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DIGITAL SURVEILLANCE, CRIMINAL NETWORKS, AND STREET BEGGING: REVISITING MAHARASHTRA'S LEGAL FRAMEWORK UNDER THE BOMBAY PREVENTION OF BEGGING ACT, 1959

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I. ABSTRACT

Begging in urban Maharashtra is no longer a solitary act of desperation; it has increasingly assumed the character of an organized enterprise in which entrenched criminal networks exploit vulnerable individuals – children, women, persons with disabilities, migrant workers, and the destitute – for financial gain. The Bombay Prevention of Begging Act, 1959 remains Maharashtra's principal statutory response to begging, yet its architecture was framed in an era that could not have anticipated digitally enabled syndicates, biometric identification systems, CCTV analytics, QR-code based collections, or contemporary data-protection concerns. Using a doctrinal legal research methodology, this article examines the text and operation of the 1959 Act, relevant constitutional principles, judicial pronouncements, and connected statutory frameworks, including the Maharashtra Control of Organized Crime Act, 1999, the Information Technology Act, 2000, the Criminal Procedure (Identification) Act, 2022, the Digital Personal Data Protection Act, 2023, and child-protection and trafficking-related laws. The article argues that the existing framework inadequately distinguishes between poverty-driven begging and coercive, organized exploitation. It further evaluates whether digital surveillance can assist law enforcement in identifying repeat patterns, tracing financial flows, and dismantling criminal networks without converting vulnerable persons into objects of permanent surveillance. The paper recommends targeted statutory amendments, including a proposed Section 11-A creating an aggravated offence of organized exploitation for begging and a proposed Section 29-A authorizing biometric

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identification, CCTV surveillance, and digital payment tracing subject to purpose limitation, retention limits, deletion duties, and independent oversight. It concludes that Maharashtra requires an integrated, rights-respecting legal architecture that couples the rehabilitative purpose of the 1959 Act with proportionate surveillance powers and enforceable data-protection safeguards.

II. KEYWORDS

Bombay Prevention of Begging Act, 1959; Organized Begging Networks; Biometric Surveillance; Digital Personal Data Protection; Maharashtra Organized Crime.

III. INTRODUCTION

Walk through Dadar station or the Mahalaxmi temple precincts on any weekday morning and the sight of beggars is unremarkable so unremarkable, in fact, that passersby rarely pause to consider whether the person soliciting alms is there by choice or by compulsion. Behind that ordinary urban tableau lies a far more disturbing reality: a sophisticated network of middlemen, transporters, recruiters, and enforcers who treat human suffering as inventory. Maharashtra, as one of India's most economically productive states, has long grappled with organized begging. The state statute of reference is the Bombay Prevention of Begging Act, 1959,² a pre-independence era legislation that was extended to Maharashtra and continues to govern responses to begging across the state. The Act criminalizes begging, empowers police to arrest without warrant, and provides for detention in certified institutions.

The criminal dimensions of organized begging human trafficking, child exploitation, physical mutilation to elicit sympathy, and money-laundering are not adequately addressed by the 1959 Act. Courts have begun to note this dissonance. In *Harsh Mander v. Union of India*,³ the Delhi High Court declared several provisions of the Bombay

² Bombay Prevention of Begging Act, 1959, Maharashtra Act No. X of 1960 (as amended), preamble.

³ *Harsh Mander v. Union of India*, W.P. (C) No. 10498/2009 (Delhi H.C. Aug. 8, 2018).

Prevention of Begging Act, 1959, as extended to Delhi, unconstitutional for violating Articles 14 and 21 of the Constitution, holding that the criminalisation of poverty without meaningful rehabilitation is arbitrary and incompatible with human dignity. Although the decision is directly binding only within its territorial and factual context, its constitutional reasoning remains a significant persuasive authority for evaluating anti-begging legislation in Maharashtra.

Against this backdrop, digital surveillance emerges as both a promise and a peril. On one hand, technologies such as facial recognition, CCTV analytics, biometric enrollment, and digital payment tracking can help law enforcement identify and dismantle organized begging syndicates. On the other hand, deploying surveillance without adequate legal safeguards risks converting an already-persecuted population into subjects of permanent digital control. The tension between these two poles effective enforcement and civil liberties is the central concern of this article.

