

Laws against child begging in India

By **Sneha Mahawar** - November 23, 2021



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This article is written by [Vanya Verma](#), from O.P. Jindal Global University. This article discusses various laws against child begging in India along with problems and solutions for the same.

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Introduction

In India, lakhs of children are forced to beg. These children are subjected to harsh conditions, cruelty and torture, and live in poverty. To make ends meet, the children are left with no choice but to beg. Many children are harmed and forced to beg for money to give to human traffickers, and they frequently use the money given to them to buy drugs and alcohol instead of clothes and food. These children are sedated as well. These children are generally from low-income families with no one to look after them.

Although there is no national law against begging, it is illegal in several Indian states and union territories. They are, however, responsible for taking anti-begging measures and ensuring that beggars are rehabilitated. [22 states](#) that include a few union territories have anti-begging laws. The Act which functions as the derivative figure for all the state anti-begging laws is the [Bombay Prevention of Begging Act, 1959](#).

The Bombay Prevention of Begging Act, 1959

Section 2 of the Act defines begging as:

1. 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;
2. entering on any private premises for the purpose of soliciting or receiving alms;
3. exposing or exhibiting, with the object of obtaining or extorting alms, any sore, injury, deformity of diseases whether of a human being or animal;
4. 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;
5. allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms.

If a person who has previously been detained in a certified institution is found begging, he or she may face three-year term detention as per Section 5(5) BPBA. If convicted for the second time, the person will be sentenced to ten years detention under Section 6 BPBA.

A child is defined under the BPBA as a boy under the age of 16 and a girl under the age of 18. When the beggar is a child under the age of five years, the court must refer the child to a "children's court" where the child will be dealt with in line with the [Children Act, 1960](#).

Section 11 of the BPBA specifies that anybody who has custody, charge, or care of a kid who permits or encourages the child to solicit or accept alms or utilises another person as an exhibit faces a sentence of one to three years in prison.

Indian Penal Code

The [Indian Penal Code, 1860](#) was amended in [1959](#) to criminalize the exploitation of children for begging. [Section 363A](#) of the Code makes it illegal to kidnap or maim a minor for the purpose of begging. The Section also defines what constitutes begging and who qualifies as a minor. It also makes it illegal to hire or use a child for the purpose of begging if the person is not the rightful guardian of the minor.

Furthermore, [Section 268](#) which deals with public nuisance stipulates that a person is guilty of a public nuisance if he or she causes injury, danger, or irritation to the public. This law may be used in situations where people who are begging are considered a public nuisance.

BPBA reform in Delhi in 2018

The BPBA was previously in effect in Delhi, however, on August 8, 2018, the Sections of the BPBA that criminalised begging arbitrarily and in contravention of the [Indian Constitution's](#) guarantee to equality under [Article 14](#) were struck down. As a result, begging has mostly been [decriminalised](#) in Delhi.

Juvenile Justice (Care and Protection of Children) Act, 2015

The offence of employing a juvenile or child for begging is defined under [Section 76](#) of the [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#). The Section lays down that if someone employs or uses a kid for the purpose of begging, or induces a child to beg, will be penalised by imprisonment for a term of up to five years, as well as a fine of up to one lakh rupees and if a person amputates or maims a kid for the purpose of begging, he will be punished by harsh imprisonment for a term of not less than seven years, which may be extended up to 10 years, and a fine of five lakh rupees.

The Children Act, 1960

[Section 42](#) of the Act says that whoever employs a child for begging or indulges the child into begging or makes him beg will be held liable to imprisonment for a term maximum up to one year or fine or both. The abetment of such an offence is also punishable and the offence is of cognizable nature.

Persons in Destitution Model Bill, 2016

The [Persons in Destitution Model Bill of 2016](#) was introduced in the month of October 2016. Though it would not have prohibited arrests, the law would have altered the goal of India's begging statute from punishment to rehabilitation. A government spokesperson [told](#) the High Court in late 2017 that the Bill had been dropped.

Indian Railway Act, 1989

Hawking and begging are prohibited under [Section 144](#) of the [Indian Railway Act, 1989](#). For example, Section 144(1) of the Act bans anyone from selling any article in a railway carriage or on any part of a railway without first obtaining a government licence. Begging and hawking are both illegal under the Railway Act and can result in a year in prison and/or a fine.

