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## **“Beggary: Jeopardy to the Country”**

*-Manya Tandon*

### **ABSTRACT**

Begging, is a term that symbolizes poverty, theft, illiteracy and captivates a picture of misery and sometimes anger. India is a place of culture, diversities and a mixed variety of people ranging from extreme poor to extreme rich high class society. Beggary is often regarded as a source of poverty and beggars are often considered as downtrodden people who have no subsistence of living except raising their livelihood through alms. It is a place where there are several laws for each and every aspect. Children, women, senior citizens and even artificial legal entity, each have their own laws and set standards. But beggary is one such issue which has not been given much relevance. Although few states have laws related to beggary but still there are several loopholes in its enactment. The foundation and the growth of any country start from the grass root level. Unless and until issues at the grass root level are solved, vital factors like economic growth and development would stand obstructed. Beggary on one hand is related to poverty, unemployment, illiteracy whereas, on the other hand, it has now become a source of income for those people who earn their livelihood by forcing children, old men and women to beg.

The paper would be dealing with the reasons of beggary and its effect upon the economy of the country. It would further incorporate a critical evaluation of the question that why there is a dire need for the enhancement of beggary prevention and control Act thereby curtailing the effects of beggary over the country.

### **KEYWORDS:**

Beggary, Economy, Poverty.

## INTRODUCTION

I saw her eyes, it had some unusual instinct. They were dark n deep and resembled the eyes of an old swollen womanwho had survived on the bread of the others, who had been earning penny by raising alms. She asked me for some money. I looked deep into her eyes and it didn't stop me even for a second to give her the money. This incident made me to think into the deep insights of the society. It raised a significant question in my mind related to beggary. I thought about the reasons for the beggary and then it flashed in my mind that such a vital issue has still been kept in the backdrop. It is a major concern of the society that the disease of beggary needs to be cured as it is an obstacle in the growth of the country. Beggary is a depiction of poverty<sup>1</sup> and illiteracy. It is not always the case that beggars ask for alms on their own wish.<sup>2</sup> They are many times forced into such a profession. Theft, pickpocket, are a common sight at railway stations, temples and other public places.<sup>3</sup> Many children below the age of fourteen years are seen on railway stations begging for a penny or for some food. Is this their life? When at the age of fourteen they are meant to study, they actually wander all alone on the streets and railway stations either for begging food or are seen uttering expletives. Further old men and women handicapped are seen lying on the streets<sup>4</sup> for begging food and money and uttering the same old saying "*please give me a penny and God would bless you.*" Now many people on seeing such pathetic sights or may be on fear of God gives them the money. But still is this the right way of earning bread for your survival? Beggary has become a profession nowadays.<sup>5</sup> Many people of able bodied are seen begging. It has become a dwelling house for thieves and kidnappers. Children are kidnapped on the pretext of begging.<sup>6</sup> They are forced to beg on the streets and in the public places and many times small girls face assault and cruelty on account of it. It is most commonly seen in temples<sup>7</sup> that as soon as you enter into premises of the temple people of different age groups surround you and ask for alms. Rich technocrats are seen donating monetary items in the

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<sup>1</sup>Dr. Jabir Hasan Khan, Dr. Menka, Shamshad, *Beggars in rural areas: A socio-economic analysis* (Feb. 14, 2016) available at <http://www.iosrjournals.org/iosr-jhss/papers/Vol14-issue6/N0146122129.pdf?id=6927>.

<sup>2</sup>*PankajSinha v. Union of India* (2014) 16 SCC 390.

<sup>3</sup>DrAnupmaKaushik, *Rights of Children: A Case Study of Child Beggars at Public Places in India*(Feb. 14, 2016) available at [http://jswhr.com/journals/jswhr/Vol\\_2\\_No\\_1\\_March\\_2014/1.pdf](http://jswhr.com/journals/jswhr/Vol_2_No_1_March_2014/1.pdf).

