



No. R-17/ 14/ 2024-PRPP(RU-3) dated July 5, 2024

Advisory for the Protection and Rehabilitation of Impoverished, Uneducated Children, Women, and Differently-abled Individuals Engaged in Begging

Under the Protection of Human Rights Act, 1993, the National Human Rights Commission (NHRC), India is entrusted with the responsibility of protecting and promoting the rights of all human beings in the country. To protect human rights and ensure dignity, the Commission pays special attention to most vulnerable sections of society. In this context, the Commission has taken cognizance of the challenges faced by the persons forced to beg on the streets.

2. Persons engaged in beggary face a number of challenges that impact their life and dignity. Beggary is not only a socio-economic problem but also reflects the failure of the society, where people are forced to beg to eke out their livelihood.

3. To address these issues and challenges, the Commission hereby issues the 'Advisory for Protection and Rehabilitation of Impoverished, Uneducated Children, Women, and Differently-abled Individuals Engaged in Begging' to the Union and State/ Union Territory Governments, containing a set of recommendations for the upliftment and welfare of individuals engaged in begging.

4. You are requested to implement the recommendations issued in the advisory and send an Action Taken Report (ATR) within two months. This will keep the Commission informed of the progress in implementing the advisory on the ground to bring qualitative change in the lives of people engaged in beggary.

[Bharat Lal]
Secretary General

Enclosed: As above

- i.) Secretary, Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi – 110 001
- ii.) Chief Secretaries of States (all)
- iii.) Chief Secretaries of Andaman & Nicobar Islands, Jammu & Kashmir and Puducherry
- iv.) Advisor to Administrators of Chandigarh, Daman & Diu and Dadra & Nagar Haveli, Lakshadweep
- v.) Advisor to Lt. Governor, Ladakh



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Advisory for the
**Protection and
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National Human Rights Commission

June, 2024



As per the 2011 census, there were more than 413 thousand beggars and vagrants in India. The presence of individuals engaged in beggary serves as a reminder of the challenges faced by marginalised and vulnerable communities. Beggary is not just a result of poverty, but it is a socio-economic problem, where people are forced to beg to eke out their livelihood due to the absence of education and employment opportunities. It is a social issue that is prevalent in the urban areas of many countries. In both cities and smaller towns, many individuals, including women, children, transgender and elderly, are forced to beg for survival. Further, as a result of societal neglect, physically challenged individuals have no choice but to depend on others for survival and daily sustenance. However, beneath the surface of poverty lies a humanitarian crisis where the dignity and rights of these individuals are compromised. While traditional views might blame begging on individual failings, a closer look reveals systemic deficiencies and structural inequalities that perpetuate poverty. To address these issues, a comprehensive approach is needed, including social welfare interventions, access to basic facilities, strong legal frameworks and enforcement to protect their rights and help them reintegrate into society.

The soul of the Constitution of India is the Preamble which postulates amongst others, 'Justice - social, economic and political', and 'Fraternity, assuring the dignity of the individual'. In conformity with the solemn ideas enumerated in the preamble, Article 21, read with Article 23 of the Constitution, mandates the State to uphold the fundamental rights of the citizens by ensuring that no person shall be deprived of his life and dignity. Additionally, the State should strive to prohibit all forms of human trafficking, beggary and forced labour by enacting penal laws in case there is any contravention of such prohibition.

As per the Section 2(1)(i) of **Bombay Prevention of Begging Act, 1959**, begging is defined as –

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

but does not include soliciting or receiving money or food or given for a purpose authorized by any law, or authorized in the manner prescribed by [the Deputy Commissioner or such other officer as be specified in this behalf by the Chief Commissioner]"

Similarly, as per Section 2(8) of Juvenile Justice (Care and Protection of Children) Act, 2015 'Begging' means –

- (i) *soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence;*
- (ii) *exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal".*



Despite a number of initiatives and welfare programmes implemented by both the Central and State Governments, the issue of begging persists across the country. Organized groups often manipulate vulnerable children into begging, not for their benefit, but to enrich the groups' leaders. In some cases, individuals engaged in beggary are abducted and coerced into begging, generating substantial money for their captors.

To ameliorate the situation, the elderly and those with disabilities may be accommodated in specialized care facilities. Others who are involved in begging require access to education and vocational training to help them find meaningful employment. Consequently, it is imperative to develop strategies aimed at eliminating the need for begging and enhancing the quality of life for those involved in it.