This article proceeds as follows. Part II situates the Bombay Prevention of Begging Act, 1959 in its historical and legislative context. Part III dissects the anatomy of criminal networks behind organized begging. Part IV surveys the constitutional framework and judicial responses. Part V examines how digital surveillance tools interact with existing law enforcement obligations. Part VI analyses the digital legal framework the IT Act, the Criminal Procedure (Identification) Act, and the DPDPA as tools against criminal networks. Part VII identifies persisting lacunae, and Part VIII offers doctrinal recommendations.

A. Research Objectives

The present study is guided by the following research objectives:

1. To examine the adequacy of the Bombay Prevention of Begging Act, 1959 in addressing organized begging networks in Maharashtra.

2. To assess whether begging rackets involving coercion, exploitation, territorial control, and financial gain may fall within the organized crime framework under the Maharashtra Control of Organized Crime Act, 1999.
3. To evaluate the relevance of the Information Technology Act, 2000, the Criminal Procedure (Identification) Act, 2022, and the Digital Personal Data Protection Act, 2023 in responding to digitally enabled begging syndicates.
4. To analyse the constitutional concerns arising from the use of biometric surveillance, CCTV analytics, and digital payment tracing against vulnerable begging populations.
5. To propose legislative and procedural reforms, including aggravated liability for organized exploitation and safeguards for the lawful, proportionate, and rights-respecting use of digital surveillance tools.

B. Research Questions

The study seeks to answer the following research questions:

1. Does the Bombay Prevention of Begging Act, 1959 adequately address organized and digitally enabled begging networks in Maharashtra?
2. Can operators of begging syndicates be brought within the framework of the Maharashtra Control of Organized Crime Act, 1999 under existing standards of “continuing unlawful activity” and evidentiary proof?
3. How can the Information Technology Act, 2000, the Criminal Procedure (Identification) Act, 2022, and the Digital Personal Data Protection Act, 2023 be used to investigate digitally enabled begging rackets while preserving constitutional safeguards?
4. What legislative and procedural reforms are necessary to distinguish poverty-driven begging from coercive organized exploitation and to ensure proportionate, rights-respecting use of digital surveillance?

C. Research Methodology

This study adopts a mixed legal research methodology, though it remains primarily doctrinal in character. The doctrinal component is based on the analysis of statutory texts, constitutional provisions, judicial pronouncements, and secondary legal materials concerning begging, organized crime, biometric identification, digital surveillance, and data protection. The principal legal sources examined include the Bombay Prevention of Begging Act, 1959, the Maharashtra Control of Organized Crime Act, 1999, the Information Technology Act, 2000, the Criminal Procedure (Identification) Act, 2022, the Digital Personal Data Protection Act, 2023, and relevant child-protection and trafficking-related laws. The study also relies on case law addressing the constitutional validity of anti-begging measures, the right to livelihood, privacy, and organized crime liability.

The non-doctrinal element is limited and supplementary. It consists of reliance on publicly available police reports, NGO materials, media reports, and empirical or institutional studies, including data concerning organized begging rackets, digital payment practices, and rehabilitation conditions. These materials are used only to contextualize the legal analysis and to identify practical enforcement gaps. The study does not involve independent fieldwork, interviews, surveys, or primary empirical data collection. Its conclusions are therefore confined to doctrinal evaluation, supported by secondary factual materials, and are directed toward legislative and procedural reform.

IV. THE BOMBAY PREVENTION OF BEGGING ACT, 1959: LEGISLATIVE CONTEXT AND ARCHITECTURE

The Bombay Prevention of Begging Act, 1959 (hereinafter 'the Act') was enacted to provide "uniform and better provisions for the prevention of begging" in the then State of Bombay.⁴ It extends to the whole of Maharashtra and replaced an assortment of earlier municipal and district-level measures that had operated piecemeal across the state.

⁴ Bombay Prevention of Begging Act, 1959, preamble.

