

AS INTRODUCED IN THE RAJYA SABHA
ON THE 27TH FEBRUARY, 2015

Bill No. XLVI of 2014

THE BEGGARS (EMPOWERMENT, SKILL DEVELOPMENT AND
REHABILITATION) BILL, 2014

A

BILL

to provide for beggars to lead a life with 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.

WHEREAS the preamble of the Constitution of India 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 of all 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, all of which being fundamental rights bestowed by the Constitution to all citizens of the country.

AND WHEREAS the United Nations Convention against Transnational organized Crime 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 Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Beggars (Empowerment, skill Development and Rehabilitation) Act, 2014.

(2) It extends to the whole of India.

Short title,
extent and
commence-
ment.

(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 construed 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 the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government;

10 41 of 1946.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that 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;

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

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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) "children Homes" means the children's home established under the Juvenile Justice (Care and Protection of Children) Act, 2000;

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56 of 2000

(e) "co-operative Society" means an society registered or deemed to be registered, under the Co-operative Societies Act, 1912 or any other law relating to co-operative societies for the time being in force in any State;

2 of 1912

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

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(g) "mentally Challenged" means a condition of arrested or incomplete development of mind of person, which is specially characterized by sub-normality of intelligence;

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

(i) "differently abled persons" means a person 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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(j) "physically Handicapped" includes all such persons who have any kind of loco motor disability or visual or hearing impairment;

(k) "prescribed" means prescribed by rules made under this act;

(l) "receiving vocational shelters" means an institution for the receiving and rehabilitation of beggars provided by the appropriate government where vocational training shall be imparted free of cost to all persons;

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(m) "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 not less than three years which may extend to ten years, or with fine, or with both;

Abetment to begging as cognizable and non-bailable 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 not less than three years 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) The Competent Court, may increase punishment or penalty on trial under sub-section (1) on finding aggravating circumstances or heinous offences, depending on the nature of the crime, such that;

Any person convicted of human rights violations or an offence under Indian Penal Code of 1860 or other laws that involve as human right violation trafficking of human body parts, rape, Molestation, Sexual Harassment and torture;

(5) The sentence in such cases may extend of life imprisonment or death sentence.

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 a detention:

Detention of Beggars.

(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:

Provided that no person found begging on any premises, not being a public place shall be detained or shall be liable to any proceedings under this Act except on a complaint made by the occupier of such premises:

Provided further that a person, other than a police official, may hand over the beggar to the Police if they find it convenient:

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

(3) Any person detained under sub-section (2) shall be sent to receiving shelters established under Clause 5, 6 and 7 with immediate effect, for a period of not less than one year extending up to five years;

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

5. 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 persons detained under Section 4 with the exception of children and differently abled persons, with the following provisions:

Detained Beggars to be sent to Receiving Vocational Shelters.

(i) The receiving vocational shelter shall have reasonable lodging, food and medical facilities with qualified doctors available round the clock at free of cost to all beggars;

(ii) Mandatory education skills and basic physical fitness training would be imparted to each beggar in the receiving vocational shelter, monitored and evaluated continuously by a qualified training officer for their overall development;

(iii) Each beggar at the Receiving vocational shelter shall be guaranteed a minimum of 100 days of employment where they would engage themselves in work to earn their livelihood and develop skill to further their employability under programmes for Night Shelter-cum-Work;

(iv) Reinforcement sessions by Phychatrists and Consulting doctors would be arranged at the receiving vocational shelters for conducting personal sessions with all beggars; and 5

(v) Each of these receiving vocational Shelters must be equipped with recreational facilities to engage beggars in a playing field, chess, carom and other indoor activities. 10

Separate Shelters for Children.

6. 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 all children with the exception of those with physical or mental disability, detained under Section 4, with the following provisions;

(i) Reasonable in house lodging, food and medical facilities with qualified doctors available round-the-clock and-in-house shall be provided free of cost to all Children; 15

(ii) Free and Compulsory Education under the The Right of Children to Free and compulsory Education Act, 2009; 35 of 2009.

