NO ONE

DAY

WORKSHOP

BEGGING: ISSUES, PERSPECTIVES AND ROAD AHEAD

[Department of Social Welfare, Government of N.C.T. of Delhi; Koshish, Tata Institute of Social Sciences]
Workshop on “Begging: Perspectives, Issues and Road Ahead”

Date: 15th December 2011
Venue: Conference Hall No. 3, Delhi Secretariat, I.T.O., New Delhi 110002
Foreword

Over the years, TISS has amassed an extensive experience base on issues related to poverty, beggary, the criminal justice system and social development, particularly through its erstwhile Departments of Criminology and Correctional Administration and Social Welfare Administration. Through its field action projects (FAPs) and fieldwork placements, TISS has been involved in interventions at multiple levels including the Beggars’ Home in Mumbai, with the police, in various welfare institutions, and more recently, directly with the homeless populace. TISS’s engagement with displacement and shelter issues is also longstanding.

In order to consolidate and build on its existing work related to destitution and homelessness, TISS initiated a field action project (FAP) on destitution, and named ‘Koshish’ in August 2006. This initiative has been addressing the crisis of beggary, destitution and homelessness in an integrated manner, combining elements of service delivery and rights approaches with advocacy with the government and other stakeholders for the repeal of the present Beggary Prevention Legislation at the centre of its intervention.

Since August 2006, Koshish has been working in Mumbai and has gained ample experience and understanding that could be used constructively to engage with broader advocacy and model-building work. With this aim, in 2009 we extended our work to Delhi where we collaborated with Department of Social Welfare, Delhi Government.

The Department of Social Welfare, Government of N.C.T. of Delhi is committed for the protection and welfare of all vulnerable and disadvantaged groups including aged, disabled, widows, persons affected with leprosy, abandoned women, children and homeless among others. It is responsible for framing and implementing various policies and schemes for such disadvantaged groups and several programmes aiming towards the welfare of these marginalized sections are run through this department.

The department has been earnest and sincere on providing rehabilitation measures for people into begging, and it has endeavored to de-criminalize such populations through its ceaseless efforts, engagements and consultations. Such a perspective is inherently convergent with the zeal and orientation with which Koshish, TISS operates.
Introduction

Department Of Social Welfare, Government Of N.C.T. of Delhi and Koshish- Field Action Project Tata Institute of Social Sciences, Mumbai came together to organize a one day workshop on “Begging: Issues, Perspectives and Road Ahead” on 15th December 2011 to provide a converging platform for the Government, Civil Society organizations and concerned individuals to engage with the ongoing efforts for repeal of the Beggary legislation, Viz. the Bombay Prevention of Begging Act, 1959. The workshop acknowledged and facilitated inroads into ameliorating the situation of homeless and destitute populations of India with a progressive and renewed vision towards rehabilitation, decriminalization and structural adjustments in reshaping lives and circumstances at large. A day long consultation constructed instrumentalities and agreements requisite for ensuring a continuity of efforts on the part of government, civil society and allied entities.
Rationale for the workshop

Though begging continues to be an issue largely misunderstood fed on notions built around the people who are into begging, there has been a significant shift in perceptions and approaches towards the issue in the last few years.

There are a large number of people into begging and beggary prevention legislations are in force in many states to prevent and punish these groups. While prevention remains an accepted objective, detention and punishment are becoming increasingly unacceptable and questionable as far as legislation and policy are concerned. It is felt that there is a need for a framework that creates positive responsibilities on the State and provides for a more effective protection of the rights of the destitute and people into begging, guaranteed under the Constitution.

There is a serious need to create legislation/policy/scheme that aids and protects those who are caught in the web of helplessness, homelessness, and destitution. Mental illness, old age, breaking down of families, extreme poverty, gender discrimination, debilitating diseases and substance abuse are some of the reasons that lead to homelessness and destitution. In all such cases, we must provide social supports and create livelihood opportunities for them to create a more inclusive society.

Serious efforts are required to develop these structures and an institutional set up which would not only decriminalize beggary but build people’s capacities to move out of destitution, by building marketable skills through relevant vocational training programmes, so as to help them secure them gainful employment, and protect them from abuse and exploitation. There is a need to positively engage with the daily issues of survival, protection and growth of people in destitution, thus addressing the immediate as well as long drawn causes that may possibly lead to beggary and destitution.