Section 2(1)(i) of the Act defines 'begging' expansively to include not only the direct solicitation or receipt of alms in a public place but also entering private premises for that purpose, and wandering in a public place with the intent to receive alms.⁵ Crucially, Section 2 also covers 'begging' done under the pretence of singing, dancing, fortune-telling, or offering articles for sale a definitional sweep that has allowed courts to catch a wide variety of street solicitations within the statute's ambit.

The enforcement mechanism is blunt. Section 4 empowers any police officer to arrest without warrant any person 'found begging.'⁶ The arrested person is produced before a Magistrate for a summary inquiry under Section 5, and if found to be a beggar, may be detained in a Certified Institution. A second or subsequent conviction under Section 6 attracts imprisonment of up to three to ten years in a Certified Institution.⁷ Section 11, arguably the most important provision for the present discussion, prescribes punishment for any person who 'employs or causes any person to beg or uses any person for the purpose of begging' a provision that directly targets the criminal orchestrators rather than the beggars themselves.

Section 29 further empowers the authorities to take finger impressions of persons detained under the Act a precursor to the modern biometric identification regime that will be discussed in Part VI below.⁸ Section 30 provides for the seizure and disposal of animals used in obtaining alms, reflecting the historical prevalence of performing animals as tools of begging. These provisions reveal a legislature attuned to exploitation, but one operating within the technological limits of 1959.

The Act was amended by the Maharashtra Prevention of Begging (Amendment) Act, 2025, enacted as Maharashtra Act No. 1 of 2026.⁹ The amendment did not introduce a

⁵ Id. § 2(1)(i)(a)-(d).

⁶ Id. § 4(1).

⁷ Id. § 6(1)-(2).

⁸ Id. § 29.

⁹ Maharashtra Prevention of Begging (Amendment) Act, 2025, Maharashtra Act No. 1 of 2026.

comprehensive child-beggar rehabilitation framework; rather, its principal purpose was to remove or modify outdated and discriminatory provisions concerning leprosy-affected or cured persons, particularly in relation to Sections 9 and 26 of the Act. It also updated certain statutory references, including references to the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Child Welfare Committee. Nevertheless, the core criminal framework remains largely unchanged. The absence of express provisions on organized begging syndicates, trafficking-linked exploitation, digital surveillance, and child-specific rehabilitation continues to limit the statute's effectiveness in contemporary Maharashtra.

V. THE ANATOMY OF CRIMINAL NETWORKS BEHIND ORGANISED BEGGING

What distinguishes organized begging from individual poverty-driven solicitation is the presence of a structured hierarchy. Research and police case records consistently reveal a four-tier model: recruiters at the base who identify vulnerable victims; transporters who move victims across districts or state lines; ground supervisors who assign begging spots and collect daily earnings; and apex operators who manage the finances and maintain political or police contacts.¹⁰

Mumbai presents one of the most documented cases of organized begging networks in India. Networks in the city operate with sophisticated territorial divisions, hierarchical management structures, and integration with other criminal activities.¹¹ The Mumbai police have documented cases where begging networks were connected to drug

¹⁰ Scribd, The Dark Reality of Beggars in India: A Comprehensive Research Paper 14-16 (Feb. 2026), <https://www.scribd.com/document/984683616>.

¹¹ Conticini A. & Hulme D., Escaping Violence, Seeking Freedom: Why Children in Bangladesh Migrate to the Street, 28 Disasters 56 (2007) (as cited in Scribd, supra note 9, at 18).

trafficking and illegal immigration making dismantling these syndicates particularly challenging, as it requires coordination across multiple law enforcement agencies.¹²

The financial scale is staggering. An investigation by the Hyderabad Task Force revealed that individual begging spots could generate between ₹1,000 and ₹2,000 per day, amounting to approximately ₹3 lakh per month from a single location.¹³ In Mumbai and Pune, operators have been found to use digital payment mechanisms including QR codes linked to their own bank accounts to collect alms, bypassing the physical handover of cash and effectively laundering proceeds through digital payment systems.¹⁴