<sup>4</sup> Dr. Menka, Tarique Hassan, *Begging is a Curse on Society: An Empirical Study* (Feb. 15, 2016) available at <http://www.garph.co.uk/IJARMSS/July2013/4.pdf>.

<sup>5</sup>Rubinalqbal, "*Begging: a growing menace in India*"

<sup>6</sup>*Supra*, note no.2

<sup>7</sup>*Supra* note no. 1

form of quilt, food items and even money on account of the blessings of the God. But actually the truth lies in the fact that by helping these people we are making them sole dependent on the profession of beggary. It is a common saying that God help those who help themselves. But are these people helping themselves or making themselves more and more dependent upon others? They have taken beggary for granted. Even they have involved their children and other family members into it. Poverty is not a disease until and unless one is able bodied. It becomes a disease as soon as one completely lay off his duties. It becomes a disease as soon as one considers beggary to be the best and most suitable option for them. There are many other options to earn one's living apart from beggary. One could be employed as a labour in a factory or one could be involved in the job of cleaning and sweeping. There are certain tasks that do not involve any professional degree. If a person is illiterate and is able bodied, then he could be involved in such tasks. Since it has been truly regarded that "*no work is small or big*", it depends upon your mind. In this way atleast these people would be involved in some fruitful tasks that not only provide them with their daily bread but also on the other hand helps the country to effectuate the problem of poverty. The basic aim of this research paper revolves upon the question that why still such an issue has remained untouched and how it is related to the growth of the country. It would further analyze the Beggary Prevention Act that has been made applicable only in handful states and thereby reflecting its loopholes.

The term beggary may be defined as<sup>8</sup> :

- (a) Soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortune telling, performing or offering any article for sale;
- (b) Entering on any private premises for the purpose of soliciting or receiving alms;
- (c) Exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity of diseases whether of a human being or animal;
- (d) 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 exist soliciting or receiving alms;

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

According to Bombay Prevention of Beggary Act, beggary may be explained as any person receiving alms whether in public places or on the pretence of singing, dancing or doing any act which is in any way related to raising of alms could be termed under beggary. Further, asking for money even if a person is differently abled or is handicapped would fall under the head "beggary." There are multiple reasons for beggary. It could be either poverty, illiteracy or many a times people consider it as the best option to earn, as it requires minimum efforts and skills. Apart from this beggary has now been shaped into an industry of kidnapping,<sup>9</sup> human trafficking and various other forms of criminal activities.<sup>10</sup> Several people are involved in kidnapping of small children and elderly women and they often cause brutal injuries on their bodies<sup>11</sup> which ultimately help in gaining the sympathy of a common man.<sup>12</sup> There may be several reasons for beggary.<sup>13</sup> The famous case of Ram Lakhan vs. State<sup>14</sup> has mentioned several reasons for beggary. A person may beg just because he might be an alcoholic and does not have enough means to fulfill his addicted desires. Or might be he is lazy and does not want to work.<sup>15</sup> Another reason could be that he might be at the exploitative mercy of the leader of beggary gang or there might be a possibility that he is homeless, helpless and starving for food at the same time.<sup>16</sup> The detailed study for the reasons of beggary is as follows:

### 1. Physical inability

The basic and the most commonly observed reason of beggary is the physical inability of the person to earn a living for oneself. As a result they are left with no option except begging. Many people of different age groups are found on the streets suffering from several diseases

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<sup>9</sup> Deccan Chronicle, *Anti-begging Act grants Policemen the right to Arrest beggars* (Feb. 16, 2016) available at <http://www.deccanchronicle.com/150314/nation-crime/article/anti-begging-act-grants-policemen-right-arrest-beggars>.

<sup>10</sup> Jalees Andrabi, *Begging mafia in India thrives on lost children* (Feb. 16, 2016) available at <http://www.thenational.ae/world/south-asia/begging-mafia-in-india-thrives-on-lost-children>.

<sup>11</sup> *Social Issues in India* (Feb. 16, 2016) available at <http://www.importantindia.com/17493/social-issues-in-india-causes-effects-and-solutions/>.