(iii) Free Education till class twelfth for all children under any scheme of an appropriate Government; 20

(iv) Remedial sessions for children for aiding them to get at par with their age appropriate class;

(v) Mandatory Physical fitness and Sports:

Provided that the required infrastructure or access to nearest district infrastructure for the holistic development of children shall be provide by the Appropriate Government. 25

(vi) At least one Female Counsellor in each Children Shelter to address the issues faced by children, closely monitored by the District Welfare Officer on whose recommendation action will be taken as the appropriate Government deems fit;

(vii) For those children with families, visitor hours may be availed by family members to meet, interact and track the development of their children at a frequency prescribed by the appropriate Government; and 30

(viii) Children, above fourteen years of age, shall have Skill Development programmes by the Government for which they shall receive a montly stipend as prescribed appropriate Government.

Separate Shelters for biggers with disabilities.

7. (1) The appropriate Government shall, by notification in the Official Gazette shall establish separate Receiving Vocational Shelters in each district for differently abled beggars; 35

(2) The shelters registered under this Clause, shall, be provided, for the propose of rehabilitation and re-integration of persons, with the following in such a manner as may be prescribed, which may include;

(a) Reasonable(maintain a minimum standard of quality) lodging, food and medical facilities, that would be accessible by differently abled persons, with qualified doctors available round-the-clock and in-house shall be provided free of cost to all beggars with disabilities; 40

(b) Accessible infrastructure and equipment for differently abled persons like ramps, wheel-chairs, prosthetic devices, hearing aids, braille kits, or any other suitable aids and appliances as required; 45

(3) Appropriate Vocational and Skill Development programs for differently abled beggars shall be carried out in shelters for differently able persons such in a manner as may be prescribed, which may include;

(i) Special Trainers equipped and certified to take care of differently abled persons;

(ii) Required material for training and skill development of persons with special needs; and

5 (4) Physiotherapists and doctors, according to the special needs, shall be provided in such shelters to hold special weekly sessions with all the Beggars at the Shelter.

8. The appropriate Government shall designate any Children Shelter as a home fit for children with disabilities or special needs and provide for delivering specialised services, in addition to those mentioned in sub-sec. (i) of section 7, depending on the requirement and may include the following:

Separate Designated Shelter for Children with Disabilities.

(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

35 of 2009

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

9. The Central Government, in consultation with the State Government, shall establish a Beggar's Welfare Fund for the purpose of skill development, vocation training, medical facilities and Education among others in such manner as may be prescribed.

Established of Beggar's Welfare Fund.

20 **10. (1)** The appropriate Government shall ensure the imparting of Vocational courses at each of the shelter institutions established under this act, with the exception of children and differently able beggars established under this Act where Free and Compulsory training in varied fields of industry, agriculture, textiles, micro-financing, media, computer applications and software development among others as designed in the skill development program by the appropriate Government for the Skill Development of beggars shall be provided in such manner as may be prescribed.

Vocational Training Courses at each shelter.

(2) A stipend per month as an incentive to all the beggars for the training sessions in such manner as may be prescribed the appropriate Govt. shall pay.

30 **11.** The appropriate Government shall help the beggars and children with disabilities to overcome their disability in a manner as may be prescribed by utilising the Beggar's Welfare Fund, which may include the following:

Treatment and Rehabilitation of Beggars with Disabilities

(i) 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;

(ii) Support and Aid to differently abled persons, post their treatment.

35 **12.** 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,—

Additional Assistance to Beggars at Shelters.

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

(ii) legal aid where required;

40 (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, registered or fit individuals or institutions or through referral services.