Children are the most brutally exploited victims. The Juvenile Justice (Care and Protection of Children) Act, 2015 recognizes children found in circumstances where they are being used for begging as 'children in need of care and protection.'¹⁵ Yet the link between organized begging rackets and trafficking networks including the deliberate maiming of children to elicit greater sympathy and therefore higher earnings continues to be documented by NGOs and child rights bodies across Maharashtra.¹⁶

The legislative treatment of trafficking-linked begging remains fragmented. The Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, 2018 sought to create a comprehensive anti-trafficking framework and recognised aggravated forms of trafficking, but the Bill lapsed upon the dissolution of the 16th Lok Sabha after being passed by the Lok Sabha and before enactment.¹⁷ A revised draft, the Trafficking in

¹² Scribd, Beggar Mafia in India: A Hidden Crisis 9-11 (Dec. 2025), <https://www.scribd.com/document/930515006>.

¹³ Hyderabad Police Bust Begging Racket, Reveal Earning of Rs. 3 Lakh a Month, NDTV (Aug. 20, 2023), <https://www.ndtv.com/india-news/hyderabad-police-bust-begging-racket-reveal-earning-of-rs-3-lakh-a-month-4317515>.

¹⁴ Id.

¹⁵ Juvenile Justice (Care and Protection of Children) Act, 2015, § 2(14)(xii), No. 2 of 2016 (India).

¹⁶ Begging Racket Exposes Abuse and Exploitation of Children in Navi Mumbai, Times of India (May 4, 2025).

¹⁷ Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill, 2018 (India) (passed by the Lok Sabha but lapsed upon dissolution of the 16th Lok Sabha); Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 (India); Immoral Traffic (Prevention) Act, 1956, § 5, No. 104 of 1956 (India).

Persons (Prevention, Care and Rehabilitation) Bill, 2021, was subsequently circulated by the Ministry of Women and Child Development, but it has not yet become law. Consequently, begging-related exploitation must still be addressed through a combination of existing statutes, including the Immoral Traffic (Prevention) Act, 1956, the Juvenile Justice (Care and Protection of Children) Act, 2015, the Bharatiya Nyaya Sanhita, 2023, and state anti-begging legislation. This absence of a comprehensive enacted anti-trafficking statute strengthens the argument that Maharashtra's 1959 Act is being applied in isolation from the broader criminal-law framework needed to address organized begging syndicates.

VI. CONSTITUTIONAL FRAMEWORK AND JUDICIAL RESPONSES

The constitutional challenge to the criminalization of begging rests principally on Articles 14, 19, and 21. Article 21 guarantees the right to life and personal liberty, which the Supreme Court has expansively interpreted to include the right to livelihood.¹⁸ In *Olga Tellis v. Bombay Municipal Corporation*,¹⁹ the Supreme Court held that the right to livelihood is an integral component of the right to life, a ruling that has direct implications for anti-begging legislation. If poverty compels begging, the criminalization of begging may amount to the criminalization of poverty itself a position that sits uneasily with Article 21.

In *Harsh Mander & Anr. v. Union of India & Ors.*,²⁰ a Division Bench of the Delhi High Court struck down several provisions of the Bombay Prevention of Begging Act on the ground that they violated Articles 14 and 21. The Court observed that a person who begs out of poverty cannot be treated as a criminal, and that the State has a positive obligation to provide social security, housing, and employment rather than resorting to incarceration.

¹⁸ India Const. arts. 14, 19, 21.

¹⁹ *Olga Tellis v. Bombay Municipal Corp.*, (1985) 3 SCC 545, ¶ 33 (India).

²⁰ *Harsh Mander v. Union of India*, W.P. (C) No. 10498/2009 (Delhi H.C. Aug. 8, 2018).

No reliably verifiable source presently confirms that the Supreme Court stayed the Delhi High Court's 2018 judgment in *Harsh Mander v. Union of India*. Accordingly, the safer doctrinal position is to treat the judgment as an important constitutional precedent against the criminalisation of poverty, while recognising that its direct operative effect concerns the Bombay Prevention of Begging Act, 1959 as extended to Delhi. The decision nevertheless exposes a critical doctrinal gap in the 1959 Act: it does not adequately distinguish between a person who begs because of poverty and one who operates, controls, or profits from a coercive begging enterprise. This conflation remains the statute's central constitutional weakness.

