

Social Security and Criminal Laws

What is the issue?

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- The Delhi High Court has recently struck down some provisions of the Bombay Prevention of Begging Act. Click [here](#) to know more

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- It is imperative, in this context, to understand the colonial perceptions behind the coming in of such laws.

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What was the colonial era approach?

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- In 1871, the colonial regime passed the Criminal Tribes Act.

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- This was based upon the racist British belief that many groups and communities are being criminal by birth, nature, and occupation.

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- The Act unleashed a reign of terror, with systems of surveillance, police reporting, separation of families, detention camps, and forced labour.

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- More than six decades after independence, India repealed the Act.

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- But sadly, the “denotified tribes” continue to suffer from stigma and systemic disadvantage.

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What is the rationale behind?

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- Criminal Tribes Act is one among a range of colonial laws that dehumanised communities.

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- The colonial administrators were particularly concerned about nomadic communities.
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- It's because, by virtue of their movements and lifestyle, it was difficult to track, surveil, control, and tax them.
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- So the Criminal Tribes Act and other such laws attempted to destroy these patterns of life.
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- They were used to coerce these communities into settlements and subject them to forced labour.
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What happened after independence?

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- Constitution did promise liberty, equality, fraternity, and dignity to all.
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- However, independent India's rulers continued to replicate colonial logic in framing laws for the new republic.
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- Individuals were continued to be treated as subjects to be controlled, rather than rights-bearing citizens.
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- The Bombay Prevention of Begging Act comes as an extension of this approach.
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What are the larger concerns with the Act?

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- The Act has continued to exist in as many as 20 States and two Union Territories.
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- The definition refers to "singing, dancing, fortune telling, performing or offering any article for sale" for receiving alms.
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- The vague definitions give unchecked power to the police to harass citizens.
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- The Begging Act was used just before the 2010 Commonwealth Games.
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- The Delhi government took measures to take beggars off the street as their presence would embarrass the nation before foreigners.
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- Such operations are also a regular part of preparing for national events, such as Independence Day and Republic Day.
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- It seems to be targeting groups and communities whose nomadic patterns of life do not fit within mainstream stereotypes.
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- It reflects the desire to erase public spaces of people who look or act differently.
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- It conveys that the constitutional guarantees of pluralism and inclusiveness are not available to these people.
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What is the significance of HC ruling?

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- The Delhi High Court's judgment marks a crucial step forward in dismantling a vicious legacy of colonialism.
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- It comes as a recognition of the fact that our Constitution is a transformative one.
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- It seeks to undo legacies of injustice and lift up all individuals and communities to the plane of equal citizenship.
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What is the way forward?

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- A court can strike down an unconstitutional law, but it cannot reform society.
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- Poverty is a systemic and structural problem of the society.
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- So it is the task of the legislatures and the government to replace contentious laws as the Begging Act.

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- Measures focusing on rehabilitation and integration of the most vulnerable and marginalised members should be the way forward.

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Source: The Hindu

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