1. **Beggary Gang**: This seems to be based more on popular notion and myths surrounding around the issue of begging rather than on the basis of any evidence based report or investigation. There is no recorded evidence of any such gangs existing.

An individual might have been involved in crime of some nature but it can not be treated as general nature/characteristics of the population. In fact, most of the people in begging themselves are the victims of various circumstances and exploitations.

In more than 5 years of our direct work with the people into begging, we haven’t come across any such gangs or organized grouping. What we have seen is informal and unstable living patterns where people come together but its more for the fulfillment of the very basic element of life, which we call as ‘emotions’ than because of any economic motives.

Somebody who is seen as an exploiter through the eyes of social worker and the authorities could be the only support available to the perceived exploited person.

If however, there is any trace of gangs in operation that must be investigated and dealt with as per the legal provisions but any action must be based on facts and not on popular notions.

2. **Presence of Beggars is source to other crimes**: Here again it seems to be a matter of imagination. Very often groups like alcoholics, drug addicts etc are seen as beggars and therefore such notions are created. There could be incidents of pick pocket, stealing etc for the want of drugs but it is completely unjustified to club such groups with people who are into begging out of destitution and otherwise.

3. **Promotes Laziness**: This is again one of the perceived notions that have been built around this population including homeless people that begging provides easy money and therefore such people do not want to work. This is far from the reality. If one is willing to spend time and invest energies, it will not be difficult to ascertain actual reasons for the person to beg. Probably at
present, person looks comfortable in begging but in most of the cases, the start must have been very traumatic and forced one. It’s a situation of ‘no –alternatives’ when a certain degradation of self dignity takes place in an individual and it is only after that, that the person is able to spread his hand out.

4. **Burden on city and need to be sent back**: Begging is an extreme form of destitution and it is state’s responsibility to provide care and protection to its vulnerable and destitute citizens. Unfortunately, most of this destitution is the result of ill-planned ‘planned development’ where people living on margins have been further marginalized.

By sending the people back to other parts will be nothing more than washing off hands as the problem will still continue. State of begging is the creation of many other processes and unless we adopt a model of development where vulnerable and weaker sections of the society are included and seen as an integral component of city space, nothing will change. Through implementation of legislations like BPBA, 1959 we will only continue this process of marginalization further and punish the victims of state’s failure.

Its time now that beggary is acknowledged as a social and contextual problem and serious, honest efforts are made to address it. There must be a comprehensive national policy and programme on rehabilitation of those into begging and structures to check processes that create such extreme state of destitution.

**On counter – On Social Perspective**

On ‘**Assuming but not accepting**’ the arguments raised against this population, let us see how implementation of BPBA 1959 will not make any positive impact.

1. **Beggary Gang**: Even if the gangs were existing, BPBA 1959 does not really help for primarily two reasons: 1. The fine or punishment that this legislation prescribes for the person forcing others into begging is not really a deterrent (maximum 3 years as compared to maximum 10 years for one who begs himself). 2. People who are seen begging on streets, in the event of gangs being operational, will become the victims of those gangs and therefore, must not be
treated as offenders themselves. And since BPBA 1959, is not strong enough to address the problem of gangs, matter must be investigated by police and action be taken as per CrPC.

This is in similarity with ITPA. However, in ITPA women are rescued and seen as victims whereas in BPBA, person into begging is seen as offender and is arrested. If gangs are there indeed, then why does police not investigate the matter and rescue the large number of poor helpless people who would be the victims and forced to live a life of harassment and abuses because of those gangs.

2. **Presence of Beggars is source to other crimes:** When we are opposing the implementation of BPBA 1959, it is not all meant that person committing crime be left. Beggary as a phenomenon is a result of combination of factors which make an individual very vulnerable and it has to be addressed with social perspective but person himself can not be and should not be left free if he commits any crime. Opposition is to idea of punishing person who is begging not to protect him if he indulges himself into any other criminal activities. Such matters/cases should be dealt under CrPc and IPC as in any other case of those crimes.

3. **Promotes Laziness:** Until and unless we have safely nets for people who are unproductive largely like aged, disabled or abandoned, people will be forced to be in destitution. Can we expect an 80 year old man who has been abandoned by his family or a disabled person who has no support system to work and earn his livelihood? In the BPBP 1959, what is there that will make these people work? Once detained, person simply spends his period of detention and goes out without any change whatsoever.

4. **Burden on city and need to be sent back:** Sent back? Where? Won’t they be burden to the cities they’ll be sent back to? Whose responsibility are these people? Let’s not play with poor people’s lives in this politics. If one studies and understands the profile of people who are processed under BPBA,1959 or who are into begging, it will become very clear that most of the people are either working unorganized sector homeless workers or helpless, dependent destitute who have nowhere, no one to go to.
In the background of this, lies a situation where person is forced out of rural economy and also denied entry into urban economy. Traditional skills no more fetch a living and the way begging has been defined in BPBA 1959, alternatives that a poor migrant with no capital with him, can think of, have been made an offence.

The manner in which more and more people are pushed out of their natural habitat and forced to live on streets in unfamiliar spaces and then many of them getting processed under BPBA 1959, is a classic illustration of how poverty is being criminalized and certain class of people are eliminated systematically.

In addition, BPBA 1959 can not be used to this effect as the Constitution of India, which is the highest authority of the land, allows for free movement and stay in any part of the country.