

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (Civil) NO. 117 OF 2000

KARNIKA SAWHNEY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions)

Date: 25/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s) Ms. Indra Sawhney, Adv.

Ms. Karnika Sawhney, Adv.

Mr. Aman Usman, Adv.

For Respondent(s)

-NCT, Delhi &

Delhi Police:

Mr. H.K. Puri, Adv.

Mr. T.A. Khan, Adv.

for Mrs. Anil Katiyar, Adv.

Mr. D.S. Mahra, Adv. (NP)

-UOI:

Mr. C.V. Subba Rao, Adv.

for Mr. S.N. Terdol, Adv.

UPON hearing counsel the Court made the following

O R D E R

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'),

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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.

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 N.C.T. of Delhi, dated 29th October, 2004, along with the
documents
annexed.

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 meetings have taken place or not, we are
not certain

since nothing is on record.

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

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Rules. The amounts are being spent, it seems, only on salaries, maintenance and

payment of over-time 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.

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.

List this matter thereafter.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

