

Menace Of Beggary In India

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ABSTRACT

Begging in India has become a big racket in the country. In spite of its rapid economic growth, India is a poverty-driven country, which is also leading to the growth of beggars in the country. It is well settled that the right to life is the right to live with dignity and with necessities of life required for it. Begging is seen as critical problem in the developing urban centres. Begging in contemporary society is a symptom of a number of social problems including homelessness, poverty, drug addiction, alcoholism, mental illness, a lack of education and vocational training, and so on. In India, there is no central law that penalizes begging. 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, activists claim that many measures have been taken to abolish begging and it has been successful to a certain extent. But as the citizens of this country, it is our moral responsibility to stop this menace and the best way is to stop giving alms. Meanwhile, let the government continue with its poverty alleviation schemes and make India a better place to live in. India is a social welfare state, it is the responsibility of the government to develop policies so that all its citizens can achieve that wholesome life.

KEYWORDS: Begging, Child Beggars, Mafia, Rehabilitation.

1. INTRODUCTION

India has the largest child population in the world i.e. almost 19 percent of the world's child population. The constitution of India expresses concern for upbringing of children in safe, secure and healthy manner through various provisions in the constitution. However millions of children exist below poverty line and are malnourished and many of them die. Children become victims of many crimes. Many children spend their childhood begging either due to poverty or under threat however not many studies exist on child beggars in India. Begging is seen as critical problem in the developing urban centres. Begging in contemporary society is a symptom of a number of social problems including homelessness, poverty, drug addiction, alcoholism, mental illness, a lack of education and vocational training, and so on. Providing basic needs (health, shelter, and food) to its citizens is the topmost priority of every government. Whenever, a nation fails to provide these necessities, the number of dependent people (beggars) increases. Associated with the problems of poverty and unemployment is the problem of beggary which is a social problem of great magnitude and grave concern in developing countries. Begging is a problem for society in as much as a large number of beggars means non-utilization of available human resources and drag upon the existing resources of the society. Article 46 of the Constitution of India mandates the state to promote, with special care, the economic interests of the weaker sections of the society and to protect them from social injustices and other forms of exploitation. The duty under Article 46 coupled with the right of every individual to a dignified life under Article 21, casts an obligation upon all the state institutions to work towards ensuring socially and economically just and equal life to all.

2. MENACE OF BEGGARY

In spite of its rapid economic growth, India is a poverty-driven country, which is also leading to the growth of beggars in the country. It is well settled that the right to life is the right to live with dignity and with necessities of life required for it. The social contract between the citizen and the State is a contract by which in exchange for the citizen ceding her autonomy partially, the State promises her security over her person

and a life with dignity. In our constitutional framework, this is guaranteed by Part III which enjoins the State not only to protect life but also to advance it, and Part IV which mandates that the State shall allocate resources to further the common good.

3. BEGGING CARTEL IN INDIA

Begging in India has become a big racket in the country. There are begging cartels in cities like Delhi, Noida, Gurgaon, Mumbai, Kolkata, etc. These gangs have their gang leaders. Each leader allots a particular territory for a group of beggars and the day's earnings are shared among them. It is very difficult to find out who is a real beggar and who is not because looks are very deceptive. Even the children with their dirty faces with pleading looks are properly trained to beg and look real. Sometimes our heart melts when we see a young woman holding her tiny baby, begging on the streets. In most cases, the baby is found sleeping. This is a scam. Many sting operations have revealed that babies are rented to give credibility to begging. Sometimes, babies are drugged for the entire day so that they look sick and they can be easily carried from one area to another by the young women beggars.

4. LAWS GOVERNING BEGGING IN INDIA

In India, there is no central law that penalizes begging. Although, 22 states (including few Union Territories) have their anti-begging laws. The Act which functions as the derivative figure for all the state anti-begging law is Bombay Prevention of Begging Act, 1959. The act prescribes a penalty of more than 3 years of jail in case of first conviction for begging and a person can be ordered to be detained for 10 years in subsequent conviction.

5. CHILD BEGGARS IN INDIA

According to a conservative estimate, 3 lakh children across India are forced to beg, using everything from addiction to drugs, to threats of violence and actual beatings. They form the foot soldiers of what is now a multi-million rupee industry led by human trafficking cartels. The Indian National Human Rights Commission reports that 40,000 children are abducted in India every year, over 25% of whom remain untraced. It is often assumed that these children belong to families who push them into begging.

