

AS INTRODUCED IN LOK SABHA

Bill No. 52 of 2021

THE BEGGARS (EMPOWERMENT, SKILL DEVELOPMENT  
AND REHABILITATION) BILL, 2021

By

DR. ALOK KUMAR SUMAN, M.P.

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BILL

*to empower beggars to lead a life with dignity through skill development by  
imparting them compulsory vocational training and programmes for  
their rehabilitation and to enable them towards self sustainable  
livelihood and the prevention of begging and for matters  
connected therewith or incidental thereto.*

WHEREAS the preamble to the Constitution mandates to ensure equality of  
status and of opportunity and Justice, social, economic and political to all its  
citizens;

AND WHEREAS article 14 provides for equality before law, article 16 provides for equality of opportunity in matters of public employment, article 21 provides the right to protection of life and article 23 provides for the right against exploitation, these are being fundamental rights bestowed by the Constitution to all citizens of the country;

AND WHEREAS the United Nations Convention against Transnational Organized Crime, 2000 and the Protocols thereto identifies forced begging as a form of exploitation through trafficking in human beings;

AND WHEREAS it is considered necessary to give effect to the said protocol,

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Beggars (Empowerment, Skill Development and Rehabilitation) Act, 2021.

(2) It extends to the whole of India.

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(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for coming into force of different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be constructed as a reference to the coming into force of that provision.

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Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means,—

(i) in relation to any establishment wholly or substantially financed by the Central Government or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government; and

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(ii) in relation to any establishment, wholly or substantially financed by the State Government or any local authority other than a Cantonment Board, the State Government;

(b) “begging” means,—

(i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise; or

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(ii) exposing or exhibiting with the object or obtaining or extorting alms any sore, wounds, injury, deformity or disease, whether of himself or of any other person or of an animal; or

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(iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;

(c) “child” means a child who has not attained the age of eighteen years;

(d) “co-operative society” means a cooperative society for beggar established under section 13;

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(e) “institution” means an institution established for the reception, care, protection, education, training, rehabilitation and any other activities for persons detained or involved in begging;

(f) “notification” means a notification published in the Official Gazette and the expression “notify” or “notified” shall be construed accordingly;

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(g) “differently abled beggar” means a beggar suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability;

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(h) “prescribed” means prescribed by rules made under this Act;

(i) "Receiving Vocational Shelter" means an institution established by the appropriate Government for the receiving and rehabilitation of beggars by providing them vocational training free of cost; and

(j) "rehabilitation" refers to a process aimed at enabling persons to attain and maintain optimal, physical, intellectual, psychiatric, sensory or social function levels.

3. (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 which shall not be less than three years but which may extend to ten years or with fine or with both.

Begging or abetment of begging as punishable offence.

(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 which shall not be less than three years but which may extend to ten years or with fine or with both.

(3) The offence punishable under sub-section (1), shall be cognizable and non-bailable.

4. (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 detention.

Detention of beggars.

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

Provided that if any person is found begging on any premise, not being a public place, he shall be detained or is liable to any proceedings under this Act on a complaint made by the occupier of such premise:

Provided further that any person, or member of public, may inform the police about a person found begging and hand over such beggar to the police if he finds it convenient:

Provided also that if the beggar is a minor, the detention shall take place with sureties.

(3) Every beggar detained under sub-section (2) shall be sent to any of the receiving shelter with immediate effect, for a period of not less than one year which may extend up to five years.

(4) The Central Government shall, in consultation with the State Governments, prescribe an appropriate procedure for rehabilitation of detained person found begging under sub-section (2).

5. (1) The appropriate Government shall establish and maintain, in every district, either by itself or through voluntary or Non-Governmental Organisations a Receiving Vocational Shelter for beggars detained under section 4 except for child and differently abled beggars.

Detained beggars to be sent to Receiving Vocational Shelters.

(2) The Receiving Vocational Shelter established under sub-section (1) shall,—

(a) provide for reasonable lodging, food and medical facilities with qualified doctors available round the clock free of cost to all beggars;

(b) ensure compulsory education, skill development and basic physical fitness training to each beggar being monitored and evaluated continuously by a qualified training officer for their overall development;

(c) provide for guaranteed minimum of one hundred days of employment to every able-bodied beggar to enable him to earn his livelihood and facilities for skill development to enforce his capacity for employment;

(d) arrange to conduct personal reinforcement sessions by psychiatrists and consulting doctors for all beggars; and

(e) provide recreational facilities to engage beggars in indoor games such as, chess, carrom and other indoor activities.

Separate  
Shelters for  
Children.

