA	8682	6504	2178
7.	NCT OF DELHI	2187	1343	844
8.	RAJASTHAN	25853	15271	10582
9.	U. P.	65835	41859	23976
10.	BIHAR	29723	14842	14881
11.	SIKKIM	68	46	22
12.	ARUNACHAL PRADESH	114	59	55
13.	NAGALAND	124	65	59
14.	MANIPUR	263	117	146
15.	MIZORAM	53	33	20
16.	TRIPURA	1490	607	883
17.	MEGHALAYA	396	172	224
18.	ASSAM	22116	7269	14847
19.	W. B.	81244	33086	48158
20.	JHARKHAND	10819	5522	5297
21.	ODISHA	17965	9981	7984
22.	CHHATTISGARH	10198	4995	5203
23.	M. P.	28695	17506	11189
24.	GUJRAT	13445	8549	4896
25.	DAMAN & DIU	22	15	7
26.	DADRA & NAGARHAVELI	19	7	12
27.	MAHARASHTRA	24307	14020	10287
28.	ANDHRA PRADESH	30218	16264	13954
29.	KARNATAKA	12270	6436	5834
30.	GOA	247	131	116
31.	LAKSHADWEEP	2	0	2
32.	KERALA	4023	2397	1626
33.	TAMILNADU	6814	3789	3025
34.	PUDUCHERRY	99	54	45
35.	A & N ISLAND	56	22	34

### TYPES OF BEGGARY

In our country beggary has become a gigantic problem. In India the phenomenon of beggary assumes variety of forms that have been described as types or kind of

beggary. The beggars can be classified under the following prominent types.

1. Professional or Hereditary beggars - Certain communities consider begging as profession. Possessing these natural traits from birth and growing up to make them their livelihood. They are generally or a caste living a nomadic life performing acts ie., singing, acrobats etc. and feel no disrespect doing so.
2. Child Beggars - Child Beggars are those who have not attained the age of 18. They include both male and female beggars who are entitled to be covered under sec 2(d) of the Juvenile Justice Act, 2000.
3. Diseased Beggars - This category of beggars include persons suffering from acute stages of venereal diseases like Leprosy, Epilepsy, T.B., Skin disease etc. moving around making their disease source of their begging.
4. Physically Handicapped / Mentally retarded Beggars - Mentally retarded include the feeble minded and those suffering from mental disorder, whereas physically handicapped beggars are the ones with physical disabilities such as deafness, blindness, limb or body deformities etc.
5. Religious Mendicants Beggars - In these category are included those who have renounced the world and are carrying on the orthodox tradition of spiritual singing and Enlightenment of the householders. Bairagis, fakirs, gianis etc. are some of their form.
6. Employed Beggars - Having a job but still indulging in begging during their free time, categorizes the employed beggars. Usually low wages or unsteady nature of job serves as an inducement to begging.
7. Temporarily Unemployed - Person who were employed but at present live with no job often make begging their source of livelihood. Sooner they are employed they let go of it.
8. Able Bodied Beggars - This type consider begging as birth right and

bullies harass and trouble public into giving them alms. They are fit but pretend to be unfit generally cheating for money.

9. Migrant + Beggars - These are section of the rural portion deprived of their poverty & forced to migrate to big cities where job refusals leads them to begging.

## CONSTITUTIONAL MANDATE

India attained Independence on 15<sup>th</sup> August 1947. Speeches made in the constituent Assembly just before midnight on that historic occasion reflected the vision of the country's leaders, as the dignitaries present dedicated themselves to the service of the nation and to the larger cause of humanity. [5] Our constitution stands for a great social purpose, embodying, on the one hand, the Fundamental Rights and, on the other hand, the Directive Principles of the state policy. Our constitution makers never intended the constitution to be a document for fastidious dialectics, but the means of ordering life of a people on the broad principles of justice, liberty, equality and fraternity. [6] Since the directive principles have been made fundamental in the governance of the country and the basis of making social and economic laws for the uplift of the masses, it has also become an imperative for the courts of interpret the rules in the light of great social purpose embodied in the directive principles.