Children are abducted (and even in some cases sold to) by anti-social / terror groups and sold to begging mafia in India. These gangs then deploy these child beggars very far away from their home location so that they are untraceable. These kids then are taught, tortured, drugged and made to beg at traffic signals, near temples, hospitals, and plush restaurants. Sometimes these child beggars in India are even maimed to make them more likely to receive higher sums of alms. Some doctors in India have even been caught red-handed while taking money against maiming children for these begging mafia lords. Child trafficking in India is a huge menace and most of the trafficked children are being sold off to drug lords and begging mafias within India. Some female children are being sold off in the international markets for prostitution.

6. DEFINITION OF BEGGING

Soliciting or receiving money, clothes or other things ordinarily given to a beggar, in a public place whether or not by singing, dancing, fortune-telling, performing or offering any article for sale. Entering on any private premises to solicit or receive money, clothes or other things ordinarily given to a beggar. Exposing or exhibiting, with the object of obtaining or extorting money, clothes or other things are ordinarily given to a beggar, any sore, wound injury, deformity of diseases whether of a human being or animal. 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 soliciting or receiving money, clothes or other things ordinarily given to a beggar. Allowing oneself to be used as an exhibit to solicit or receive alms. Provisions of the anti-begging laws are highly arbitrary, the implementation of the law is even more. Anti-begging squads are to raid public places such as railway stations, temples, mosques, bus terminus and arrest anybody who looks poor and homeless. There have been situations where, homeless or disabled people were perceived to be beggars, based simply on the fact of their homelessness or disability.

7. LEGALITY OF BEGGING

According to the Bombay Prevention of Begging Act, 1959, which criminalizes the begging, the provision not only criminalizes the begging in Mumbai but also in various metropolitan cities such as Delhi. However, last year, the Delhi High Court in

a landmark judgment has held the Act as unconstitutional in Delhi, on grounds that it violates Article 14 and Article 21 of the Constitution restoring the rights of persons who have no other means of sustenance but to seek alms. The court has acknowledged that the application of the anti-beggary act has largely been arbitrary, leading to the detention the poor who may not be engaged in begging, but could be people who have “fallen through the socially created net” -they could be homeless, poor persons living with disabilities, transgender persons, migrant or sex workers. The bench of Acting Chief Justice Gita Mittal and Justice C. Harishankar has noted that it is a state whose duty is to provide a dignified life to its citizens. About four lakh beggars of India must have heaved a sigh of relief with the Delhi High Court ruling that seeking alms is not a crime, even as blasting the government for turning a blind eye toward the most vulnerable and downtrodden section of society. The unprecedented decision to strike down as many as 25 provisions of a bootless, draconian anti-beggary legislation also means instant freedom for hundreds of panhandlers being prosecuted and dumped into dungeons for months on end.

8. CAUSES OF BEGGING IN INDIA

The problem of beggary, like any other social problem, is multidimensional. Its roots are found in the diverse patterns of its intertwined and interlocked social fabrics. Various factors which are cited as causes of beggary can be grouped into following heads:

- **Physical Factors:** In India, there is no adequate provision for treatment and social rehabilitation of blind, deaf, dumb or the physically handicapped. In the absence of any reasonable alternative, such persons are constrained to beg.
- **Economic Factors:** Economic factors which generally prompt people to take to begging. Among these factors poverty, unemployment, under-employment, and loss of income are important.
- **Social Factors:** Among the social factors, hereditary occupation, family disorganization, and widowhood are causes of begging.
- **Natural Calamities:** Our physical environment may frustrate us drastically at times through famines, earthquakes, drought, cyclones or floods. Sometimes all these natural

calamities cause serious damage to property and agriculture and compel people to leave their homes and compel them to take to begging to overcome pangs of hunger.

- Psychological Factors: Sometimes, due to bad psychology of the individual cause beggary Frustration, unwillingness to work and tendency towards isolation are important among these factors.