<sup>12</sup> *Ibid.*

<sup>13</sup> Biligiri Ranga, *Begging: A Growing Menace* (Feb. 17, 2016) available at [http://www.knowap.com/index.php?option=com\\_content&task=view&id=997](http://www.knowap.com/index.php?option=com_content&task=view&id=997).

<sup>14</sup> 137(2007) DLT 173.

<sup>15</sup> *Supra* note. 13.

<sup>16</sup> Ram Lakhan v. State 137(2007) DLT 173.

like leprosy, or may be blindness, are found begging for penny.<sup>17</sup> Several people of the age group between 20 to 50 years are found crippled with their either arms, or legs missing, are found to be begging on the streets, railway crossings, temples and even in the busy market place.<sup>18</sup> This should not be the case. With the advancement of the country on one hand, such type of situations would lead to ruining of the society.<sup>19</sup> It hampers the growth and development of the country.<sup>20</sup> It is actually a menace to the society.<sup>21</sup>

## 2. Religious causes<sup>22</sup>

Another significant reason of beggary is for religious or pious purpose.<sup>23</sup> Sadhus, fakirs are found sitting outside the religious places and begging in the name of God. It is a common saying that God help those who help themselves. But the question arises that is this kind of helping would suffice? The fact is that this kind of nature of helping oneself in the name of God would not help the people. Looting the common man in the name of God should not be the method of earning. Apart from this, such types of places are seen a dwelling place for snatchers and pickpockets. Even while praying you have to be conscious and aware about the surroundings otherwise you might end up in losing your valuables like money, documents and other articles. Charities are also given by various temples, mosques, dharamshalas, gurudwaras, shrines and by many public philanthropists. This charity, religious or otherwise, encourages beggary to a great extent.<sup>24</sup>

## 3. Economic reasons<sup>25</sup>

If we look from the economic point of view, the reason of beggary may be either poverty<sup>26</sup> or unemployment. Extreme poverty is denial of basic human rights.<sup>27</sup> Lack of employment

<sup>17</sup> Milan Chaterjee, *Essay on the beggar problem in India* (Feb. 17, 2016) available at <http://www.publishyourarticles.net/knowledge-hub/essay/an-essay-on-the-beggar-problem-in-india/1262/>.

<sup>18</sup> *Supra*, note 3, at 3.

<sup>19</sup> *Supra*, note 3 at 3.

<sup>20</sup> Rumani Saikia Phukan, *Begging in India: A menace to the Society* (Feb. 18, 2016) available at <http://www.mapsofindia.com/my-india/society/begging-in-india-a-menace-to-the-society>.

<sup>21</sup> *Ibid*.

<sup>22</sup> *Supra*, note 3 at 3.

<sup>23</sup> Delhi Commission for protection of Child Rights, *Begging for a childhood: An Analysis of Child Beggars in Delhi* (Feb. 17, 2016) available at [http://delhi.gov.in/wps/wcm/connect/doit\\_dcpcr/DCPCR/Publication/Begging+for+A+Childhood+Anaylsis+of+Child+Beggars+in+Delhi](http://delhi.gov.in/wps/wcm/connect/doit_dcpcr/DCPCR/Publication/Begging+for+A+Childhood+Anaylsis+of+Child+Beggars+in+Delhi).

<sup>24</sup> *Supra*, note 3, at 3.

<sup>25</sup> *Supra*, note 3, at 3.

opportunities in villages leaves no option except for begging. Landless farmers or small children who don't have any source of earning resort to begging. Mumbai one of the developed cities of India, is regarded as a place having the maximum number of slums<sup>28</sup>. In slums people don't have bread even for one time in a day. The best method that they adopt is begging. The capital of India is not way behind. In the year 2011, 2073 beggars were reported in New Delhi.<sup>29</sup> So we could say that no matter an area comes under the head of metropolitan city or as a rural area, beggary is omnipresent.

