
Organised by the Maharashtra Government – Department of Women and Child Development (DWCD) and Koshish (Field Action Project, Tata Institute of Social Sciences, Mumbai)
About Koshish

Koshish is a field action project of the Tata Institute of Social Sciences, which was conceptualized and began functioning in August 2006. Koshish seeks to work on the issue of destitution and homelessness. It is involved extensively in the male and female section of Beggar’s Home, Mumbai and working towards rehabilitation and repatriation, activities to stimulate the inmates physically and mentally, improving custodial conditions, providing medical support, better implementation of the act. Apart from this, Koshish is also involved in other components like Outreach and Night Outs, working towards the establishing of a Night Shelter, Vocational guidance and support, legal aid and advocacy etc.

Koshish has initiated work with the judiciary as well and has prepared an alternative draft to the BPBA, 1959. Koshish has undertaken two case studies, one being a state wide study of all the homes in Maharashtra with regards to how they address various issues in their homes and the second being a socio-economic survey of the people in the beggars’ homes in Mumbai.

Koshish is now planning to extend its work outside Mumbai, to other beggar homes in Maharashtra as well. To facilitate its work a National Alliance was created in December 2007 with NGOs from various states of India which work on the issue of homelessness and beggary. This would provide a network across the country which would be truly beneficial for the people working for this cause.

Vision

Koshish aims at addressing the interrelated issues of beggary, destitution and homelessness through a combination of measures pitched at the varying levels of providing support for basic and immediate needs, facilitating linkages to gainful and secure employment, advocacy for integration into the larger society and for the development of meaningful policy, and activism for securing rightful entitlements.

Specific objectives of Koshish

1. To reach out to the destitute and homeless population in Mumbai and undertake research in order to understand their psychological, social, economic, cultural contexts.
2. To engage with daily issues of survival, protection and growth thus addressing the immediate causes that lead to beggary or unlawful activities.
3. To mobilize the destitute and homeless population to participate in the process of rehabilitation and reintegration.
4. To engage in advocacy for inclusive policy and programs and to foster reintegration.
5. To network with state agencies and non-governmental bodies for intervention, advocacy and resource mobilization.
Introduction

The Department of Women and Child Development was established in 1985 as a part of the Ministry of Human Resource Development. The aim was to spearhead the empowerment and development of women and children across the country. Now, the department has been upgraded to a ministry under Ms. Renuka Chowdhary who is the Minister of State for Department for Women and Child Development (DWCD).

In Maharashtra, the Commissionerate is located in Pune and houses the Department on beggary as well. It is through the association with officials in this department that Koshish was able to sign a Memorandum of Understanding (MoU) for two years which was renewed recently. Through continued support and collaboration between Koshish and the WCD, the once forgotten Bombay Prevention of Beggary Act has undergoing renewed scrutiny and better implementation.

Background

Main purpose of the workshop was to bring together Superintendents and Probation officers of Beggar’s Homes across Maharashtra to discuss concerns, issues of rehabilitation of inmates and better implementation of the act.

The DWCD recognized the urgent need for workshops of this nature and thus it came about as a joint effort and venture of the WCD and Koshish.

Objectives of the workshop:

- To establish an understanding of the Bombay Prevention of Beggary Act, since majority of the officials may not know the Act at all, especially the District Officers.

- To create an understanding about the current mode of implementation of the Act and the desired implementation of the same.

- To allow sharing of experiences and interaction between the officials across Maharashtra and the WCD so as to allow adoption of creative and progressive practices, initiated by some, by all.

- To provide a platform for sharing of concerns and experiences with each other so as to try and generate possibilities and solutions from among themselves.
Issues raised in the sessions held in the workshop over a course of two days:

**Session 1: The Bombay Prevention of Beggary Act, 1959 and its implementation:**

1. **Rehabilitation:** It was agreed that the issue of rehabilitation has many dimensions. One of the suggestions was that inmates who undergo vocational training should get authentic certificates. One concern was also raised about providing training to the mentally ill. It was suggested that such inmates should also be incorporated in the trainings, even if it is difficult and needs to be addressed differently.

   Related to this is also the issue of rehabilitation of physically challenged people. A suggestion on this was to organize donors to sponsor their treatment in the form of implants and appliances.

2. **Care of the mentally ill:** Actually people who are mentally ill should not even be in the beggars’ home since, in the eyes of law, all those who have committed a crime but are mentally ill cannot be convicted. Since beggary is looked at as a crime, people who are mentally ill should not be convicted under this Act. More often than not police arrest people who are mentally ill under the BPBA since it is easier than the other option where the police need to take the person arrested to the mental hospital and get a certificate from the doctor about the condition of the person’s mental health.