One of the principal aims of socialism (Inserted 42<sup>nd</sup> Amendment, 1976) is the distribution of the material resources of the community in a way so as to subserve the common good. This principle is embodied in Art. 39(b) as one of the essential Directive Principles of the State policy. On the other hand the preamble and Art. 38 of the constitution envision social justice as the arch to ensure life to be meaningful and liveable with human dignity. Social justice is an integral part of justice in the general sense. Justice is one of its species. Social Justice is a dynamic

device to mitigate the sufferings of the poor, weak and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of a person. Social Justice is not a simple or single idea of society but is an essential part of complex social change to mitigate the sordid condition of the poor. In common parlance the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation and constitutional goal. The Supreme Court has held that the sweep of the right to life conferred by Art. 21 of the constitution is wider & far reaching. 'Life' means something more than mere animal existence. An equally important facet of the right is the right to livelihood because no person can live without the means of living, i.e. livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of life to the point of abrogation. There is a close nexus between life and the means of livelihood and as such that, which alone makes it possible to live, leaves aside what makes life liveable, must be deemed to be an integral component of the right to life. From the foregoing discussion it is crystal clear that our constitution provides the provisions of social justice, right to livelihood but it is very regretful to say that these constitutional mandates are not yet properly served when we have more than 4 lakh beggars in our country as per the data released by Union Ministry of Social Justice.

Legal Provisions related to Anti-Beggary in India

In order to control the beggary there is uniform law in India. In relation to this problem any state legislature can legislate upon this, presently there are 22 different laws in different states and UTs which are mainly the extension of Bombay Prevention of Beggary Act, 1959. They are as follows: [7]

Sl. No.	States / UTs	Legislation in Force
1.	Andhra Pradesh	The Andhra Pradesh Prevention of Beggary Act, 1977
2.	Assam	The Assam Prevention of Begging Act, 1964
3.	Bihar	The Bihar Prevention of Begging Act, 1951
4.	Chhattisgarh	Adopted the Madhya Pradesh Bikshavirty Nivarn Adiniyam, 1973
5.	Goa	The Goa, Daman and Diu Prevention of Begging Act, 1972
6.	Gujarat	Adopted the Bombay Prevention of Begging Act, 1959
7.	Haryana	The Haryana Prevention of Begging Act, 1971
8.	Himachal Pradesh	The Himachal Pradesh Prevention of Begging Act, 1979
9.	J and K	The J & K Prevention of Begging Act, 1960
10.	Jharkhand	Adopted the Bihar Prevention of Begging Act, 1951
11.	Karnataka	The Karnataka Prevention of Begging Act, 1975
12.	Kerala	The Madras Prevention of Begging Act, 1945 The Travancore Prevention of Begging Act, 1120 The Cochin Vagrancy Act, 1120
13.	M. P.	The M. P. Bikshavirty Niraran Adhiniyam 1973
14.	Maharashtra	The Bombay Prevention of Begging Act, 1959
15.	Punjab	The Punjab Prevention of Begging Act, 1971
16.	Sikkim	The Sikkim Prohibition of Beggary Act, 2004
17.	Tamilnadu	The Madras Prevention of Begging Act, 1945
18.	U. P.	The Uttar Pradesh Prohibition of Begging Act, 1972
19.	Uttarakhand	Adopted the Uttar Pradesh Prohibition of Prevention of Begging Act, 1972
20.	W. B.	The West Bengal Vagrancy Act, 1943
21.	Daman & Diu	The Goa, Daman & Diu Prevention of Begging Act, 1972
22.	Delhi	Adopted the Bombay P Prevention of Begging Act, 1959

### OTHERS LAWS RELATED TO BEGGARY

- U/s 363A IPC, 1860 provides punishment for kidnapping or maiming a minor for the purpose of begging.
- The Criminal Law (Amendment) Act, 2013 provides for an imprisonment for a convict of beggary.
- The Indian Railways Act, 1941 prohibits begging in railway premises & trains.

### PROPOSED POLICIES FOR THE REHABILITATION OF BEGGARS

- Education is the first and the main weapon by which the problem of beggary can be fought and conquered.
- Beggary should be decriminalised for ones who are really dependent on it and not on those who practice it even after getting sufficient aid from the government.
- People begging should be registered given IDs and cause for their condition should be taken into consideration and worked upon.
- Old peoples who are forsaken by their wards should be taken to old age homes.
- Rehabilitation centres for the disabled, infants & forced labour should open in mass for their development.

- We shouldn't give aims to young beggars, they are capable of working. Giving them aims we are encouraging them to beg.
- Children also shouldn't be given aims as they are sent by their parents and this will encourage their parents to earn their livelihood in this way.
- Also there are beggars who ask on the name of religion, taking advantage of religious sentiments of Indian people. They should be strictly restrained.
- Government should come up with various projects providing employment to beggars according their capability.
- Children of these beggars should be admitted to schools, given free meals and a check on their regularity should be maintained so that they don't end up on the road begging as their elders.
- The disabled or diseased should be given proper treatment which benefits them and further help them come out of their reprieved lives and live better opportunities.
- Women and children beggars should be discouraged to beg. They should be educated on ways which can benefit their livelihood and give them a good future.