6. (1) The appropriate Government may establish and maintain, in every district, either by itself or through voluntary or Non-Governmental Organisations, Children Shelters, which shall be registered as such, for child beggars detained under section 4 except with physical or mental disability.

(2) The Children Shelter established under sub-section (1), shall make arrangements of the following facilities free of cost for child beggars,—

(a) reasonable in house lodging, food and medical facilities with qualified doctors available round-the-clock;

(b) free and compulsory education under the Right of Children to Free and compulsory Education Act, 2009;

(c) free education till twelfth standard under any ongoing scheme of the appropriate Government;

(d) arrange remedial sessions for students to bring them at par with the students of their age studying in appropriate class;

(e) mandatory physical fitness and sports training at the shelter itself or at the sports centre on stadium in the nearest district for the holistic development;

(f) regular visit of one female counsellor to address the issues faced by children being closely monitored by the District Welfare Officer upon whose recommendation action shall be taken by the appropriate Government as they deem fit;

(g) provision of visitor hours, to be availed by family members to meet, interact and track the development of their children at shelter;

(h) skill development programmes for children, above fourteen years and monthly stipend at such rate as may be prescribed.

Separate  
Shelters for  
beggars with  
disabilities.

7. (1) The appropriate Government shall, by notification in the Official Gazette, establish separate Receiving Vocational Shelters in each district for differently abled beggars.

(2) The Receiving Vocational Shelter established under sub-section (1) shall, for the purposes of rehabilitation and re-integration of every differently abled beggar, provide—

(a) free of cost lodging, food and medical facilities with qualified doctors available round-the-clock;

(b) disabled persons friendly infrastructure and equipment including ramps, wheel-chairs, prosthetic devices, hearing aids, Braille kit or any other suitable aids and appliances as may be required;

(c) disabled persons friendly vocational and skill development programmes by well qualified equipped and certified special trainers with required material for training and skill development free of cost; and

(d) facility of special weekly sessions by physiotherapists and doctors according to the special needs of differently abled beggars.

Separate  
designated  
shelter for  
children with  
disabilities.

8. The appropriate Government shall, designate one of the receiving shelters established under sub-section (1) of section 7, as a home fit for child beggars with disabilities or special needs and deliver specialised services including,—

(a) monitoring and management of receiving shelters or special needs for child beggars with disabilities including the standards and the nature of services to be provided at shelter is need based of each child; and

(b) effective implementation of the Right of Children to Free and Compulsory Education Act, 2009 to impart education to children of special needs.

Establishment  
of Beggar's  
Welfare Fund.

9. The Central Government shall, in consultation with the State Governments, establish a Beggar's Welfare Fund for the purpose of providing skill development, vocational training, medical facilities and education to the beggars in such manner as may be prescribed.

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10. (1) The appropriate Government shall, impart vocational training courses to beggars at each of the shelter institutions established under this Act, except at shelters for children of special needs and differently abled beggars to whom free and compulsory training in varied fields of industry, agriculture, textiles, micro-financing, media, computer applications and software development.

Vocational training courses at each shelter.

(2) The appropriate Government shall make payment of stipend per month as an incentive to each beggar for undertaking vocational training sessions in such manner as may be prescribed.

11. The appropriate Government shall provide medical treatment and rehabilitation facilities to the beggars and children with disabilities to overcome their disability in such manner as may be prescribed by utilizing the Beggar's Welfare Fund and to provide:—

Treatment and rehabilitation of beggars with disabilities.

(a) treatment and rehabilitation facilities for differently abled persons due to ailments like poliomyelitis, cerebral palsy, congenital deformities, leprosy, burn contracture, paraplegia, hemiplegia free of cost; and

(b) post treatment support and aid to differently abled beggars.

12. The appropriate Government shall provide additional assistance to those detained under section 4 in such manner as may be prescribed, which may include,—

Additional assistance to beggars at Shelters.

(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 well being and development of the persons detained, either directly by the appropriate Government, or individuals or institutions or through referral services.

13. (1) The appropriate Government shall, by notification in the Official Gazette, establish a cooperative society for beggars, with a centre in each district for one or a group of districts.

Establishment of Cooperative Society for beggars.

(2) The centre for cooperative society established under sub-section (1) shall,—

(a) introduce and familiarise the beggars sent at Receiving Vocational Shelters, Special Shelters and Children Shelters with concepts of micro financing, credit system, banking and entrepreneurship for skill development;

(b) act as a market place to sell the products to public or government agencies created by beggars at the Shelters during the vocational training sessions under section 10, and the proceeds thereto shall be credited to the Beggar's Welfare Fund; and

(c) act as a financial institution to help the beggars in shelters to get financial aid from the Beggar's Welfare Fund for purchasing of raw material for making articles and selling of their finished products through the cooperative societies, the profit from which to shall be credited into account of individual beggars or a group of beggars.