   With regard to their care, the issues raised were that they have no proper access to treatment in mental hospitals, whereas visiting psychiatrists are few and overworked. People who are mentally ill are also difficult to manage since they are not aware of themselves and their behavior and make a lot of noise and are even aggressive. For instance, concern was raised that if a tailoring unit is started, tools like scissors could be misused to hurt someone.

   One suggestion was also that mentally ill people should get a sentence of only one year. Another suggestion was that an amendment should be made in the act regarding the issue of mentally ill patients and TISS should talk to the judiciary and follow up on this.

3. **Use of land in beggars’ homes:** “Is agriculture the best way to engage people, the majority of who have left their villages and come to cities due to paucity of land?” Some participants responded that agriculture keeps them engaged and that the government has provided land of such nature that it is best suitable and intended for agriculture. Without work they would get lazy and inactive. Agriculture serves as any other activity like the broom making units in other homes.
4. **Separate institution for old people:** One point which came out strongly was the need for a separate old age home. A lot of people in the home are quite old and most often they do not have any family to look after them. Thus they should be transferred to an old age home where they will get care and protection.

5. **Manual for the WCD:** The WCD does not have a manual of its own and the beggars’ homes partially implements, the jail manual. Thus the need to publish a manual specifically for DWCD was seen as imperative.

6. **Facilities and incentives for the Superintendent and staff:** Every superintendent should have a vehicle for official purpose and a suitable house. A vehicle was seen as necessary and would be very useful in times of emergency. Earlier vans were provided but they were in an abysmal condition.

   **Session 2: Role play- Arrest of a homeless person who is employed in a hotel and issues arising out of it.**

1. **Arrests should be made by women constables:** The fact presented was that a male constable arrests a female and this is wrong. Instead female constables should be deputed to arrest women found begging on streets. Women constables should arrest women offenders from the streets.

2. **Attitude of the magistrate:** The Magistrate completely ignores the accused. He/She does not even look up or acknowledge his/her presence and continues with work. It is the responsibility of the magistrate to interview the suspect to inquire about his background. In reality, the arrestees are brought in hordes and are not even produced as per the procedure laid in the court of law.

3. **Role of police:** The police should be more careful about how they make arrests. The police should make a brief inquiry before arresting the person and should arrest only if he/she is truly found begging. Also, the police should check and see if the person has any means of begging. Every police officer should be aware about the BPBA 1959. The police should not abuse, hit or manhandle the arrestee as if they have committed a grave sin.

4. **Lack of standardization:** The process of arrests is different in different places. While in Mumbai the Police arrest many people everyday, in Pune the Probation officers go with the police to ensure only people who truly are begging are arrested while in Satara arrests happen rarely and depending on the availability of the police van and constables. Thus there is no standardization in the implementation of the BPBA 1959. Same is the case for release on license and other procedures which are happening in some but not in all beggars home. Thus there is the need for standardization of the implementation of the BPBA 1959.
5. **Maintaining economy:** One remark was that in Mumbai there is a quota which needs to be fulfilled irrespective of whether the people being arrested are actually in to begging or not. There are also orders to maintain the ‘economy’ in the home where a certain minimum number have to be present for the functioning of the homes.

6. **Need for a joint working committee:** There came this urgent need for a joint working committee between the WCD, judiciary and the police so that some common grounds of working can be decided and the process be made more smooth. Also police and lawyers included, may/ may not have knowledge about the BPBA 1959 and must be oriented regarding the same.

*Session 3: Rehabilitation options conducted by the Superintendents of Pimpalgaon and Satara Beggar Homes.*

1. **Managing the risk:** The risk in allowing people to leave the premises of the home to work is high. However, the superintendent must first establish and sustain a trustworthy relationship with the resident in such a manner that the resident would not want to break that trust. Also it is possible, within the parameters of the act, for the superintendent to open an account for the inmate who works. It was brought to notice that the DWCD and even some staff within the home itself discourage the probation officer to take such a big risk such of letting them go out during the day. One of the responses was that to inmates run away even when they are locked up in custody. So why not take the risk and allow them to work outside? At least then if they run away it would be that probation officers have tried to rehabilitate them.

There is a difference between detention and imprisonment. In beggar’s home, the idea should be detention, and not imprisonment. It should be like an open prison. A total of eight inmates have been rehabilitated in this way in Satara. Eg: Raju Kale who was physically fit was employed by a contractor – gets Rs.3000 per month, Raju Sukhdev: trained as a car servicemen and works there now. Also the PO’s role is of prime importance. PO’s role is also to develop the positive attitude of the inmate.