Anti-begging laws in Indian states and UTs

Sl.No.	States/Union Territories	Legislation
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 Nivaran Adhiniyam, 1973
5.	Goa	The Goa, Daman & 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.	Jammu & Kashmir	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 Travancore Prevention of Begging Act, 1120 , the Madras Prevention of Begging Act, 1945 and the Cochin Vagrancy Act, 1120 are in force in different areas of the State.
13.	Madhya Pradesh	The Madhya Pradesh Bolshevik Navarin Adhamiya, 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.	Tamil Nadu	The Madras Prevention of Begging Act, 1945
18.	Uttar Pradesh	The Uttar Pradesh Prohibition of Begging Act, 1972
19.	Uttarakhand	Adopted the Uttar Pradesh Prohibition of Begging Act, 1972
20.	West Bengal	The West Bengal Vagrancy Act, 1943
21.	Daman & Diu	The Goa, Daman & Diu Prevention of Begging Act, 1972
22.	Delhi	Adopted the Bombay Prevention of Begging Act, 1959

Police authority to arrest beggars

- According to anti-begging laws in many Indian states, an authorised police officer has the authority to arrest anyone who is seen begging without a warrant. If a person is seen begging inside a private property, he can only be arrested if the property owner files a formal complaint.
- It is the responsibility of the police officer to take the arrested beggar to court.
- A beggar who is arrested is required by the state government to be held in a certified institution.
- If the court determines that the defendant was not involved in begging, he will be discharged.
- If the court is convinced that the accused was involved in begging, the court will impose the necessary punishment.

Grounds for deciding the punishment

- The beggar's age and personality
- The surroundings and circumstances of the beggar
- Probation Officer's findings
- If a child under the age of five is discovered begging, the court will refer the child to the Juvenile Justice Tribunal.
- If a person is convicted for the second or subsequent time, he is sentenced to 10 years in a Certified Institution, with the possibility of an additional two years added to his sentence.
- As a result, if discovered begging for the second time, the punishment maybe a total of 12 years in prison.
- When a cripple, blind, or physically handicapped person is imprisoned for beggary, the court may lengthen his sentence for the benefit of the physically handicapped beggar.

Problems faced by child beggars

Torture and abuse

Children who beg on the streets are subjected to a great deal of abuse and torture. Their parents, guardians, traffickers, and other people abuse them. They are sometimes sexually molested, beaten, tormented, and forced to beg on the streets for food and shelter.

Deprivation

The children that beg on the streets come from impoverished families. These kids beg for their entire families. Their only motivation for begging is to obtain food. Their primary concern is food. They are compelled to beg because their families are large and they have no other source of income.

Homelessness

These children may come from impoverished families or be orphaned. Finding a safe haven is a difficult task. They beg all day and then find a place to sleep at dusk. They live on the streets, train stations, and other public places in the hopes of obtaining a roof and food to provide for their families basic needs.

Discrimination

Many people abandon their girl children in India due to inequality between males and women. After that, the child is forced to live on the streets and beg. Prostitution is practised by certain children. People mistake these children for thieves, and they are frequently regarded as filthy.

Ways to control child begging

Prohibit begging

To address this issue, both the government and the corporation should impose a begging ban. Secondly, plans should be made to collect the beggars and place them in poor homes that have been set up specifically for them.

Partial ban

A complete ban on begging as a first step would be ineffective and counterproductive, initially, a partial ban should be imposed.

Rehabilitation

The government should also take more effective measures to dismantle gangs that survive on organised begging. More beggar's homes should be established, provided with training in various crafts and trades.

Protection from all sides

Existing laws relating to children, such as drug trafficking laws, must be scrutinised, and new laws must be developed.

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Suggestions

- Every state government should make more strict legislation to deal with this issue, with the goal of the children's welfare in mind.
- NGO awareness should be increased in order to reach out to those children who are suffering greatly, as few people are aware of their work and efforts to assist the environment.
- To modify their habits or needs to beg, the government should offer basic requirements such as food and shelter to these kid beggars and their families.
- Everyone has the right to an education. Children's education should be given attention. An educated individual can at least make a living from his or her knowledge and is not obligated to beg for food and shelter.
- Their family should be offered better career chances. NGOs assisting these child beggars should be provided with appropriate financial resources so that they can assist without fear of running out of money.
- Abused children should be sent to a proper shelter where they can be cared for. Authorities and non-governmental organisations should appropriately care for malnourished youngsters.

Conclusion

We can help children from being indulged in begging either by reporting to the authorities or through NGOs. If one notices a child begging on the street or in a train station, the first thing one should do is contact the appropriate authorities, such as the police or the railway department. The authorities can save their lives by ensuring that they have a bright future. Secondly, one can report to child care and welfare NGO, which will locate their family and provide financial assistance. These non-governmental organisations also seek to educate these street beggars and provide them with food and shelter.

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