#### **4. Lack of Education.**

Lack of education is the fundamental reason for poverty<sup>30</sup> which leads to the growth of beggars in India.<sup>31</sup> Many people in the villages are illiterate who do not have any means of survival, adopts the profession of beggary. Education which is the most important factor for the growth of the country is actually found to be missing in the country. Several enactments have been laid down to provide free and compulsory education to the children, but the fact is that who avails this benefit? Apart from this, lack of education is one of the reasons for population growth. Due to non-family planning, a woman may give birth to four or five children. Consequently they don't have sufficient means to feed the family. Gender biasness is largely seen among the lower income group people or we could say among the poor people. Just in order to have male member in the family, a woman gives birth to too many children and thereby finds it difficult to properly provide them sufficient food. It is seen that children suffers from malnutrition and other kind of deadly diseases which ultimately forces them to beg.

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<sup>26</sup>The United Nations Committee on Economic, Social and Cultural Rights defines poverty as a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. Poverty has been and remains a constructed social and economic reality.

<sup>27</sup> Law Commission of India, *Need for Ameliorating The Lot of the Have-nots*, (Feb. 18, 2016) available at <http://lawcommissionofindia.nic.in/reports/report223.pdf>.

<sup>28</sup> Walk Through India (Feb. 18, 2016) available at <http://www.walkthroughindia.com/lifestyle/major-slum-areas-in-top-indian-cities/>.

<sup>29</sup> Arthapedia, (Feb. 18, 2016) available at <http://www.arthapedia.in/index.php?title=Begging>.

<sup>30</sup> Bryan Hickman, *Lack of Education is root cause for poverty* (Feb. 19, 2016) available at <http://www.rbj.net/article.asp?aID=213353>.

<sup>31</sup> *Child Begging in India- Causes, Current Situation and Suggested Reforms* (Feb. 19, 2016) available at <http://publicadministrationtheone.blogspot.in/2015/09/child-begging-in-india-causes-current.html>.

## 5. Social causes<sup>32</sup>

Social cause includes joint family system, community disorganization, and faulty socialization. Joint family system is one of the demands in the lower strata of the society. Due to the joint family system there are many people who are actually depended upon the sole earning member of the family for their bread. A family comprising of ten people with a single or two bread earner leads to a more problematic situation. So the best and the most adopted solution are to send the other family members for begging. While the male members in the family goes for some work, the children in their family earns penny by begging.

**Effects** of begging are numerous. If we look at the condition of the children in the country, then the condition is actually pathetic. Children who are involved in the profession of begging, deviates from the path of moral and social values, rather travels on such a path that is not meant for them. They are seen involved in crimes, becomes addicted to alcohol and drugs.<sup>33</sup> They suffer not only mentally but also physically. Many a times they face beatings and most often their arms or legs are cut in order to make them more pathetic in the eyes of the society. A child is the future of the country. But the future is in dark, if the child is born and brought up in poverty, beggary and in an environment of crime.<sup>34</sup> In Visakhapatnam district there are approximately 450 to 500 Child Beggars. The ratio of Girl beggars to the Boy beggars is 1:1 which means that there are equal number of girls and boys who are into begging. Usually it is seen that the families who are involved in begging in some of these areas are the migrated ones. These migrated families don't stay at one place and are seen travelling from one area to another. So tracing them and keeping a record of the same is often a challenge.<sup>35</sup>

Now discussing the beggary from a legal point of view is also essential at the same time. If we consider the applicability of beggary laws in India, one could easily say that although laws have been enacted but it has not been enforced in an appropriate manner. The first Law related to beggary was The Bombay Prevention of Begging Act, 1959. It was made applicable in Bombay and later on in the Union territory of Delhi. Thereafter several

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<sup>32</sup>*Supra* note 8, at 4.

<sup>33</sup>Generation Yuva, *Eradication of Child Begging* (Feb. 19, 2016) available at <http://www.genyuvaa.com/begging.php>.