14. (1) The Central Government shall, within three months of the coming into force of the Act, by notification in the Official Gazette, establish a Monitoring Committee for strict monitoring of the receiving vocational shelters set up under this Act in such manner as may be prescribed.

Establishment of Monitoring Committee.

(2) The Monitoring Committee established under sub-section (1) shall consist of:—

(a) the Secretary, Union Ministry of Social Justice and Empowerment;

(b) the Secretary Union Ministry of Housing and Urban Affairs;

(c) two officers not below the rank of Joint Secretary, from the Union Ministry of Law and Justice;

(d) five experts from the field of skill development and vocational training to be appointed by the Central Government in such manner as may be prescribed;

(e) not less than two members from non-Governmental Organisations working in the field of social welfare and justice to be appointed by the Central Government in such manner as may be prescribed; and

(f) not less than two retired judges of High Court to be appointed by the Central Government in such manner as may be prescribed.

(3) The Salary and allowances payable to and other terms and conditions of service of experts and members from non-governmental organisations of the Monitoring Committee shall be such as may be prescribed.

(4) Every receiving vocational shelters set up under this Act, shall submit a report to the Monitoring Committee in such form and manner as may be prescribed.

(5) The Monitoring Committee shall compile reports received from Receiving Vocational Shelters and submit a consolidated report by tenth day of every month to the Union Ministry of Social Justice and Empowerment in such form and manner as may be prescribed.

Assistance in jobs and employment opportunities.

15. The appropriate Government shall assist the beggars detained under sub-section (1) of section 4, after completion of their detention period under sub-section (2) of section 5, to get suitable work for sustaining their livelihood or provide jobs in Government or Government aided organisations.

Punishment for begging again.

16. The appropriate Government shall arrest, sentence and impose penalty on persons who having been previously detained and sent to the Receiving Vocational Centres under section 5 are found begging again, in such a manner as may be prescribed.

Central Government to provide fund.

17. The Central Government, shall from time to time, after due appropriation made by the Parliament by law in this behalf, provide requisite funds for carrying out the purposes of the Act.

Act to have Overriding effect.

18. The provisions of this Act shall have effect notwithstanding any thing inconsistent therewith contained in any other law for the time being in force.

Power to remove difficulties.

19. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty:

Provided that no such order shall be made after expiry of three years from the date of commencement of this Act.

Power to make rules.

20. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modifications or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

There are a large number of people in the country whose only source of livelihood is through the act of asking for alms. Over the years, this has turned into one of the largest organised crimes of human trafficking in the country. The community of beggars is one of the most ignored in the country. Some of the States enacted laws to make begging a punishable offence. According to the laws prevailing in the States, beggars are arrested and sentenced to a minimum of three to ten years of imprisonment.

The Government of India does not run any scheme or plan solely for beggars in the country including their skill development. There is no robust mechanism or framework that provides them with an opportunity to develop skill and earn a respectable livelihood or fulfil their basic daily needs like food, housing or shelter. These people are denied their fundamental rights.

The need is to provide adequate facilities for skill development programmes for empowering beggars to earn their livelihood. The need is also to provide treatment and rehabilitation for the differently abled beggars through counselling and establish a separate Beggars Welfare Fund along with establishing a Cooperative Society that supports them.

It is felt that there is a need for a framework that creates positive responsibility of the State to protect the fundamental rights of the destitute and people engaged into begging.

Hence this Bill.

NEW DELHI;

*January 15, 2021.*

ALOK KUMAR SUMAN

## FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to establish Receiving Vocational Shelter for persons detained while found begging. Clause 6 provides for establishment of separate Shelters for child beggars. Clause 7 provides for establishment of separate Shelters for beggars with disabilities. Clause 9 provides for establishment of Beggars Welfare Fund. Clause 10 directs the appropriate Government to make provisions for free and compulsory vocational training courses and skill development for beggars. Clause 11 provides for access to free treatment and rehabilitation for the differently abled beggars. Clause 12 provides for additional assistance to the beggars. Clause 13 provides for establishment of a Cooperative Society for beggars. Clause 14 provides for establishment of a Monitoring Committee to supervise and overlook all Receiving Vocational Shelters established under this Act. Clause 15 provides the appropriate Government to provide jobs to the beggars after completion of their detention period. Clause 17 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Act and for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees One Hundred Crore would be involved as recurring expenditure per annum from the Consolidated Fund of India.

Non-recurring expenditure of rupees One Hundred Crore is also likely to involve.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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*(Dr. Alok Kumar Suman, M.P.)*