The present legislation is criminalizing and punitive in nature; it has outlived its purpose and therefore must change. While there is agreement largely about the irrelevance of the present legislation and need for the new framework, there are differences when it comes to the alternative legislation and implementation structure system which needs to be evolved.
We need a system which not only addresses the issues of people who have already fallen prey to the situations of extreme destitution and distress but also at the people who are vulnerable enough to move into that side. We might be attempting to address a problem that has grown to huge size but it is crucial to realize and acknowledge that it has many layers and aspects involved and addressing them strategically with multi-prolonged approach, it is possible to address it positively.

Decriminalization is the first and foremost need.

It is in the same spirit that Koshish- Field Action Project of the Centre for Criminology and Justice Tata Institute of Social Sciences, Mumbai and Department Of Social Welfare, Govt. Of N.C.T. of Delhi, organized a one-day workshop on “Begging: Perspectives, Issues and Solutions” to discuss and deliberate on these and related issues. The Idea was to facilitate exchange and sharing of thoughts among the concerned citizens, social groups, legal practitioners, experts and academics on various aspects surrounding this problem and explore the alternatives that would address the situation with all its facets. The workshop was held on December 15, 2011 at the Conference Hall No. 3, Delhi Secretariat, ITO, New Delhi. The participants for the seminar included Practitioners, Academicians, Legal Experts, persons from Judiciary and other stakeholders.

The seminar proved immensely effective, efficient and engaging towards concrete steps being taken by the government and civil society actors to work together towards developing a new law on beggary prevention which takes into account the rights of destitute persons and creates livelihood and shelter options for homeless and destitute persons.
Proceedings of the day

Inauguration
The meeting started with a warm welcome of all guests by Koshish. It was followed by felicitation of all the distinguished panelists, personnel from the Social Welfare Department and the honorable Minister of Social Welfare, Delhi government and Joint Secretary, Ministry of Social Justice and Empowerment, Government of India. They also lit the lamp to mark the commencement of the occasion.
Mr. Sanjiv Kumar (IAS Secretary, D.S.W.) delivered the welcome address. He welcomed the Chief Guest Prof Kiran Walia, Minister, Social Welfare, Guest of Honor Shri. T.R. Meena, Joint Secretary, Ministry of Social Justice and Empowerment, Government of India, distinguished Panelists, Senior Activists and NGO Functionaries and all participants across the spectrum for joining this event to deliberate on the long felt need of addressing homelessness, destitution and beggary with a revamped approach ensuring maximum prevention, protection and welfare of such population. He highlighted the frame of reference i.e. the BPBA and the criminality that it assigns to homeless persons, and the need to work towards its repeal for the larger good. He invited the participants to formulate long term and short term goals for dealing with the issue. Mr Sanjiv asked all the people present in the house to briefly introduce themselves with reference to their organizations.

After a brief introduction, Dr Vijay Raghvan from Centre for Criminology and Justice of Tata Institute of Social Sciences, Mumbai welcomed everyone on the behalf of Koshish. He introduced the ‘workshop and its objectives’ to the gathering. He critically explained the Issue of homelessness, beggary and destitution and analyzed the Bombay Prevention of Beggary, Act 1959 while explaining the marginalization of poor that the law has resulted in since its inception. He charted a historical sketch of the emergence of various beggary laws in India and UK and explained the
rationale for taking stock of the situation. He stated how the law has been used as a measure to control the movement of the poor to the urban centers and to criminalize the ‘rootless’ poor. He critiqued the definition of beggary under which anybody without an “ostensible” source of income in the opinion of the policeman could be processed as a beggar and hence criminalized. The people who bore the brunt of BPBA included the street vendors and hawkers, street performers and the mentally ill, aged and infirm. While deploiring the failure of the state to provide social security to the poor, He pointed out the unconstitutional nature of the law as it amounts to the violation of right to expression and right to life as interpreted by the Supreme Court. He highlighted the concern towards summary trials of people through mobile courts, and the abuse of human and legal rights of the people arrested among other issues. He brought out the huge gap between the stated ‘aims’ of the law and actual ‘outcomes’, thereby, setting the tone for the workshop.