<sup>34</sup>*Supra* note 13, at 5.

<sup>35</sup>*Supra* note 3, at 3.

laws were enacted for varied states like Karnataka<sup>36</sup>, Haryana,<sup>37</sup> and Kerala<sup>38</sup> and so on but still we see beggars at different places all over India. Whether it is a religious place or a place of some kind of enjoyment one may easily spot them. Apart from this, several bills have been passed but still the same has not been made into an act. For instance The Beggars (empowerment, skill development and rehabilitation) bill, 2014 has still not been made into an act. The bill throws light upon the aim to provide for beggars a life of dignity through skill development by imparting them compulsory vocational training and programs for their rehabilitation and to enable them towards self-sustainable livelihood and the prevention of begging and for matters connected therewith and incidental thereto.<sup>39</sup> The Act has laid emphasis to provide rehabilitation for the beggars. It incorporates the definition of beggary as well as provides punishment in case where a person is found practicing any form of beggary.<sup>40</sup> If a person solicits any form of beggary or forces any person to practice beggary, he shall be punished with an imprisonment which shall not be less than three years and may extend to ten years.<sup>41</sup> Section 4<sup>42</sup> provides that the appropriate Government may order the detention of the person by providing for a notification in the official Gazette.<sup>43</sup>

Apart from this several provisions have been laid down for providing shelter homes, vocational training to the beggars.<sup>44</sup> The Government in each district shall establish shelter homes and provide the basic facilities related to lodging, food and other amenities required for the survival and growth of the person. It would also provide for mandatory education

<sup>36</sup>The Karnataka Prohibition of Beggary Act, 1975.

<sup>37</sup>The Haryana Prevention of Being Act, 1971.

<sup>38</sup> The Madras Prevention of Begging Act, 1945; The Travancore Prevention of Begging Act, 1120; The Cochin Vagrancy Act, 1120.

<sup>39</sup> Beggars (empowerment, skill development and rehabilitation) bill, 2014.

<sup>40</sup>*Vithal Maruti v. State* 1952 Cri LJ 1600.

<sup>41</sup>Section 3: Abetment to begging as cognizable and non-bailable punishable offence

(1) Whoever employs or uses any person for the purposes of begging or causes any person to beg shall be punishable with imprisonment for a term not less than three years which may extend to ten years, or with fine, or with both;

(2) Whoever, having the actual charge of, or control over a child, abets the commission of the offence punishable under sub-section (1), shall be punishable with imprisonment for a term not less than three years which may extend to ten years, or with fine or with both.

<sup>42</sup>*Supra* note 5, at 3.

<sup>43</sup>Section 4: Detention of Beggars

(1) The appropriate Government may by notification in the Official Gazette, order the detention of persons found begging and may further lay guidelines and make provisions for such a detention:

(2) Any person found begging shall be detained by the police and before making such a detention, the officer in charge of the concerned police jurisdiction shall satisfy himself as to the bona fide of the detained beggar.

<sup>44</sup>*Karnika Sawhney v. Union of India* (2008) 17 SCC 755

skills and basic mental and physical fitness which is quite necessary not only for the existence but also for the growth of the human being. Clause 5, Clause 6, Clause 8<sup>45</sup> of the Bill seek to establish Shelter Homes in each district for the differently abled, children<sup>46</sup> and those detained while found begging.

Clause 11 directs the Appropriate Government to make provisions for Free and Compulsory Vocational Training courses and Skill Development. Clause 12 gives the differently abled beggars access to free treatment and rehabilitation that will help them overcome their disability.<sup>47</sup> Apart from providing shelter homes and rehabilitation for the beggars, the Government has stated a provision for providing funds and other kind of monetary benefits for the upliftment of the beggars. Clause 17 makes it obligatory for the Government to provide funds for carrying out the purpose of the bill. It lays down as follows:

“The Central Government, shall from time to time provide, after due appropriation made by the Parliament by law in this behalf, requisite funds for carrying out the purposes of the Act.”<sup>48</sup> Now the question arises that whether by stating down laws and providing for a bill would solve the growing issue of beggars? The answer is probably no to it. Simply by stating down laws would not solve the whole issue until and unless the cases are continuously reported. Unless and until beggars are actually caught and reported to the concerned authority, laws would not serve to a great extent. In a famous case of *Ram Lakhan v. State*<sup>49</sup>,

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<sup>45</sup>Section 8: Separate Designated Shelters for Children with Disabilities.