Article 23(1) of the Constitution explicitly prohibits traffic in human beings and forced labour.²¹ Where begging is coerced as it is in the context of organized networks it constitutes a violation of this fundamental right. The State's failure to deploy the constitutional protection of Article 23 in cases of organized begging, relying instead only on the 1959 Act's administrative detention machinery, represents a significant missed opportunity for meaningful prosecution.

VII. MCOCA AND THE ORGANISED CRIME DIMENSION OF BEGGING RACKETS

The Maharashtra Control of Organized Crime Act, 1999 (MCOCA) is Maharashtra's most powerful legislative weapon against organized crime. MCOCA defines an 'organized crime syndicate' as a group of two or more persons who, acting either singly or collectively, as a syndicate or gang, indulge in activities of organized crime.²² 'Organized crime' under Section 2(1)(e) of MCOCA includes any continuing unlawful activity that generates financial benefits for the syndicate. The question is whether begging rackets qualify as organized crime syndicates under MCOCA.

²¹ India Const. art. 23(1).

²² Maharashtra Control of Organized Crime Act, 1999, § 2(1)(e), Maharashtra Act No. XXX of 1999.

In *State of Maharashtra v. Sachin & Others*,²³ the Bombay High Court significantly expanded the interpretive scope of MCOCA, holding that 'other advantage' under the Act need not be limited to economic gain but includes territorial supremacy and control both hallmarks of organized begging networks. This interpretive expansion, if applied to begging rackets, would make their operators liable under MCOCA's far more stringent provisions, including minimum imprisonment of five years and special court proceedings.

The practical impediment is evidentiary. MCOCA prosecutions require the sanction of the Commissioner of Police and the production of evidence demonstrating that the accused has engaged in 'continuing unlawful activity' typically established through at least two chargesheets in the preceding ten years.²⁴ For begging racket operators who operate in the shadows, rarely appear on police records themselves, and rely on the visible poverty of their victims as camouflage, constructing this evidentiary chain has proven extremely difficult without technological assistance.

VIII. DIGITAL SURVEILLANCE AS A LEGAL INSTRUMENT: THE EMERGING FRAMEWORK

A. The Information Technology Act, 2000

The Information Technology Act, 2000 (IT Act) was not designed with begging-linked crime in mind, but several of its provisions are relevant to the digital dimensions of organized begging networks. Section 66D of the IT Act penalizes cheating by personation using computer resources,²⁵ a provision directly applicable where begging operators use fake digital identities to collect QR-code payments or operate fraudulent charity portals. Section 66C penalizes identity theft, which becomes relevant where victims' biometric data is fraudulently appropriated by network operators.

²³ *State of Maharashtra v. Sachin & Others*, 2014 CrimLJ 1489 (Bom.) (India).

²⁴ *Maharashtra Control of Organized Crime Act*, 1999, § 23(2).

²⁵ *Information Technology Act*, 2000, § 66D, No. 21 of 2000 (India).

Section 69 of the IT Act empowers the Central and State Governments to issue directions for the interception, monitoring, or decryption of any information through any computer resource in the interest of, inter alia, prevention of incitement to the commission of any cognizable offence.²⁶ Read with the provisions of the Code of Criminal Procedure (now the Bharatiya Nagarik Suraksha Sanhita, 2023), this provision could authorize digital surveillance of communication channels used by begging network operators to coordinate their activities.

B. The Criminal Procedure (Identification) Act, 2022

The Criminal Procedure (Identification) Act, 2022 (CPI Act) replaces the Identification of Prisoners Act, 1920 and represents a landmark expansion of the state's biometric surveillance capability.²⁷ The Act authorizes the collection of 'measurements' defined to include finger impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scans, biological samples, and behavioral attributes from arrested persons, detained persons, and even persons not under arrest if a Magistrate so orders.