2. **Expanding current enterprise:** A suggestion was made to expand the masala udyog at Pimpalgaon and make it a venture where the government purchases it from the home and the residents involved in making the masala get a percentage of the money. Individual rehabilitation is not similar everywhere.

3. **Rehabilitation of one could lead to the rehabilitation of another:** This was demonstrated through an example where there was a person who could not even say his own name and could give no address or name of his native place but one day when the relatives of another inmate came to the home he began dancing with joy. That’s when they realized that he was from the same village as the other
inmates and the relatives who had come for the other inmate recognized him and
told the superintendent that the boy’s mother was looking everywhere for him and
he had been missing for the last seven years. The superintendent has no words to
express the happiness of the mother and son when they met each other.

4. **The Role of P.O.s**: The role of the probation officers was recognized to be of
prime importance for rehabilitation and repatriation of inmates. This could leads
to increased job satisfaction. At the same time they face a lot of difficulties due to
language and other barriers.

5. **Grant-in-aid**: should be provided to each home to be utilized in case of
emergencies and to deal with paucity of funds.

6. **What is rehabilitation?** Rehabilitation encompasses economic, social, and
familial support. Rehabilitation could have a very different meaning in case of
beggars’ home but we need to find out ways to do it as per the needs of the case.
It also means “We need to create positive attitude among the inmates. And this is
very difficult thing but by using various kinds of skills we can get succeed.”

**Session 4: Engaging with NGOs- Mr. Arvel and Ms. Patil,
Superintendents of the male and female homes in Mumbai,
respectively.**

1. **The blame game**: The general feeling was that NGOs blame government
officials for everything. Sometimes, NGOs do not even know where the beggar’s
home is and they claim to be working there for many years. One must we aware
that there exists both kinds of NGOs. An idea was floated of screening NGOs
before giving them permission to work. However screening would be a very
difficult task since they can also make up/produce fake records and work
experience. On the other hand of they are a new NGO and do not have any past
experience, how can one determine their work unless you allow them to work? A
solution could be that there could be a six monthly review which uses several
methods and does not depend only on reports which could be made up, for eg. A
joint meeting with WCD, NGO official and the superintendent. Another way
suggested was that a target for number of releases could be a way of measuring
but that was pointed out as not being feasible by someone else. Also it came up that NGOs are likely to use media for their own gains.

2. **Role of NGO’s being defined**: Largely everyone felt that NGOs are needed but
their role must be clearly defined. They role should be restricted to raising funds
and should not interfere with the overall working of the institution. It should be
voluntary help. There are certain areas in which NGOs are welcome such as
counseling but if they interfere in everything it will create problems.
The role of an NGO could be that of interpreters, trainers, case workers. They
could even pick up any issue involving the system and works towards change in
the law. Most of the people were unanimous about the fact that the role of NGOs should be monitored and should not be merely to interfere in matters of the government. But how does one define as interfering? If a NGO sees an inmate’s right being violated or that the home officials were not doing something which they should, why should they not question the officials?

3. **Transparency:** There needs to be more transparency when it comes to the work of NGOs as well as the work of the home officials. It is not mentioned anywhere that the home officials cannot show the documents to the social workers of the NGOs.

4. **More attention should be given to the department and its officials:** There are no incentives and no promotions or decent working and living conditions. Officers from other departments get incentives. Officers in this department should be gazetted. The government needs to provide the homes with more funds.

5. **Payments to residents doing work:** All residents involved in any work, training should be paid as that is their right. If the WCD gets involved it will be possible to increase the amount of money to be given.

6. **Privatization of beggar’s homes:** There was a suggestion that government should think on whether it needs to be privatized or not.

*Second day*

*Session 5: Release on license- Mr.Arvel and Mr.Kute*

1. **Documents needed:** There was a discussion on the documents required to release an inmate on license. What came out were the following: Ration Card, Letter by the police Patil, Election Photo, Family photo, Home inquiry report. However, according to the Act there is no need of a the above mentioned documents for getting release if there is report by the superintendent that he/she feels the inmate could be released and there is potential in the person to work. Even the clause that the resident needs to have completed 1/3rd of the sentence is not applicable, under another section, if the superintendent feels that the resident is capable of leaving the home and taking care of himself. One question which came up was that if there is no home inquiry report and the family comes to collect the inmate, should we trust the family or should we conduct a home inquiry and then decide?

2. **The skills of report writing:** The Probation officer should be trained in skills of report writing, which will bring clarity in the proposals to be made to the head office.
3. **Travel warrant and gratuity:** It came out that these two important procedures are either being followed partially or not followed at all in several homes. There was also a sentiment that people who are mentally ill should not get any gratuity. It was also suggested that instead of giving money to residents one can just give them healthy food. This was argued against saying that getting money is their right and cannot be replaced by food, which they are supposed to rightfully receive in the first place.

