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Can Laws Prevent Begging in India?

An interview with Mohd Tarique



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Mohd Tarique is Assistant Professor at Tata Institute of Social Sciences (TISS), Mumbai Campus. In the interview he talks about the Beggary Law, the factors that lead to begging. The government schemes are not available to beggars as they don't have identity cards and the laws make them offenders.

Is there any truth to the urban legend that is the “begging mafia”? If yes, how does this operate? If no, what function does this mythical mafia play?

The larger question here, according to me, is not about whether there is a mafia or not, the larger question is about the framework that is needed to deal with that if it exists or if it comes up some time. The larger question should be about the mechanism put in place to check the mafia? Mumbai and Delhi are supposedly two big places with beggary mafia being said to be in operations. These are also the places where Beggary Law is enforced very actively. Can you find out how many people are being booked for forcing others into beggary?

If there is mafia, what are the states and the police doing about it? How often cases are being filed against such groups? If there is a political will, you think it will be difficult to break the nexus? I personally believe there is some truth in the legend of Begging Mafia. Children and elderly people are most vulnerable. We have Sections in IPC that provide for rigorous imprisonment for trafficking children for the purpose of begging. How often is that being used? The way this serious threat is not just ignored but also covered up under the Beggary Law, and children, women and elderly persons are left at risk is a matter of serious concern.

Almost every traffic signal, one could see children begging. Are we really so short of ideas and resources that this situation cannot be changed?

It seems States are simply interested in keeping this mafia alive as that helps them to continue with the Beggary law. Do you know Beggary law provides for up to 10 years of

detention for person who begs where as only 3 years to a person who forces others to beg. Is this what we call as justice? However, what it does help with is, keeping general public satisfied. Unaware of the provisions of the law, and also not concerned beyond a drawing room conversations, it helps in making them believe that state is serious about protecting people, especially children. We feel happy that something is being done, some mechanism is in place, without really understanding what that mechanism is and how futile it is.

With the new labor code, the government is planning to provide social security for unorganized laborers. Beggars are among the most vulnerable populations in the country. Are there any rehabilitation schemes or methods for their upliftment?

Persons with mental illness, elderly and abandoned, those affected with leprosy or various kind of disability, seasonal migrants, working homeless persons, persons from denotified communities, women who faced violence and then got abandoned, transgender are all the categories of people that fall within the ambit of Beggary Law.

Article 41 of our Constitution provides that the State shall “make effective provision for securing the right to works, to education and to public assistance in case of unemployment, old age, sickness and disablement...” However, what most states have adopted is completely contrary. Instead of securing people’s rights and providing assistance, all that the states do is criminalization of these situations of vulnerability.

These state laws are, broadly, versions of the Bombay Prevention of Begging Act 1959, which grants powers to public officials to detain people, presumably engaged in begging, in government run custodial centres. The law targets homeless or destitute people under the assumption that they are beggars, without any consideration of their physical and economic conditions.

Though there are plenty of government schemes, including pensions, for the welfare of these very groups, people in beggary have no access to these programs due to the legal identity that gets created. By terming them as ‘offenders’, state not only deprives them of the benefits of government programs, it also reduces the possibility of any social support that they may have developed on their own.

So with the new labour policy, benefits will be available to whom, to the labourers or the offenders? When their situation itself has been termed as illegal, their existence is illegal; there is very little possibility of them getting any benefits from these programs or schemes.

These are the persons who need assistance to get out of their situations of vulnerabilities and it is possible to do that. At Koshish, we have worked with hundreds of persons who were into state of destitution, but continued support resulted in them successfully moving out of that. There has to be a multi pronged approach that must be followed by the government and starting has to be with the decriminalization of their situation. So, first and primary essential step is the repeal of Beggary law. Large number of persons

will automatically become eligible for existing welfare schemes.

Special focus on children will have to be given. And this can be done with an integrated program where family is taken as one whole unit. Our interventions in Bihar, Mumbai and Delhi have shown the possibilities. We have large number of children who were earlier begging, going to school now. Their parents are important stakeholders in this intervention and supporting them with feasible livelihood support has resulted in them coming forward and joining our efforts. Some of them were also linked with existing programs of the government. What is important to remember here is the added vulnerability and the complexity that they live in and before any expectations, the negative factors will have to be removed. For example, if the arrests continue, no amount of counselling will help them give up beggary. Each arrest throws them into the vicious cycle of mistrust towards the state, borrowing money for the bail and other legal expenses etc. So yes, it is possible to have rehabilitation program for these people but patience and comprehensive program is must. There won't be easy or quick results.