As we drown deep we can find more ways to help this community of people but the main question that arises is that how many of us bother to do so. So the only way we can help them is first to pull up our socks take up the initiative to help ourselves to help them. Cause as the famous saying by Albert Einstein goes “ONLY A LIFE LIVED FOR OTHERS IS A LIFE WORTHWHILE.”

## CONCLUSION

Begging has grown at a significant rate in India. It is estimated that half a million people in India are beggars. The government, varied organizations, activities claim that many measures have been taken to abolish begging and it has been successful to a certain extent. But the trend of begging still continues. We are also to be blamed. We as Indians are very orthodox, God-fearing and have a religious frame of mind. This compels us to do charity. And one easy way is to visit a nearby temple and give aims to the beggars there.

But as the citizens of this country, it is our moral responsibilities to stop this menace and the best way is to stop giving aims. It might seem that we are very heartless in not giving money to a little child begging on the street, but this is one stop that we can take to prevent begging. If more and more people come out and take a pledge that they are not going to give a single penny to any beggar, irrespective of their need. I am sure; beggary will then be completely uprooted from our country. Meanwhile, let the government continue with its poverty alleviation schemes and make India a better place to live in.

## FOOTNOTES

1. Anthony Giddens, *Sociology* P 30 (New Delhi : Wiley India (P) Ltd., 2010)
2. Ram Ahuja, *Social Problems in India* P 1 (Jaipur : Rawat Publications, 2017)
3. Source : Census of India 2011
4. Dr. S. R. Myneni, *Sociology* P 536 (Haryana : Allahabad Law Agency, 2017)

5. J. K. Chopra, *Social Justice* P 113 (New Delhi : Unique Publishers (I) Pvt. Ltd., 2015)
6. H. K. Saharay & M. S. Saharay, K. P. Chakravarti *Words & Phrases under the Constitution* (Kolkata : Eastern Law House, 2003)
7. Source : <http://blog.ipleaders.in> (Last accessed on 19<sup>th</sup> December, 2018)

## BIBLIOGRAPHY

- Malik Lokendra, *Rule of Law and Human Rights in India*, Universal Law Publishing Co. Delhi, I Edition 2011.
- Iyer Krishna V. R. *The Dialectics and Dynamics of Human Rights in India (Yesterday, Today and Tomorrow)* Eastern Law House, New Delhi and Kolkata, II Edition 2010.
- Dr. Das Kumar Jatindra, *Human Rights Law and Practice*, PH I Learning Private Limited, Delhi, I Edition, 2016.
- Murthy YSR, *Human Rights Handbook*, Lexis Nexis Butterworths, New Delhi, I Edition 2007.
- Dr. Agarwal, H.O. *Human Rights*, Central Law Publications, Allahabad, XVI Edition 2016.
- Dr. Pandey, J. N. *Constitutional Law of India*, Central Law Agency, Allahabad, XXXXX Edition 2015.
- Dr. Jaswal, Paramjit S & Dr. Tajwal, Nishtha, *Human Rights and the Law*, APH Publishing Corporation, New Delhi, I Edition 2010.
- Kumar Narender *Constitutional Law of India*, Allahabad Law Agency, Faridabad, XIV Edition 2014.
- Bakshi P.M. *The Constitution of India*, Universal Law Publishing Co. Pvt. Ltd. Delhi XIV Edition 2015.
- Diwan Paras and Diwan Peeyushi, *Human Rights and the Law*, Universal and Indian, Deep & Deep Publications, New Delhi, I Edition 1998.
- Jain MP. *Indian Constitutional Law*, Lexis Nexis, Haryana, 7<sup>th</sup> Edition, 2016.

- Dr. Basu Das Durga, Constitutional Law of India, Lexis Nexis Butterworths Wadhwa, Haryana, 8<sup>th</sup> Edition 2011.
- Tope's T.K., Constitutional Law of India, Eastern Book Company, Lucknow, 3<sup>rd</sup> Edition 2010.
- Giddens Anthony, Sociology, Wiley India (P) Ltd., New Delhi, 6<sup>th</sup> Edition, 2010.
- Dr. Myneni S. R., Sociology, Allahabad Law Agency, Haryana, 2<sup>nd</sup> Edition, 2006.
- Chopra J. K., Social Justice, Unique Publishers (I) Pvt. Ltd., 2<sup>nd</sup> Edition, 2015.
- Saharay H. K. & M. S., K. P. Chakravarti Words & Phrases under the Constitution, Eastern Law House, 2<sup>nd</sup> Edition, 2003.

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