Mr. Amod Kanth, the General Secretary of PRAYAS and also the former Chairperson, DCPCR, began with sharing his experience of dealing with the destitute population, both in his capacity as Police Officer and Child Rights Activist. He informed about the Delhi Police study on beggary which concluded that majority of beggars were not criminals, and also mentioned about another study which established that 83% of homeless people in Delhi were working people. He contended that such people must be seen as people in distress, and not beggars and definitely not criminals at all. He asserted that the law has not been implemented in a good spirit and it has come to be immensely incongruent with the foundational objective of rehabilitation and welfare. He brought out pressing concerns around the fingerprinting of the beggars and the arbitrary sentencing which may go up to ten years yielding immense marginalization. He appealed that Delhi must take the lead to repeal the law.
Mr. T.R. Meena {Joint secretary (SD) M/O SJE} shared about the steps and direction that the central government was moving towards in order to address the issue of begging and destitution. He informed that the ministry has given this indication in the 12th five year plan that the law needs to be decriminalized owing to the discussions amid the drafting committee whereby beggary laws were concluded to be outdated. He noted that the ministry also feels beggary law is outdated and it must go. He expressed his anguish over the situation of homeless populace and outlined his desire to engage with the civil society to deliberate on a comprehensive national level policy addressing the
Honorable Minister (Social Welfare) Government of Delhi Prof. Kiran Walia expressed her concern around the criminalization of poor and humbly expressed that the issue has to be dealt with a more humane and people-centered approach. She reassured that the ministry is willing to take bold initiatives as it is in complete agreement that destitution cannot be criminalized. She stated that taking a cue from this workshop, they would write to the central government. She opined that a fair deal has to be given to the people in terms of the rehabilitation and while the ministry works towards the repeal of legislation, she invited all the participants and their organizations at large to assemble a concrete approach, strategy and policy framework to ensure decriminalization, rehabilitation and welfare of the poor.

At the end of the inaugural session, the Director (SW) Mr Rajesh Somaal extended a warm vote of thanks to all the presenters, including the esteemed government officials, TISS, the Social Welfare department (Govt. of N.C.T. of Delhi), the NGO personnel and the civil society activists. He thanked TISS and Koshish in particular for collaborating with the department of Social Welfare in organizing this much-needed workshop.

Summary
The introductory session stood witness to some extremely educative and engaging viewpoints, concerns, sharing of experiences and perspectives which are to shape a revamped approach governing poverty, homelessness and destitution. The presentations assigned centrality to several pressing concerns accompanying the vulnerable and homeless population both within the institutions as well as on the streets, which have been aggravated due to the presence of an admittedly draconian legislation. However, the proceedings showcased an overwhelming readiness on the part of the Department of Social Welfare, the distinguished duty holders and key functionaries to utilize the suggestions amassed from this platform for envisaging and framing pertinent strategies and policies. With a view to work upon long and short term goals to address decriminalization and rehabilitation of the homeless, the tone of the workshop was set as the deliberations began.
Session I

During the first session of the workshop, a panel discussion chaired by Mr Indu Prakash Singh of IGSSS was convened on “A contextual analysis of the problem of Begging in Delhi”, which had a diverse mix of people from the academia (Dr. Vijay Raghawan, TISS), the government (Dr. Mahesh Sharma, CPO, Delhi), policy analyst Mr Akhileshwar Sahay (IRS, Founder, WMIF) and field level/advocacy experts Ms Paramjeet Kaur (Director, Aashray Adhikaar Abhiyan) and Mr Varun Pathak (co-ordinator-Childline SBT). Presentations were followed by an open discussion.

Mr. Akhileshwar Sahay from WMIF provided a critical analysis of the law. He noted several pressing concerns with respect to the beggary law, and highlighted its draconian characteristics including the issue of arrest without warrant, arbitrary extension of sentence, Summary trials and the detention of the dependents for the same period. He highlighted the provision in the law which made the parents of the arrested pay for their maintenance, the clause through which the dependents of the alleged “beggar” could also be detained for the same period after which he conclusively questioned if the law reduced beggary at all. He recalled the psychological breakdown and a formidable social stigma that imprisonment yields on the already destitute, and pleaded for the repeal of the law. He conclusively questioned if the law reduced beggary at all.

Ms. Pramajeet Kaur from Aashray Adhikaar Abhiyan shared her experiences to assert that a law like BPBA is incapable to deal with begging, as it is a socio cultural issue and has a relation with old age, poverty, mental illness and disability. She pointed out that a nondescript minority, if at all, of people into organized begging can be dealt with through the provisions of IPC and that BPBA is not required for such purposes at all. She recalled several instances from her work to establish her views. She explained how the absence of citizenship documents like voter IDs, Ration cards deprived the destitute and widows from accessing any of the welfare schemes and programmes, and deprecated the absence of pro bono old age homes in the city. She contended that the given the fallouts of welfare and social security umbrella, the existence of a law like BPBA is a stigma to our democracy and must be read down at its earliest.
Mr Varun Pathak (Childline) analyzed the situation of child begging in light of Childine’s experience of interventions in Delhi. He shared that it is mainly children in the age group of 5-12 years who are mostly found begging. Varun described the living patterns of such children and how they negotiate and endure desperate circumstances. He briefed about the role of Juvenile Justice Act and Right to Education Act to deal with the multiple handicaps children experience on the street. He opined that government schemes and programmes have a great potential in strengthening families which could ameliorate the vulnerability of children. He also stressed on the need for Government, Civil Society organizations and people at large to come together and attempt for rehabilitation of destitute children.