For anti-begging law enforcement, the CPI Act offers significant potential. Section 29 of the Bombay Prevention of Begging Act, 1959 already permitted finger-printing of detained beggars.²⁸ The CPI Act now creates a legislative basis for comprehensive biometric enrollment of persons detained under anti-begging proceedings, and for storing this data in the National Crime Records Bureau (NCRB) database theoretically enabling law enforcement to identify repeat offenders and trace network affiliations across districts and states.

However, the CPI Act has attracted serious constitutional scrutiny. Scholars have noted that the Act's expansive scope for collecting biometric data from persons not convicted of

²⁶ Id. § 69(1).

²⁷ Criminal Procedure (Identification) Act, 2022, No. 11 of 2022 (India), preamble.

²⁸ Bombay Prevention of Begging Act, 1959, § 29.

any offence may conflict with the right to privacy affirmed in Justice K.S. Puttaswamy (Retd.) v. Union of India.²⁹ The absence of robust data-protection clauses within the CPI Act itself, and the consequent reliance on executive rules for data retention and deletion protocols, represent a structural vulnerability that adversely affects its application to vulnerable begging populations.

C. The Digital Personal Data Protection Act, 2023 and the Digital Personal Data Protection Rules, 2025

The Digital Personal Data Protection Act, 2023 (DPDPA), read with the Digital Personal Data Protection Rules, 2025, now constitutes India's principal statutory framework for the protection of digital personal data. The Rules, notified in November 2025, are significant because they operationalise the Act through a phased compliance model extending over eighteen months. This phased implementation is doctrinally important for anti-begging law enforcement because the safeguards that the present article recommends purpose limitation, retention control, breach notification, deletion duties, and accountable processing cannot be treated as fully mature or uniformly enforceable until the relevant obligations come into force under the notified timeline.

For the purposes of anti-begging enforcement, the DPDPA permits certain government processing of personal data without consent where such processing is necessary for the performance of a function under law. However, the Rules strengthen the practical accountability framework by requiring clear consent notices, breach-notification protocols, safeguards for children and persons with disabilities, and mechanisms for the exercise of Data Principal rights. Accordingly, any proposed Section 29-A authorising biometric identification, CCTV analytics, or digital payment tracing under the Bombay Prevention of Begging Act, 1959 must be drafted consistently not only with the bare DPDPA, but also with the DPDP Rules, 2025. Such a provision should expressly prescribe

²⁹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, ¶¶ 126–180 (India); Siddharth R. & Rao M., A Critical Study of Biometric Surveillance Laws in India and the Criminal Identification Act, 2022, Kuey J. (Apr. 2024), <https://kuey.net/index.php/kuey/article/view/9894>.

purpose limitation, defined retention periods, mandatory deletion where no criminal-network link is established, breach reporting, and independent oversight.

Law enforcement agencies in Indian cities have increasingly deployed facial recognition systems (FRS) against persons who appear on databases of known offenders. In the context of begging surveillance, FRS deployment without express legal authorisation, defined retention periods, breach safeguards, and data-protection oversight risks profiling genuinely destitute individuals as criminals. The DPDP Rules, 2025 strengthen this critique because they confirm that data protection is not merely an abstract statutory principle but an operational compliance framework involving breach notification, child-data safeguards, Data Principal rights, and accountability duties. However, because these obligations are being phased in, Maharashtra should not rely on the DPDPA framework alone. The proposed Section 29-A must therefore build these protections directly into the 1959 Act so that surveillance of organized begging networks remains lawful, proportionate, and constitutionally defensible even during the transition period.

IX. PERSISTING LACUNAE IN MAHARASHTRA'S LEGAL FRAMEWORK

The most fundamental lacuna in the existing legal framework is the absence of a clear definitional and procedural bridge between the Bombay Prevention of Begging Act, 1959 and the broader criminal-law architecture, including MCOCA, the ITPA, the Juvenile Justice Act, and general penal provisions on trafficking and exploitation. The difficulty is aggravated by the fact that India still lacks an enacted comprehensive anti-trafficking statute: the 2018 Trafficking Bill lapsed, and the 2021 draft has not yet matured into law. Each existing statute therefore addresses only a fragment of the problem; none addresses organized, trafficking-linked begging as a whole.