Establishment of Cooperative Society for Beggars.	<p>13. The appropriate Government shall, by notification in the Official Gazette, establish a Cooperative Society for Beggars, with a centre in either each district or a group of districts, where,</p> <p>(i) beggars sent to Receiving Vocational Shelters, Special Shelters or Children Shelters shall be introduced and familiarized with several concepts of micro financing, credit system, banking, entrepreneurship among others for skill development;</p> <p>(ii) The products created by beggars in the Shelters during the vocational training sessions under section 10, may be sold to the public or bought by the appropriate Government and the proceeds to acquired shall go to the Beggar's Welfare Fund; and</p> <p>(iii) beggars in shelters may take financial aid from the Beggar Welfare Fund to sell their products through the Cooperative, the profit from which shall go to the Beggar or group of beggars.</p>	5 10
Establishment of Monitoring Committee.	<p>14. (1) The appropriate Government shall by notification in the Official Gazette, carry out strict monitoring of the institutions set up under this Act, by establishing a monitoring committee, within three months of the coming into force of the Act in such manner as may be prescribed.</p> <p>(2) The Monitoring Committee shall consist of:</p> <p>(a) The Secretary of Ministry of Social Welfare and Justice;</p> <p>(b) Officers from Ministry of Law and Justice;</p> <p>(c) Secretary Ministry of Urban Development,</p> <p>(d) Five Experts from the field of Skill Development and Vocational Training, appointed by the appropriate Government;</p> <p>(e) Not less than two members from Non-Government Organisations working in the field of Social Welfare and Justice; and</p> <p>(f) Not less than two retired judges of High Court, appointed by the appropriate Government.</p> <p>(3) The monitoring committee shall submit a report by 10th day of every month to the Ministry of Social Justice and Empowerment.</p> <p>(4) Each institution set up under this Act, shall submit a report to the Monitoring</p>	15 20 25 30
Assistance in Jobs and Employment Opportunities.	<p>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 jobs for sustaining their livelihood or provide jobs in Government or Government aided organisations.</p>	35
Begging again would be punishable.	<p>16. The appropriate Government, shall arrest, sentence and impose penalty on persons, whoever having been previously detained and sent to the Receiving Vocational Centres under section 5, if found begging again, in such a manner as may be prescribed.</p>	
Government to provide funds.	<p>17. 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.</p>	40
Act to have Overriding effect.	<p>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.</p>	
Power to remove difficulty.	<p>19. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provision of this Act, as appears to it to be necessary or expedient for the removal of any difficulty.</p>	45
Power to make Rules.	<p>20. The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p>	

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 State Acts make it a punishable offence to beg and according to the law, arrest beggars and sentence them to a minimum of 3 to 10 years of imprisonment. The Government of India does not run any scheme or plan solely for Beggars in the Country and with regard to 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 constitutional rights.

This Bill aims to provide adequate facilities for skill development programs for empowering beggars to earn their livelihood. It has provisions for the treatment and rehabilitation for the differently abled as through as counselling and a separate Beggars Welfare Fund along with establishing a Cooperative Society that supports them.

It is felt there is a need for a framework that creates positive responsibilities on the State and provides for a more effective protection of the rights of the destitute and people into begging, guaranteed under the Constitution.

Hence this Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 5, Clause 6, Clause 8 and Clause 9 of the Bill seek to establish Shelter Homes in each district for the differently abled, children and those detained while found begging. Clause 10 establishes a Welfare Fund for Beggars, 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. Clause 13 establishes a Cooperative Society for beggars and Clause 14 establishes a Monitoring Committee to supervise and overlook all institutions established under the Act.

Clause 17 of the Bill makes it obligatory for the appropriate Government to provide requisite funds for carrying out the purposes of this Bill.

there is no easy way of estimating the full financial order likely to be increased if the provisions of this legislation are to be implemented. However, the expenditure, whether recurring or non-recurring, will be met out of the Consolidated fund of india or the consolidated fund of the concerned state.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill gives power to the Central Government, in consultation with the State Governments, to make necessary rules for making rules, by notification in the official gazette for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

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to provide for beggars to lead a life with 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.

(Shri Vivek Gupta, M.P.)