Dr. Mahesh Sharma (C.P.O, Delhi) provided the institutional framework within which BPBA 1959 is being implemented. He explained the mechanism that has been put in place by the government to address the issue. He gave an overview on the government institutions and spoke about the various services rendered to the inmates in those institutions. He highlighted the various trainings being offered to the inmates as part of their rehabilitation support program. He also reflected on an open door policy to deal with the collaborations vis-a-vis Civil Society Organizations and the importance of a meaningful partnership and linkages with similar formations.

Dr. Vijay Raghavan advocated for the need of stronger social security schemes and programmes for destitute people unequivocally and flagged the issue of procurement of citizenship documents whose absence rendered the homeless out of the social security nets. With regards to fostering rehabilitation, he opined for the creation of Half way homes and shelter homes for special categories of persons requiring care and protection. Quoting his experiences from the field in Maharashtra, Dr Raghavan debunked several popular myths around organized begging and wondered if there exists such a thing, as no cases have been registered at all. He also raised a contemplative question as to why professional beggars, if they exist, need to be looked at as criminals. He dealt with the issue of summary trials at length and reproached the denial of legal aid which is a basic legal right, as also
the violation of article 21 and 22 of the constitution. He ultimately submitted that the law needs to be decriminalized and the available facilities need to be replaced with more emancipatory and congenial support systems and infrastructure.

Session one was followed by a discussion on the issues and concerns raised by the speakers and it saw a very active and meaningful involvement of Prof. Kiran Walia to enrich the talks.

Summary

Session-I kindled an incisive scholarship on begging and destitution and acquainted the house with multiple experiences of educationists and activists struggling to decriminalize and assist the poor in their battle for survival. Some key concerns emanating from the session were the issue of
arbitrariness of application and criminalizing tendencies of the law, the violation and denial of basic legal and human rights, the concerns of children and the requirement to implement various schemes and programmes in tandem, the issue of citizenship documents, the need to shift focus on rehabilitation with newer constructions of what would constitute lesser stigma/ custodialization and harassment. Honorable social welfare minister announced that a consensus has emerged considering which the situation can be addressed without having the current act, and homelessness need be the only defining characteristic to be able to address the concern. With adequate representation and support from the ministry, the focus re-emerged into identifying measures and strategies to reinvent policy and inform direct support systems.

Session-II

Session-Two focused on reviewing BPBA in light of the historical course of its implementation and several contemporary developments. This session brought experts both from the domain of law as well as Institutional/ Non institutional actors and organizations. The session was chaired by Adv. Amita Joseph, Supreme Court (also associated with BCF) and the theme was titled “Reviewing existing legislation cum panel discussion” which included three presenters with the abovementioned subjects:

1) Legal framework and its relevance: Usha Ramanathan, Independent Law Researcher
3) Relevance In the current Socio Economic Context: Mr Indu Prakash Singh, IGSSS

Amita Joseph (Advocate, Supreme Court) introduced the session with her starting remarks on the current situation whereby she defended the poor’s right to dignity, which is incessantly thrashed by such laws. She critically looked at the breakdown of Social security mechanisms which assume indispensable significance and instrumentality in mainstreaming marginalized populace. She listed the role of mining and other neo-liberal exploitations resulting in uprooting and resettlement of the
rural poor, state’s failure in providing jobs, implementing schemes and providing shelters to the poor as several degenerating and marginalizing tendencies.

**Independent Law Researcher Usha Ramanathan** cautioned about the popular yet problematic tendency to conflate beggary with homelessness and noted that it is the enormous abuse of the law which has called for its repeal. She recalled the deaths in beggar homes, the authoritarian behavior meted out at inmates, the prejudice against the poor, mobile courts, and biometrics. She highlighted the similarities between the rules in beggar homes and other custodial institutions like prisons, which have conclusively infantilized and marginalized the distressed populace. She pointed out the confinement, punitive nature and authoritative control rampant in the Detention Centers/Beggar homes which rendered futility to its intent of rehabilitation, and advocated for a need to eliminate confinement while recognizing adulthood so that people would reap the benefits of its helpful intent. She favored a comprehensive policy in place of a law to fix responsibility and not authority with the state actors to cater to poverty and homelessness.