With the motto that 'no one should be left behind' and to promote a paradigm shift in the attitude of interventions from the welfare approach to an entitlement approach, the National Human Rights Commission (NHRC), India issues this advisory to the government authorities, and accordingly, makes the following recommendations:

1. Survey, identification, Mapping and preparing Data Bank

1.1. A standardized survey format to be developed by the Ministry of Social Justice & Empowerment (MoSJE) for collecting detailed information to build a national database, which should be updated regularly. All the data to be collected and uploaded on an online portal/ dashboard which will be accessible to various stakeholders such as authorities at state/ district level, nodal agencies, and shelter homes, wherein they can access the necessary

information. They may be encouraged to maintain soft copies of the collected data.

- 1.2. In preparing the database for identification of individuals engaged in begging, a number of parameters are to be included, such as gender, age, whether they have children, whether they live with families, whether they are orphans, whether they are in conflict with law, whether they are into substance abuse, whether they have disabilities or physical health issues, whether they have mental infirmities, their place of origin, whether they reside in slums, whether they reside at religious places, whether they reside at traffic signals, whether they reside at dumping yards, whether they reside at bus stands, whether they reside at railway stations, whether they perform the act of beggary inside trains, whether their family members are engaged in beggary, whether they have resorted to begging in any other place/ city, whether they were earlier engaged in any economic activity and if so details of the activity, etc.
- 1.3. Municipal Corporations or designated government agencies to conduct the survey on the above indicators to identify beneficiaries engaged in begging. Non-Governmental Organizations (NGOs) or voluntary groups with expertise in this area may contribute to the survey efforts.
- 1.4. Upon completion of the identification process, the State to ensure that individuals engaged in beggary are brought to shelter homes (as mentioned under SMILE Scheme - Support for Marginalized Individuals for Livelihood and Enterprise Scheme) located within cities or districts and are registered as residents.



2. Rehabilitation of individuals engaged in beggary

- 2.1. Every resident of the shelter home to be registered and an identity card to be issued by the relevant departments/ nagarpalikas/ gram panchayats in the states/ union territories (UTs) or authorized agencies. The card to include their names, approximate age (if exact age is unavailable), address of the shelter home, and health status (if differently-abled, etc.). Mandatory entry/ record of these details are required on the online portal.
- 2.2. The State to ensure that shelter homes offer essential services, including registration, issuance of identity cards (such as Aadhar card, Ration card, or any other form of identification), and assistance with opening bank accounts. If necessary, authorities may organize camps to issue and disseminate information on Aadhar Cards, Ration Cards, Ayushman Cards, Jan-Dhan account scheme and benefits of other welfare schemes.
- 2.3. The State to identify avenues such as religious congregations to organize awareness generation camps for discouraging begging, and disseminate information on the various government welfare schemes and employment opportunities including those for self-employment.
- 2.4. The beneficiaries to also be educated, sensitized and provided necessary assistance to avail benefits of different schemes/ services provided by the state/ UT and union government such as those related to food security, health, housing, financial security, drinking water, cooking gas, electricity, etc. One such scheme is SMILE, which is a Central Sector Scheme designed for the comprehensive rehabilitation of individuals engaged in begging.

3. Healthcare

- 3.1. The State to ensure that shelter homes provide all residents with proper boarding and lodging facilities.
- 3.2. The State to ensure that shelter homes offer healthcare services to residents as needed, including medical check-ups, tests, and access to treatment through government-operated clinics and hospitals and/ or are covered under Ayushman Bharat or any schemes of the state governments. Particular emphasis to be placed on catering to the needs of children, women, the elderly, and persons with disabilities (PwDs) and those addicted to substance abuse as per the already existing provisions of law applicable to these specific groups.
- 3.3. The State to ensure that the shelter homes provide for mental health counselling, de-addiction and rehabilitation services. Shelter homes may avail facilities of Mobile Mental Health Units (MMHUs) for mental health services.
- 3.4. The residents to be linked with government schemes for medical assistance and insurance, such as the Universal Health Insurance Scheme (UHIS), National Rural Health Mission (NRHM), National Urban Health Mission (NUHM), Rashtriya Swasthya Bima Yojana, and AYUSH.