9. ISSUES IN BEGGARY

- Definition of Beggary: The Act defines beggary as an activity of 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. However, the provisions of legislation aim to effectively “cleanse” these spaces of individuals who appear poor or destitute.
- Unjust Process: People found “begging” can be arrested without a warrant, and after a summary procedure, thrown into “Beggars Homes” for anything between a year and three years. Also, many of these beggars' homes are poorly regulated without superintendents, probation officers or doctors.
- Violation of Fundamental Rights: Begging and homelessness are indicators of chronic poverty. Therefore, criminalizing poverty violates basic human dignity. This coupled with the draconian processes under the Act, violated the right to life and personal liberty under Article 21 of the Constitution. Begging is a peaceful method by which a person sought to communicate their situation to another, and solicit their assistance. Thus, criminalizing begging is violative of Article 19(1)(a)-freedom of speech guarantee. Criminalizing “wandering about” in public spaces (the places that were meant for the enjoyment of every member of the public without exception), it is violative of Article 19(1)(d)-freedom of movement. Apart from this, there existed a large number of communities such as the Gujjars and the Bakarwals, whose very nature of existence moves from place to place and displaying none of the conventional means of subsistence. This would bring them within the ambit of the beggary law

10. STEPS NEEDED TO REHABILITATE BEGGARS

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, activists claim that

many measures have been taken to abolish begging and it has been successful to a certain extent. But as the citizens of this country, it is our moral responsibility to stop this menace and the best way is to stop giving alms. Meanwhile, let the government continue with its poverty alleviation schemes and make India a better place to live in.

Following footsteps may be taken to rehabilitate beggars:

- **Eradicate Poverty:** Priority should be given to eradication of extreme poverty. Though many people take to begging owing to poverty, it has become a menace. Of late, begging has become part of organized crime.
- **Rehabilitation:** Small shelters have to be made and they need to be imparted skills that would help them land jobs. They should be made to earn their livelihood by working and not begging. The government and charitable organizations should look after people who are aged and physically challenged.
- **Vocational Training:** The government should provide the necessary vocational training to rehabilitate them. The expenses incurred should be borne by the government. A government-funded organization should be constituted and personnel trained to oversee the rehabilitation program. Beggars who are willing to work should be trained according to their ability, health, and talent. The ill should be given medical care, food, and other amenities. Necessary steps should be taken by the government to collect contributions from donors by allowing tax rebates.
- **Concerted Effort:** Social issues associated with begging are drug trafficking, criminal activities and sexual exploitation of children. As part of the rehabilitation program, the corporation has collaborated with a voluntary organization towards providing food, clothing, and medicines. To reduce the economic burden, the government should seek the aid of voluntary organizations. However, the activities of voluntary organizations should be monitored and evaluated.
- **Aid Agency Needed:** The rehabilitated should be provided free medical diagnosis, financial support, and ration to the beggars. Slums may come up in cities and rehabilitation should be carried out in a judicious manner.
- **Create Awareness:** People should discourage beggars. Begging flourishes because people tend to be generous. Awareness programs need to be conducted for the poor to help them realize how shameful it is to beg.

11. BEST PRACTICES TO END MENACE OF BEGGARY

- In Bihar, Mukhyamantri Bhikshavriti Nivaran Yojna was launched to protect and promote the rights of beggars by ensuring their care, protection, development, socio-economic and cultural empowerment through enabling policies and programs.
- The government of Odisha has adopted good measures to identify beggars provide them alternative remedies like houses, insurance coverage, aadhar and ration card, healthcare facility, giving them training for vocational skills for wage or self-employment.
- Few municipal corporations in Maharashtra including Pune Corporation had launched a 'beggar free city' campaign.

12. SUGGESTIONS TO ELIMINATE CHILD BEGGING

- Compulsory schooling for all children.
- Sympathetic teachers and child friendly environment in schools.
- Ban on corporal punishment.
- Compensation to parents/children in form of stipend on the basis of attendance.
- No alms drive to educate the public.
- Punishment to adult guardians and criminals for coercion of children.
- Punishment for kidnapping and maiming of children.
- Welfare policies for child beggars and their families such as monetary help, health and residence etc.
- Good orphanage/ shelter homes for children without close relatives.
- Help to lower income/ poor including temporary emergency assistance and long term skill development for stable income and occupation.
- Elimination of beggar mafia.

13. CONCLUSION

The basic needs of men have traditionally been accepted to be food, clothing, and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and reasonable accommodation to live in. It remains a hard reality that the State has not

been able to ensure even the bare essentials of the right to life to all its citizens. People beg on the streets not because they wish to, but because they need to. Begging is their last resort to subsistence, they have no other means to survive. Begging is a symptom of a disease, of the fact that the person has fallen through the socially created net. As India is a social welfare state, it is the responsibility of the government to develop policies so that all its citizens can achieve that wholesome life. India is also part of the International Covenant on Civil and Political Rights (ICCPR) which has a provision for a right to live with dignity and the lack of any concrete policies to deal with the issue of beggary and homelessness is inconsistent with that provision.

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