**Mohd Tarique from Koshish-TISS** presented a pilot study report compiled during the genesis of mobile courts to deal with the poor. He traced Koshish’s journey and relationship with the government officials working at various levels in the larger machinery which informed and fed into the inquiry and understanding of beggary and homelessness in Delhi. He then explained the perspective and approach of working with the government in evolving and equipping them with a framework to firstly decriminalize and then to essentially rehabilitate the homeless people notwithstanding the law as such. He dealt at length with the emotional, psychological and economic impact the law wielded on people, including the families of the persons who got processed under the beggary law.

**Indu Prakash Singh from IGSSS** explained the socio-economic context to disband the allegation of choice in Begging. He examined the draconian elements of the law and suggested that organized crimes needed to be dealt with through IPC. He read several testimonies of the poor to establish that it was the degeneration of all possible support structures overtime which forced people to beg. In addition to this, he asserted that this legislation outlaws several forms of livelihood including street hawking and vending et al. and thus promotes destitution itself.
After the presentations, a discussion on the reasons and consequences of existent law and practices took place. It evinced an active participation and feedback especially from the government officials and the officers from beggar homes, assigning an experiential diversity to the thematic area and fostering practical measures to redress the concerns and grievances registered.

Summary
Session-II succeeded as an empirically investigative and educative exercise in at least two respects. On one hand it unveiled a cross-sectional view of multiple realities within which homeless negotiate their survival and it is here that the pilot study along with the testimonies amply justified their purpose. Secondly, the legal interpretation and adjudication of BPBA unearthed several compelling predicaments and the need to move beyond the punitive scheme of things. This brainstorming beckoned the need to streamline available infrastructure in favor of special needs and concerns of people requiring critical state support. The debate focused on the need to shift emphasis towards constructive policies replacing an unyielding authority of law into a more emancipatory responsibility.
Session-III

This session aimed at developing a Framework/Mechanism for effective rehabilitation through comprehensive group work based discussion and presentation by the participants. The house was divided into four groups on the below mentioned themes as they debated, discussed and contemplated on such focus areas through a meaningful discourse.

Themes:

1) Alternative Law/Policy or both
2) Nature of rehabilitation required
3) Role of civil society organizations
4) Role of government institutions

The 4 groups discussed around the theme of the group and their deliberations were presented to the larger group. Each group was able to make some substantial references and provided range of alternatives.

The key concerns emanating from the discussions centered upon the abovementioned areas:

- Questions regarding the existing law.
- Questions on law and policy relationship with respect to destitution and homelessness.
- Questions on the role of institutions in our society.
- Questions on Criminalizing beggary and destitution
- Question on rehabilitation programs
- Questions on relationship between various laws specific to the issues of poverty and disadvantaged groups.
- Questions regarding the role of NGO’s and Civil Society.

There were diverse opinions about whether there should be a law or policy or both. However, what everyone agreed on and reached consensus was ‘the need for the current law’ to be repealed. There were also several suggestions with regard to the rehabilitation required but primarily it focused upon the need to have non-custodial affirmative support program where range of programs are made
available to the people meeting their specific needs and capacities. Civil Society Groups and Government institutions are expected to work together to mobilize, motivate and build people’s capacities while government is to provide for an environment that will facilitate and enable a person to move out of destitution.

The first group favored a national policy on homelessness and destitution in place of a law, and such policy may be linked to several state level policies for effective co ordination and operation.
The second group contended that the Nature of rehabilitation should be premised upon special needs of the population under consideration as also on the reasons which compel people to beg.

The third group pitched for social auditing of the government run beggar homes as a beneficial exercise for ensuring proactive administration of resources and services.

The fourth group considered the reorganization of vocational trainings and programmes towards contemporary market demand orientation and also regarding the possibility of government institutions taking lead in inviting CSRs, community groups and individuals for rehabilitation of released inmates.

Advocating for an all encompassing national level policy as against the law, Mr. U Sarathchandran, the Member secretary of NALSA, discussed an enormous role of the civil society organizations to motivate and assist the destitute population in channelizing their energies towards beneficial avenues and ventures.