The appropriate Government shall designate any Children Shelter as a home fit for children with disabilities or special needs and provide for delivering specialized services, in addition to those mentioned in sub-sec. (i) of section 7, depending on the requirement and may include the following: (i) Monitoring and management of the Children Shelter for children with disabilities, including the standards and the nature of services to be provided by them, are based on individual care plans for each child; and

(ii) The Right of Children to Free and Compulsory Education Act, 2009 using special equipment and materials as may be required.

<sup>46</sup>*People Union for Civil Liberties v. Union of India* (2010) 5 SCC 318

<sup>47</sup>Section 12: Additional Assistance to Beggars at Shelter.

The appropriate Government shall also provide additional assistance to those detained under section 5 in such a manner as may be prescribed, which may include,—

(i) birth registration and obtaining the proof of identity;

(ii) legal aid where required;

(iii) Referral services for education, vocational training, de-addiction, treatment of diseases where required; and

(iv) Any other service that may reasonably be provided in order to ensure the wellbeing and development of the persons detained, either directly by the appropriate Government, registered or fit individuals or institutions or through referral services.

<sup>48</sup>*Supra* note 5, at 3.

<sup>49</sup>*Supra* note 14, at 5.

the issue regarding beggars was brought at hand. the revision petition was filed by the petitioner on account of the judgment given by the learned Metropolitan Magistrate who found the petitioner to be a "beggar" and ordered his detention in a Certified Institution for a period of one year under Section 5(5) of the Bombay Prevention of Begging Act, 1959. The finding that the petitioner was a beggar was upheld by the learned Additional Sessions Judge. However, the duration of the detention was reduced to six months by the learned Additional Sessions Judge. It was alleged against the petitioner that he was found begging at about 12.05 p.m. at the Railway Crossing at Rampura, Delhi from the passers-by by a raiding party headed by PW-1 (Ramesh Kumar). The prosecution examined two witnesses, namely Ramesh Kumar (PW1) and ASI Rozy Khanna (PW-2) who was also a member of the raiding party. These people were on an anti-begging raid and when they reached the said Railway Crossing, the petitioner was found begging from members of the public. A sum of ₹ 47/- was also recovered from the pockets of the petitioner. It was duly submitted by the petitioner's counsel that at the crossing, there were a number of other people who were not members of the raiding party, but neither of them was produced as witnesses. The courts examined contention of the petitioner and concluded that the mere fact that the public witnesses were not examined would not throw out the prosecution case if the testimonies of the police officers were unshakable. In the present case, the courts below have found the testimonies of the police officers to be trustworthy. In this background, the question which came for consideration was whether the courts were right in law to have recorded the finding that the petitioner was a "beggar" and in ordering his detention in a Certified Institution. Consequently, the defense of necessity came into picture. It was exclaimed that like the other defenses of self-defense and duress, this is also a defense against culpability and punishment. A similar view was taken by Lord Hailsham in LC in *R. v. Howe*.<sup>50</sup> He stated as follows:

*“There is, of course, an obvious distinction between duress and necessity as potential defenses; duress arises from the wrongful threats or violence of another human being and necessity arises from any other objective dangers threatening the accused. This, however, is, in my view, a distinction without a relevant difference, since on this view duress is only that species of the genus of necessity which is caused by wrongful threats. I cannot see that there is any way in which a person of ordinary fortitude can be excused from the one type of pressure on his will rather than the other.”*

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<sup>50</sup>(1987) AC 417 pp.429

Thereby the Court concluded the said case by stating few points in relation to beggary. These were.<sup>51</sup>

(1) First of all, it must satisfy itself that such person was, in fact, found begging. For this purpose, the court must carefully scrutinize the evidence produced before it. It does not matter that the inquiry is a summary one. The Court must be "satisfied" that the person was found begging. The evidence must be clear and unassailable. If there is any doubt then the court must not record that the person before it was found begging. Consequently, the Court, in such a situation, cannot also record a finding that the person is a beggar.