First, the 1959 Act treats begging primarily as a public order problem rather than as a symptom of organized criminal exploitation. The Act's Section 11, which penalizes the employment of persons for begging, carries a maximum sentence of three years woefully

inadequate for the ringleaders of multi-crore begging syndicates.³⁰ By contrast, MCOCA carries a minimum sentence of five years and up to life imprisonment, and denies bail as a matter of course. The failure to routinely invoke MCOCA against organized begging networks reflects not only an investigative gap but also a statutory classification problem: begging is categorized as a 'prevention' offence rather than an organized crime.

Second, the digital surveillance tools discussed in Part VI operate in a legal vacuum with respect to anti-begging law enforcement. There is no statutory provision neither in the 1959 Act nor in any Maharashtra state rule that specifically authorizes the use of biometric surveillance, CCTV analytics, or QR-code payment tracing for the purpose of identifying or prosecuting organized begging networks.

Third, the rehabilitative infrastructure under anti-begging law remains a serious concern, although the legal position has been significantly altered by the Supreme Court's decision in *M.S. Patter v. State of NCT of Delhi & Others*, 2025 INSC 1115. In that judgment, the Court issued binding pan-India directions requiring States and Union Territories to reform Beggars' Homes and analogous institutions through humane living conditions, regular medical screening, monitoring mechanisms, accountability for custodial negligence, and compensation in cases of negligence-related deaths.

Significantly, the Court also directed the creation of a centralised digital database of all inmates, recording details of admission, health, training, release, and follow-up. This judicial mandate partially addresses the institutional vacuum identified in this article. However, it does not fully resolve Maharashtra's legislative problem: the 1959 Act still lacks a statutory mechanism linking identification of trafficking or organized-crime victims with rehabilitation, data-protection safeguards, deletion duties, and digital-evidence protocols. The lacuna, therefore, is no longer the total absence of a digital database mandate, but the absence of a Maharashtra-specific statutory architecture

³⁰ Bombay Prevention of Begging Act, 1959, § 11.

governing how such data should be collected, protected, used, shared, audited, and deleted.³¹

Fourth, the evidentiary rules governing digital evidence in criminal proceedings principally Sections 63 and 65B of the Indian Evidence Act, now substantially re-enacted in the Bharatiya Sakshya Adhiniyam, 2023 impose technical requirements for the admissibility of electronic records that front-line police officers frequently fail to satisfy.³² CCTV footage, QR-code transaction records, and digital communication intercepts gathered in the investigation of begging rackets are regularly excluded from evidence for want of proper certification, fatally undermining prosecutions that were painstakingly assembled.

X. SUGGESTION AND RECOMMENDATIONS

A. Legislative Recommendations

The Bombay Prevention of Begging Act, 1959 requires urgent and substantive amendment. First, the Legislature should insert a new Section 11-A creating an aggravated offence of 'organized exploitation of persons for begging,' carrying a minimum sentence of seven years and a fine calibrated to the proceeds of the criminal enterprise. This provision should expressly link to MCOCA, deeming operators of begging syndicates to be engaged in 'continuing unlawful activity' for the purposes of that Act.

Second, a new Section 29-A should be inserted to build upon, and not duplicate, the Supreme Court's nationwide mandate in *M.S. Patter v. State of NCT of Delhi & Others*, 2025 INSC 1115. Since the Court has already directed States and Union Territories to maintain a centralised digital database of inmates in Beggars' Homes and analogous institutions, Maharashtra's legislative task is to provide a precise statutory framework for the lawful

³¹ TISS Mumbai, Begging and Rehabilitation in Urban Maharashtra: An Empirical Study 22 (2024), https://tiss.ac.in/uploads/files/advertisement_YrqP9QD.pdf.