4. **Belongings of residents:** When males are arrested their ‘jhadti’ is done in the receiving centre but when they are sent to the detention centre their belongings are not sent there and thus when they are released and ask for their belongings, the officials in the detention centre have nothing to return.

5. **Reservation in old age homes:** Elderly from beggars’ home should get 5% reservation in old age homes so that they have a place to stay. Along the same lines those with mental illness should be admitted into a mental hospital instead of staying in the home.

6. **The issue of eunuchs:** The problem is whether they should be kept in male or in female section.

7. **Rehabilitation of mentally ill people:** A big concern was how does one go about planning the rehabilitation of people who are mentally ill?

8. **Essentials:** Most beggars’ home do not survive without bidi, tobacco and cigarettes as these are essential to work with the residents.

9. **Role of the court:** The court should be more proactive in conducting its summary inquiry.

10. **Role of Police:** The Police should be more aware and careful about the kind of people they are arresting and the way they conduct these arrests.

    **Session 6 : Sharing of the study in all the homes in Maharashtra**

1. **Using violence:** There was an exercise on how many people believed that one should beat the inmates. About 80% said one shouldn’t. Most people however said that it depends completely on the situation. An example was shared about how some people were drinking and doing drugs in the barrack and when they became violent the police was called and they also beat up the residents so as to reprimand them. How come that is approved? The response was two fold. One, how did the inmates get alcohol and drugs? Two, the police is also not allowed legally to use violence on anyone. Newer methods are coming up within the police which would make the use to violence redundant.
2. **The purpose of a memo**: The issue came up of how effective a memo is and what purpose it serves, since that was what usually happens to caretakers who do something wrong on the job. Does it even serve a purpose or has it merely become a procedure which nobody takes too seriously?

3. **Groupism**: Sometimes people in the home are actually criminals and they get into groups and attack each other and sometimes this is intentional. So do we continue to look at them as victim or use some force to ensure that others do not get attacked due to rivalry between groups?

4. **Question of destitute**: One question was what should one do with people who don’t have any kind of relatives or family members but have severe ailments?

5. **Misuse of the term remand**: There is also a misnomer about the word remand. Remand is actually used to signify bringing about a change and the way remand is being used completely belies its original meaning.

6. **Indefinite detention**: There was also a slight debate about when indefinite detention can be used and it was concluded that a physically fit person can request for it but a person who is mentally or physically challenged may be detained for life at the discretion of the superintendent.

7. **Repeated offenders**: A lot of people keep coming back to the home after being released. There needs to be regular group activity in the home, training and rehabilitation to ensure that this does not happen.

8. **Role of officials**: The superintendents and probation officers should try and personally know all the residents. The weight of the residents should be checked every month and there should also be effective documentation of all work done.

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**Open Forum: Suggestions**

- There needs to be a different approach to involve more number of educational and training sessions. This new approach is needed especially when it comes to checking the rate of violence in the home. There needs to be more professional approach within the officials in the entire system.

- There needs to be more talks with the police. It is because of them that 80% of the cases are arrested unnecessarily and a lot of the problems could be addressed if only the police were more careful while making arrests.

- There also needs to be increased focus on the larger picture of migration of people into cities like Mumbai and the resultant problems of homelessness and destitution.
• Officials need to be more proactive about releasing people especially if the employer is contactable. There needs to be more work done on rescue strategies.

• Increased coordination between the WCD, police and the beggar’s home officials.

• Separate manual for the WCD.

• There need to be more arrests at the grassroots level with all homes acting as a receiving centre as well as a detention centre. Arrests need to be made in areas like Shirdi where there are actually beggars so they can be rehabilitated. All arrested should get ID cards. We need to use rescue strategies with the police system.

• Workshop necessary not only for superintendents and zilla officers but DPOs as well. The atmosphere in the meeting should be to facilitate interaction. It should be conducted more often.

• Computation of good work, positive instances, recording and documentation regularly.

• If WCD could interfere in this kind of case we can develop this concept

• Inmate’s payment in the form of wages should be increased.

• Need to use of media for the rehabilitation.

**Conclusion**

Workshop was a very positive engagement as both officials from the government as well as NGOs shared concerns and also came up with various suggestions to address the same. But officials had to be requested to remain focused as too many issues were being discussed at a time. Various possibilities were discussed with regard to the rehabilitation of the inmates in a holistic way. Government officials also felt that if they really wanted to do rehabilitation they would have go beyond the call of duty. There was overall agreement in the group to bring about changes in the act itself to make it more humanitarian.