Dr Giriraj, deputy director (NISD-MoSJE) emphasized that there are various Central Government schemes meant for disadvantaged and vulnerable groups. There are specific schemes meant for Older persons, women, children and persons with drug addiction and these are effectively channelized towards these groups in begging, this problem can be controlled to an extent. He suggested a committee of experts on the issue is formed that can then suggest the ways. He recalled from his experience of organizing training programs for the various state officials that when asked why were they not able to implement the social schemes for the disadvantaged groups in begging, major issue that came out from the officers was that each scheme requires the person to give documents in support of their identity, residence or age and since most of these people don’t have those documents, they get left out. He suggested government should think of providing the identity cards to such people.
Recommendations: Action Plan

Under the Beggary laws or begging itself, we are largely dealing with the population that has somewhere been left behind in the process of development and pushed to the margins. While few instances of behavioral deviance might also be there, it still largely remains a population that needs to be dealt with sensitivity and care, that needs support from the state for its rehabilitation.

It is crucial to acknowledge and understand that begging remains an issue that has many layers and aspects involved and by responding strategically with multi-prolonged approach, it is possible to
address it positively. We are attempting to address a problem that has grown to huge size; therefore, rehabilitation program must be well planned and developed after proper assessment of the needs and capabilities.

Rehabilitation program has to be not only rehabilitative but also preventive. Let us look at not only the people who have already fallen prey to the situations of extreme destitution and distress but also at the people who are vulnerable enough to move into that side.

If the governments and civil society organizations come together and make honest and sustained efforts, actual rehabilitation is possible. (At Koshish in Tata Institute of Social Sciences, in collaboration with government authorities, we have successfully demonstrated how people, who have already reached that stage of destitution, can be supported to get out of it while protecting others from reaching to such extreme vulnerabilities. This process is well documented as an intervention, in the form of narratives of several people supported to move out of life of destitution.)

Decriminalization is the first and foremost need. Both the government and Civil Society Organizations have to come together and have comprehensive approach aimed towards Community based rehabilitation.

Begging is largely poverty induced and therefore extremely complex and very often is coupled with multiples challenges. Thus, it will require serious, sustained and long term intervention to get any results. Planning for action points could be classified into 3 categories, i.e. immediate action points, short term and long term tasks. Some of these tasks would also require to be taken up simultaneously.
I. Immediate Tasks

While the law will take some time for its repeal, it is important to introduce changes in the present institutions so that the negative impact that the law has been creating on the lives of people in difficult circumstances can be reduced significantly. This will ensure that compelling factors are checked while creating positive opportunities and building capacities.

1. A small group should be put together to study and analyze the problem in details covering all its aspects in a time bound manner and to take the process further. This group shouldn’t be of convenience or protocols but of persons who have real-time experience and understand the issues at hand.

2. Change in the environment of the place will create huge impact. Sports and recreational services should be made available as they have therapeutic significance apart from creating space for engagement and participation. It provides a platform where care-takers and clients engage with each other, thus clearing misconceptions, building trust and reducing the overall possibilities of aggression and violence. It also establishes the importance of family and relations while giving confidence to the clients.

3. Regular trainings should be organized for the care-taking staff of the institutions around the issues related to the client population like homelessness, mental health, drug addiction, gender etc. Specially trained staff has to be appointed at these institutions, person who understands the situations and circumstances that led people to begging. This is crucial to ensure that people are treated with respect and dignity and not like offenders.

4. Counseling should be started immediately for all volunteer clients. This will help in both the assessment of the real issues with the person as well as his/ her family tracing/re-integration.
5. The focus should be on reintegration of the person with the family, if possible, else within the community. Even while the law remains, using the ‘Release on License’ clause, person can be released before the detention period gets over and re-integrated with family/community.

6. Vocational training program should be reorganized completely. Capacities should be built to enable the person to come out of destitution. Multi-skills training centre be established with complete intervention model. It’s high time that we move out of ‘production mode’ to ‘skills mode’ and market oriented so that once the person is out, he is able to make his living out of the training he received during his stay in the institution. An appropriate stipend must be provided. This money should be deposited in the account of the client, opened with the Superintendent’s office and total amount be given at the time of release. There should be a well developed placement support program with the provision of rehabilitation grant at the end of the training. Person should also be allowed to go out and work as law does provide for it but it is rarely used by the institutions. *(Reference: Koshish’s Employer’s Collective Model).*

   It will be worth experimenting to allow persons from outside to be part of vocational training centre on a volunteer basis. Gradually, it can evolve as a complete rehabilitation-cum-training centre.