4. Education

- 4.1. As mandated under Article 21 A of the Constitution of India, the State to ensure free and compulsory education to all children between the ages of 6-14 years, including those involved in begging. The State to register and enrol such children in government or private schools under the Right to Education Act, 2009.



4.2. The State to provide early childhood care and education for children up to 6 years of age whose parents are involved in begging in accordance with Article 45 of the Indian Constitution.

5. Legal and Policy Framework

5.1. Article 21 guarantees a dignified life to all the citizens and thus, it is imperative for the State to ensure that the people who sustain themselves by begging receive adequate shelter, sufficient nutritious food and appropriate clothing to enable them to live with dignity until begging is eliminated from the society.

5.2. Prevention and elimination of all forms of begging warrants the State to establish an anti-begging framework. This may begin by first drafting a National Policy for the protection and rehabilitation of individuals involved in beggary, followed by preparing and implementing welfare schemes for them with targeted financial assistance, vocational training, poverty alleviation and employment opportunities and continuous monitoring and supervision by executive actions for implementation of those frameworks.

5.3. The State to work towards decriminalising begging.

5.4. The State to undertake a sociological and economic impact assessment and thereafter legislate an anti-human trafficking law to curb any racket of forced begging. This law should identify beggary as one of the root causes of human trafficking and insert penal offences against the perpetrators, including cartels and pimps, to ensure complete prohibition of trafficking in human beings. The State to also ensure obliteration of beggary or other similar forms of forced labour as prohibited under Article 23 of the Indian Constitution.

5.5. The State to undertake anti-poverty and poverty alleviation measures in prevention and elimination of beggary. They must be provided access to schemes meant for poverty alleviation

6. Collaboration with NGOs, civil society organisations, private sector, charitable trusts, etc.

6.1. The State to provide skill development and vocational training to residents of shelter homes according to their abilities, capabilities, and preferences. This will enable them to pursue self-employment or wage employment, ensuring they can sustain themselves and live a life of dignity.

6.2. The shelter homes to collaborate with government-recognized vocational centres endorsed by the State to enrol residents for skill training programmes.

6.3. NGOs/ civil society groups may assist the residents in forming Self-Help Groups (SHGs) and provide assistance in accessing loans for self-employment.

6.4. Different departments of the State and other stakeholders can collaborate to offer skill development training. Since Corporate Social Responsibility (CSR) can be an alternative source of funds, shelter homes may reach out to corporate to facilitate such partnerships.

6.5. The State to explore the possibility of employment opportunities to the individuals engaged in begging, once they have been trained or imparted skills by the government recognised institutes.

6.6. After school hours, provision for assistance in studies and homework to be provided. NGOs/ District administration operating the shelter homes to call for volunteers from schools/ colleges/ nearby places and



incentivise them for successfully helping the children in their studies and homework.

7. Access to financial services

- 7.1. Beggars at shelter homes and/ or after rehabilitation to be encouraged to form Self-help Groups (SHGs). Authorities to coordinate with banks to provide loans to these SHGs by considering group guarantee as a collateral. The State to also facilitate benefits of governments' schemes meant for the welfare of SHGs.
- 7.2. The State to provide them with financial assistance for their future sustenance by involving the banking sector. To ensure this, the State may also consider providing incentives or subsidies to banks for lending to these residents/ SHGs. These incentives could include, loan guarantees, interest subvention or reimbursement for losses on loans to banks.

8. Awareness Generation, Sensitization and Monitoring

- 8.1. The State to develop relevant information, education, communication (IEC) and training materials, and organise awareness programmes.

8.2. The State to provide follow-up and after care services to monitor progress, awareness generation, and address gaps in order to prevent any relapse into begging.

8.3. The State and municipal authorities to establish an outreach & mobilization mechanism to sensitize individuals engaged in beggary on their rights and entitlements to prevent their exploitation.

8.4. The State to also reach out to common public to create awareness on the welfare of individuals involved in begging in order to seek their cooperation in implementation of protection mechanisms.

8.5. The state/ UTs administration to start campaigns, both digitally and in the print media, to ensure that the social menace of organized/ forced begging be eradicated in all forms. To achieve this goal, anti-begging cells (organised and unorganised) may be initiated by involving various stakeholders including NGOs/ CSOs and human rights defenders. All endeavours to be made to sensitize officers and public officials to enable them to transform the efforts into a public movement for complete eradication of all forms of begging.

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