(2) Where the Court is satisfied that the person before it was found begging and therefore it is compelled to record a finding that he is a beggar, the court "may" (and not "shall") order his detention in a certified Institution.

a) However, where the person has a defense of duress or necessity, the person ought not to be detained. As pointed out above, whether the specific defense of duress or necessity is taken by the beggar or not, it is an obligation on the Court to satisfy itself that the person did not have such a defense.

b) And, where it appears to the Court that the person was found begging because of his addiction to drinks or drugs, not much purpose would be served by sending him to a certified Institution which does not provide for detoxification or de-addiction. The mushrooming problem of drug addiction and alcohol dependence coupled with the problem of begging is a complex one. Here begging is only a symptom of the malady of addiction. Taking action on begging while ignoring the problem of addiction is much the same as prescribing a pain-killer for the pain and ignoring the treatment of the disease which is the underlying cause for the pain. So, in such cases the court, after due admonition ought to release the beggar on a condition that he shall go in for detoxification or de-addiction at an accredited institution. A bond to this effect may be taken by the Court in the manner provided in the proviso to Section 5(5) of the said Act.

c) In all other cases, after the Court records a finding that a person is a beggar, the court can order detention of such a person in a certified Institution. But, here too, the court must first

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<sup>51</sup>*Supra* note 31, at 8.

explore the possibility of applying the principle of admonition as given in the proviso to Section 5(5) itself.

(3) Lastly, in no circumstance should a person ordered to be detained in a certified institution, be detained in a prison. That is clearly illegal. The State must follow this legal prescription strictly. A deviation from this would render the detention illegal and entitle the aggrieved person to be released from detention forthwith.

Consequently, the petitioner was set at liberty. The only evidence against the petitioner was that both the people were police officers who conducted the raid. None of them stated that they saw someone giving money to the petitioner. It was held by the Court that there were no testimonies that could certify that the petitioner was a beggar and that he was begging.

## CONCLUSION

After a long discussions about the different enactments related to beggary, it could be clinched that beggary is menace to the society. As already stated above that simply by enacting laws would not help to solve the crucial issue at hand, it is very important that different people should be appointed for each area. No matter which government prevails in the country or in the state, it is necessary that different politicians, responsible citizens of the country should be involved in solving the matter. Police should be given wider authority to remove beggars from any place. Apart from this, common people should be encouraged to give alms and other kinds of monetary help in the orphans, old age homes, charity trusts where they are needed the most. It would be beneficial for those people who are actually in need of it. By giving alms or by providing food and other kind of materials in the temples, mosques, churches would not help to solve the problem of beggary. Rather it would create a problematic situation. There are religious sentiments that are attached to it, whenever a person offers alms. It is a common understanding of the people to provide alms whenever one visits any religious place. But instead of providing that food, money to the beggars residing outside the temples, mosques or so, if that same is donated in the orphans, charity trusts, old age homes, missionaries it would not only reduce the number of beggars but also it would not affect their religious sentiments as well. Apart from this, education is a must. It forms the core solution of the problem. If people are well educated, if they are aware about the population issues, family planning issues, then it is most obvious that the problem would be solved to a great extent. Apart from this, the role of the Government is a must. It is the duty of the Government to reduce the problem of unemployment in the country by providing employment to several people in different jobs according to their caliber. Providing job to a person according to his skills would minimize the strength of beggars. Therefore, it could be remarked that each and every small step would make a bigger and a larger difference if taken by the Government and the citizens at large.