7. Poor access to health services has been identified as one of the most active reasons for person getting pushed towards extreme vulnerability. Exclusive/mobile health service should be initiated by the government for this group.

8. Empowered committee should be set up to guide and monitor the rehabilitation program. This committee should also be doing the periodic review of the program.

**II. Short Term Tasks**

Short term plan would involve lot of corrective actions. This has been a law for decades without a change now and there is almost total absence of any relevant or authentic documented information. This is the stage where research studies and broader Policy changes will have to be introduced.

1. First step would be to estimate the number of persons in begging. Government should conduct a survey that would map the areas and find the number of persons in begging.

2. Next step would be the profiling of this group. This is to identify and understand the exact reasons and factors that led the person to the stage which resulted in begging. These factors could be anything ranging from extreme poverty and destitution to chronic illness to family rift to forced one to easy option but the problem must be studied in its totality. Government should commission a
study that would examine and assess the circumstances of the people who are entering into begging. This will enable us to have target oriented programmes relevant to the needs of the people.

3. It is important to distinguish between persons who beg due to helplessness and poverty and those who push others to beg. Government should take up this issue both with the judiciary and police. Specific instructions should be passed in this regard. Change in position where government is in agreement with the futility of the law, should be communicated with the all concerned authorities/departments.

4. Begging is an offence presently and people get arrested irrespective of the reasons why they are into begging. State’s failure to provide for basic necessities should not amount to criminalization of poverty. It is important to assess which are the groups vulnerable for begging. Appropriate classification must be done of persons who are into begging and then reasons being assessed. Different profiles of people processed and arrested under Bombay Prevention of Begging Act, 1959 are:

- Aged
- Disabled
- Persons with mental Illness.
- Persons abandoned by the families themselves for range of factors.
- Persons affected with leprosy.
- Drug-dependent persons.
- Working homeless persons.
- Single women, mostly victims of domestic violence or abuse.
- Transgender.
- Certain De-notified tribes.
- Able bodied persons.

If we look at these groups, we do have laws or schemes for the protection, care and rehabilitation of all the groups except for working homeless persons, eunuchs and able bodied persons. One can safely say that working homeless persons should not at all be arrested and same stands for the transgender, though for different reason.
Socially, we still do not accept this population. This has been a category that has remained ignored and unacceptable since long. As a result, even those with potential remained unutilized. Even if a person is trained in some vocation, there would be hardly any people willing for recruitment. More than capacity of this population, it is about their acceptance socially. Stigma attached with the group is so high that any sort of association with them is seen as an embarrassment.

5. Different social assistance schemes under various ministries/departments for the vulnerable sections should be extended to the persons in begging. There are several schemes both from Central Government as well as State Governments for the poor. However, there is large population that is still forced to beg. It will be worth studying this to analyze if the people who are receiving these pensions or schemes and those who are into begging are the same. If not, then we have broadly three possibilities;

- These people are not at all included in the schemes.
- Gap between the numbers of persons covered under various schemes and the number of persons actually needing the assistance.
- Schemes not reaching to the right person for whatever reasons.

6. As a preventive program, an outreach intervention needs to be developed where families under extreme distress must be supported through a targeted scheme. This will not only check the distress but also arrest the possibility of people getting to beg.

7. Support and assistance should be provided not only to the people who are detained in institutions under beggary prevention laws but also to persons who are staying in shelter homes, destitute homes, homes for destitute women, old age homes etc. Otherwise, there is a very high possibility of these people too gradually being forced towards the begging.

8. Sensitization and awareness through media should be made. Once the nature of the homes is altered, enough awareness is created about these places so that they are better utilized. College students and volunteers should be encouraged to get involved in the overall efforts. Dedicated volunteer program may be developed.

9. Why do we have institutions named as ‘Beggar’s Home’ where the name itself robs the person off his dignity and worth? Can we not have more dignified spaces created? These institutions must be restored as rehabilitation/training centers and named so.
III. Long Term Tasks

1. The law needs to be amended. Only those who force others to beg should be penalized. With IPC providing enough and more relevant clauses, Beggary law isn’t needed for this purpose.

As far as organized begging is concerned, we need to study the problem from two aspects. Firstly, what is it that we understand from ‘organized begging’?