³² Bharatiya Sakshya Adhiniyam, 2023, § 63, No. 46 of 2023 (India).

use of that database and related surveillance tools. The proposed Section 29-A should therefore expressly regulate biometric identification, CCTV analytics, and digital payment tracing for investigations under Section 11 and any proposed aggravated offence under Section 11-A. It should prescribe purpose limitation, role-based access, defined retention periods, mandatory deletion where no trafficking or organized-crime link is established, breach-notification duties, audit trails, and oversight by a designated Surveillance Review Authority. This would align the 1959 Act with the CPI Act, 2022, the DPDPA, 2023, the DPDP Rules, 2025, and the Supreme Court's rehabilitation-oriented directions, while ensuring that digital tools are used to identify exploiters and protect victims rather than to permanently profile destitute persons.

Maharashtra should also issue rules or executive guidelines to ensure compliance with *M.S. Patter*. These rules should require periodic medical examination of inmates, constitution of monitoring committees, maintenance of institution-wise and State-level digital records, follow-up after release, and coordination between Beggars' Homes, Social Welfare authorities, Anti-Human Trafficking Units, and police investigators. The database mandated by the Supreme Court should not become a surveillance repository detached from rehabilitation. Its primary function must remain welfare-oriented: identification, medical care, skill training, family tracing, release planning, and post-release support. Investigative access should be permitted only where there is reasonable suspicion of coercion, trafficking, organized exploitation, or financial control by a syndicate.

Third, the legislature should mandate inter-agency coordination protocols requiring the Anti-Human Trafficking Units established under the Ministry of Home Affairs circular to share intelligence with the Social Welfare Department officials responsible for implementing the 1959 Act.³³ This administrative bridge would ensure that the

³³ Ministry of Home Affairs, Standard Operating Procedure for Anti-Human Trafficking Units (2012).

identification of trafficking victims within begging populations triggers the full force of both the anti-trafficking and anti-begging legal machinery.

B. Judicial and Prosecutorial Recommendations

Magistrates and Sessions Courts must be sensitized to the organized crime dimensions of begging linked offences. The failure to invoke MCOCA in appropriate cases is partly a function of inadequate judicial familiarity with the intersection of anti-begging law and organized crime law. Specialized training programmes similar to those recommended by the Supreme Court for trafficking-related offences in *Prajwala v. Union of India*³⁴ should be extended to cover organized begging prosecutions.

Prosecutors must also be equipped to handle digital evidence correctly. Given the persistent problem of digital evidence admissibility particularly the certification requirements under Section 63 of the *Bharatiya Sakshya Adhiniyam, 2023* the Maharashtra State Prosecution Department should issue standard operating procedures for the collection, preservation, and certification of digital evidence in anti-begging investigations.³⁵

XI. CONCLUSION

The Bombay Prevention of Begging Act, 1959 was a courageous piece of legislation for its time. It recognized, almost uniquely among Indian states, that begging was not simply a moral failing but a social problem requiring institutional response. But the six decades that separate us from its enactment have transformed the problem beyond recognition. The criminal networks that today profit from organized begging are sophisticated, digitally enabled, and financially formidable. They exploit children, traffic the vulnerable, launder money through digital payment systems, and operate across state lines with near-impunity.

³⁴ *Prajwala v. Union of India*, (2017) 3 SCC 748 (India).

³⁵ *Bharatiya Sakshya Adhiniyam, 2023*, § 63.

Digital surveillance, properly authorized and carefully circumscribed, offers a genuine opportunity to disrupt these networks in ways that physical policing alone cannot. Biometric identification can break anonymity. Transaction tracing can follow the money. CCTV analytics can establish territorial patterns. But each of these tools carries within it the potential for serious abuse against the very population it purports to protect. The answer is not to foreswear surveillance, but to legislate it with precision, proportionality, and a constitutional conscience.

What Maharashtra needs is not a new law but a coherent legal system: one in which the 1959 Act, MCOCA, the CPI Act, the DPDPA, and the Bharatiya Nyaya Sanhita speak to each other in a structured, rights-respecting dialogue. The streets of Mumbai, Pune, and Nashik deserve nothing less and neither do the human beings who, having been failed by every other institution, have been left with no shelter but the pavement.

XII. BLIOGRAPHY

A. Statutes and Legislation

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