

(Supreme Court Of India)

Karnika Sawhney

v.

Union of India & Others

Y.K. SABHARWAL HON'BLE MR. JUSTICE TARUN CHATTERJEE

Writ Petition (Civil) No. 117 Of 2000 | 25-01-2005

1. A law student, who, we are told, is now a lawyer, filed this petition about five years back bringing to the notice of this Court that despite the Bombay Prevention of Begging Act, 1959 (for short, 'the Act') having been extended and made enforceable in Delhi about forty years ago, its implementation has been very dismal and nothing seems to have been done by the respondents to implement the said Act and the Rules framed thereunder, namely, Delhi Prevention of Begging Rules, 1960 (for short, 'the Rules'), and, on the other hand, the problem has been increasing. The capital of the country has to be a role model for others to follow. If the fact situation in Delhi is what has been stated in the writ petition, which is substantially correct, one can well imagine the state of affairs in other parts of the country. Various directions have been sought in the writ petition including appointment of Visiting Committees, making arrangements for provision of proper and clean shelter, adequate and proper food, clothing and other necessary basic amenities including proper medical aid facilities in all the beggar institutions established under the Act, for providing vocational training and increasing mobile raiding squads and linking beggary prevention programmes with other poverty alleviation programmes and income generating programmes of the Government. It appears that almost all the beggar homes are lying almost vacant, the number of inmates residing therein being minimal as compared to the sanctioned strength. On the other hand, there is an increase in the number of beggars as one can see on intersections and other places.

2. We have perused the affidavits filed by the Deputy Commissioner of Police, dated 5th November, 2004, and by the Joint Director, Social Welfare Department, Government of NCT of Delhi, dated 29th October, 2004, along with the documents annexed.

3. Section 14 of the Act requires the State Government to appoint Visiting Committees. Rule 20 of the Rules deals with the constitution and tenure of the said committee and filling up of the vacancies therein. Rule 21 sets out duties of Visiting Committee stipulating quarterly meetings to be held in the months of January, April, July and October every year. It took for the Government more than forty years to appoint first committee in terms of the notification dated 21st April, 2003. The other notification in regard to the constitution of a Visiting Committee is dated 14th September, 2004. Whether any meeting have taken place or not, we are not certain since nothing is on record.

4. Perusal of the reports filed along with the aforesaid affidavits shows that hardly any concrete steps are being taken to implement the provisions of the Act and the Rules. The amounts are being spent, it seems, only on salaries, maintenance and payment of overtime allowance. There does not appear to be any vocational training. Further, it appears that the sanctioned posts have not been filled up and even those who have been appointed draw salaries on account of their appointment to the beggars home but they work elsewhere. There does not appear to be any provision made for supply of food, medical facilities or any other requirements. The impression one gets from the record is that for all intents and purposes the vocational homes are more on paper.

5. Under the aforesaid circumstances, we direct the Social Welfare Department to file a detailed affidavit as to what concrete steps have been taken to implement the provisions of the Act and the Rules. We also direct the Police Department to file a detailed affidavit as to what concrete steps have been taken to check the menace of begging, in particular, at intersections and religious places. These affidavits shall be filed within four weeks.

6. List this matter thereafter.