Is there any legislation to protect the welfare of destitute people? If no, are there any being formulated?

Homelessness is one issue that is facing us nationally. Unfortunately, though it impacts thousands of people, there is very little that has been done. Worse, most states have responded with a punitive framework. Everyday people sleep in the open, under the sky, risking their lives, exposing themselves to abuse of all forms. They are all around us but we do not see them, do not acknowledge. There is a parallel life that goes on and we hardly notice, worse, we hardly care to notice.

There are schemes and programs meant for poor like elderly pensions, disability allowance, widow pension etc, but destitute persons rarely have access to those for want of identity.

Given the vital concerns and issues related to this problem, how law perceives destitution or beggary, is something that assumes extreme significance as large number of homeless persons are abandoned and helpless ones. As present, it is an offense. But in a situation where all other survival mechanisms have either collapsed or have been criminalized by various legislations, it is essential to examine as to what extent people can actually be blamed or held responsible for their being into that situation.

At present, we only have Beggary prevention legislations that simply turn these people into offenders. About 3 years ago, Special Committee was constituted by Ministry of Social Justice and Empowerment, GoI, that drafted the Bill for an alternative law. Idea was to have the punitive legislation be replaced by rehabilitative program. Committee prepared and submitted the Bill titled, 'The Persons in Destitution (Care, Protection and Rehabilitation) Bill 2016'. Last year in October, there was a pre legislative consultation organized by the Ministry but since then, there has been no movement.

Your work has shown that many of the people who beg are those that have fallen out of the family structure (elderly, mentally challenged, disabled or abandoned). Why are such incidents prevalent?

A person can be pushed into begging due to several factors and crisis circumstances. It can be the outcome of extreme poverty, loss of livelihood, prolonged illness especially mental health issues or disability, Social/ familial rejection or exclusion, violence, displacement and much more.

A situation of prolonged illness, disability etc may result in drying up of family resources. Also, if the person is not contributing to the family, adjustments and acceptance become that more difficult. It could also result from prejudice against people with HIV or Leprosy.

Often, the vulnerability is coupled with another situation of equal helplessness; like old age with disability or loss of livelihood accompanied with medical condition in the family. These situations lead to drying up of financial resources and chances of person getting abandoned grow manifold. Families find it difficult to support a person and eventually abandon.

Breaking down of family system with changed values is yet another reason for large number of persons reaching the state of destitution. Elderly persons are hardly taken care of. Mental illness is again a very significant factor that results in very high percentage of those getting abandoned or moving out of the family.

Describe the condition of destitute women and children.

Women and children are undoubtedly the most vulnerable amongst different categories of persons in the state of destitution. Being a woman itself is a disadvantage in a society where abuse and exploitation of women is rampant. Streets only add to this state of vulnerability. Exposed to the hardships of the street life, women are extremely prone to all sorts of abuse and constant violations. Sexual exploitation of destitute women is so common yet nobody speaks about it. Even when woman goes to file a complaint, they are mostly turned away as. These women are constantly being questioned for their life style and several prejudices are associated with them.

Same is the vulnerability with the children. The most unsafe environment is where they grow up in. Deprived of the safety of the home, these children are exposed to the abuse and hardships of the street life from close quarters and run the risk of growing with deeply hurting and damaging memories.

Children getting kidnapped and forced into beggary is another challenge altogether. Unfortunately, the situation that would set any responsible or caring society and the state on war mode of action, for us, these children are nothing beyond the numbers that do not shock any more.

Much has been said about the rural sector being affected by people migrating to

cities in search of jobs. But there seems to be a failure to generate opportunities in both the rural and urban sectors. However, begging is seen as a 'preferred way of living'? Is this an attempt to wash away the failure to create jobs?