If we are seeing it in terms of people being trafficked, amputated and criminally forced to beg, then we also need to understand who the real offender here is. It must be dealt in most serious and severe manner. However, person who is on the street and gets caught is actually a victim who is trapped in that syndicate and must be assisted to come out of it. Why arrest and not rescue? BPBA 1959 and several other State laws provide for maximum punishment of 3 years or some fine for forcing people into begging whereas Section 363 (A) of IPC provides for punishment up to 10 years.
(Kidnapping or maiming a minor for purposes of begging). We must book these criminals with Sections under IPC which has much more bite in it so that it serves as a deterrent.

2. State government should write to the Central Ministry to bring a National Policy for rehabilitation of begging. At the state level, a policy should be brought where Begging and destitution should be appropriately defined and linkage must be established with the Central scheme.

3. For an effective rehabilitation, there are broadly three components that must be evolved. These are:
   - Stable shelter.
   - Stable Livelihood.
   - Stable Relationships.

Unfortunately, at present our beggary prevention laws are only attacking whatever stability poor people have in these aspects. Our rehabilitation program must be designed in a manner that it not only facilitates but also evolves the environment providing stability in these aspects. (Reference: Koshish Intervention).

4. It is a fact that all schemes, pensions etc, whether from State governments or the Central government are based on identification of person as the poor and destitute. It is here mostly that large number of extremely needy and helpless persons is left out. They do not have even the basic documents like Voter ID or the ration card to prove their identity and existence. Can we not look at considering their stay in institutions like Old Age homes, Destitute Homes, Beggar’s Homes, and Destitute Women Shelters etc as the evidence of their helplessness and extreme vulnerability for destitution? These persons should not only be linked with the available schemes but appropriate identity cards must also be issued so that they can avail the scheme even after moving out of respective institutions. There should be convergence of all existing government run schemes meant for the vulnerable groups. Old Age pension, Disability pension, widow pension etc should be extended to these persons.

5. Programmes meant for rehabilitation should be widely published and civil society organizations should be involved for wider reach out.

6. Society, especially youth should be made aware about the issue and challenges that these people face so as to build an understanding among them about the hardship that one faces, thereby, breaking the popular notions.
7. There are certain tribes that have culturally and historically been involved in traditions like tying chilly- lemon to ward off bad evils, fortune telling, snake charming, rope walking etc. All these activities are considered at par with begging under the law. However, people still engage with these traditional practices. It is since generations that they have been involved in these activities. While these have been prohibited under the law, no real efforts have been made to provide alternative livelihood and that’s where the problem lies.

It is a well known fact that we still have degrees of assumptions and biases against such groups and this fact cannot be ignored. More efforts are to be made towards their real resettlement and rehabilitation. They must be provided with adequate space to move out of the web that they have been caught in historically.

These groups must be decriminalized and linked with various rehabilitation schemes of the government under concerned ministry.
Summary and Way Forward:

The culmination of an impassioned Session-III paved way for a summarization of the day long exercise and Dr. Vijay Raghawan along with Usha Ramanathan took charge to deliver the epilogue titled “The Way Forward”. On the behalf of the house, both the anchors culled out the major references and discussions from the day’s deliberations. There was a consensus on the repeal of the current BPBA. They noted a considered emanation of equally important short term goals including improvements in existing infrastructure: facilities and services in the shelter homes, vocational training, alternative livelihoods promotion, legal aid, family support and counseling as some of the quintessential benchmarks to be embarked upon.

With the law getting repealed, criminalization will surely stop but will people still not be in the trying circumstances where they get compelled to beg? How does one deal with that? It was strongly agreed upon position that we want to create an environment where one does not have the need to beg and for this adequate ‘support mechanism’ needs to be developed. This was the question that the group felt needed more thinking and it was proposed that a small group put together by the Government should work on it in a time bound manner with specific focus.

Towards the close of the event, Mr. Sanjeev Kumar provided the valedictory address. Calling the workshop as an important ‘step ahead’, he thanked Koshish (TISS) and assured that the outcome of this workshop would be a significant change in the current legislation and the implementation mechanism. He reinforced his commitment that this workshop will not be treated as merely an academic discussion and the objective with which the program was organized, would be realized.

Valedictory was followed by a warm ‘Vote of Thanks’ extended by Dr Mahesh Sharma to the Ministry of Social Justice and Empowerment, Govt. of India, Department of Social Welfare, Koshish-TISS, all respected panelists and all the organizations and individuals who participated and enriched the workshop. Entire CPO team and Koshish team were thanked for taking care of minutest of organizational details.

Organized by
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