This is indeed a very big question and is probably based on a very common assumption i.e. Beggary is a preferred way of living. Research conducted by Koshish in different states has shown that there is very little truth in this understanding about persons in beggary. You would hardly find anyone who chooses to live off beggary. May be at the time when you meet the person, he/ she might say that one is happy living off beggary and that could indeed be the reality but what is needed is the understanding of how the journey to this stage started. We have seen across regions, age and gender that the start has been extremely painful. Often it was after several days of going without food that one could prepare self to extend that arm to seek alms.

But of course this notion helps us. Last few years have seen not just gradual loss in the livelihood people had and tradition spaces that people would engage in, but also the failure in creation of any jobs. By shifting the blame on the poor persons, the onus is easily shifted. So if state fails in developing adequate infrastructure in the city, poor pavement dwellers are blamed for putting addition burden on the city. If crops fail in the agriculture sector due to faulty loan schemes or failure to ensure government supply of electricity or the rains, one easy scapegoat is poor person who probably migrated to fight his own crop failure.

If migrants fail to find employment at their destination, why do they not return to their origin?

Beggary is largely seen as a choice by the larger society. It is hardly seen as the result of an adverse circumstance people face. This question is probably based on the assumption that people move to cities by choice, looking for better life or opportunities. However, this is far from realities. Most people migrate in distress. They leave their origins where all possible alternatives have been exhausted. They move to the cities but obviously there is no guarantee that they will find jobs. However, where do they return to? What is it that have to look at, if they are to think of returning? City gives them some hope. There is something that they can hold back on. Work they get might not be regular but some odd work like labour jobs will be available, even if on a sporadic manner and that helps them survive.

Given a choice most of the people who are living in cities as homeless, would want to go back to their native places. Who would want to remain in hostile cities, away from the warmth of the home and family, and struggle the hardships that street life brings along?

It is important that we understand that this is a matter of survival and not a choice of comfort.

Some beggars are in fact seasonal migrants who return to rural areas during agricultural season. Why does this phenomenon occur?

People are unlikely to beg when they have Social support systems in times of difficulty whether financial, psychological, health related or the result of an accident or calamity affecting many individuals.

From the experience of working with this population for over 12 years now, one can safely say that most people are into this situation as a result of extreme poverty and helplessness. If anything the Beggary law is criminalizing the poor and as a result making them further deprived of what is rightfully theirs.

When given an alternative, people have pushed themselves to get out of this situation. This hasn't been easy but still people have responded, challenging their situations. Look at the situation that our agriculture sector is in? Aren't farmers committing suicide becoming a norm than an exception? Crops are failing repeatedly year after year and one could debate endlessly on the reasons responsible for that. However, in the context of this discussion, what remains relevant is the fact that people are pushed into distress situation. They move out, migrate to nearby areas with the hope for some relief. However, most still want to pursue agriculture as that is not only livelihood but also a matter of emotional connect that they share with the land.

It has been found that people suffering from leprosy migrate to the cities to escape ostracism. Is their situation any better in the urban environment?

Unfortunately, the situation is no different in urban environment. However, it is probably the escape that the anonymous identity in the unfamiliar city is what makes the urban environment a better alternative for the person affected with leprosy and facing stigma. It is not that cities are sensitive or compassionate to the needs of the leprosy affected person; it is just that we are indifferent in the cities. Most of us wouldn't care about the presence of persons affected with leprosy as long as we don't have to deal with them. Even the laws are no different. Several states clearly criminalize leprosy under their Beggary prevention legislation. For eg, The Bengal Vagrancy Act provides for the detention of person affected with Leprosy. Not just detention, it provides for the externment as the punishment. If it is found that person accused of beggary (and affected with leprosy) is not born in the area where the Act is in force, court may order the person to leave the area and not return without written permission of the Controller of Vagrancy in the State. This is not just a violation of fundamental right that every citizen enjoys in the country but also puts a destitute person at par with serial offenders who are extended from a particular area for the maintenance of law and order. Similarly, **Andhra Pradesh Beggary Prevention Law**, while providing for criteria for identification of a beggar, includes whether the person is suffering from leprosy or not. A separate category has been prescribed while providing guidelines on detention of identified/ arrested persons in beggary.

It is true that some states provide welfare scheme, like Delhi, to persons affected with leprosy and that too serves as a factor for them to escape to cities or the urban spaces. In villages we usually know each other and therefore hurt that is caused by ostracism is more where as in cities, nobody knows the person and that helps in dealing with the discrimination and humiliation with lesser pain.