

**ANTI-BEGGING LEGISLATION OF INDIA: FROM
RESPONSIBILITY TO REPRESSION**

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Abstract

Everyone everywhere has a right to live with dignity (UNMD, 2000). This encompasses that no one should be criminalized for asking their rights for adequate housing, food, water and sanitation, education and health care. Anti-begging law in India seems to be enacted with an assumption that individuals freely choose idleness and that idleness is a potential source of nuisance leading to criminality. However, begging is a social problem and should not be considered a crime warranting arrest of beggars. The anti-begging law does not distinguish between aggressive and passive begging; begging under necessity; or begging under coercion of others. As a result, even extremely ill, lepers, mentally and physically challenged beggars, could be arrested although they are not threatening or intimidating. The legal definition of begging is imprecise and ambiguous creating an identity complex. The definition does not detail the historical, cultural and traditional ethnography of India. The anti-begging law prima facie criminalizes people for what they are rather than for what they are engaged in. The society, policies and legislation features beggars-homeless as 'feared' in the crime discourse. An understanding of begging must address health, shelter, public participation, human dignity and income. However, the government tries to conflate the need of these social issues with crime. It therefore hammers ones right to life and freedom of speech and expression. Key words: begging, crime, criminalization, conflict, de-criminalization, fear, grievance, penalizing, poverty, rehabilitation.

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Introduction

The researcher had an awkward encounter to witness the predicament of the beggars who were evacuated from Delhi to tidy up the city in 2010. A bunch of beggars (men and women of all ages), some of them sick, mentally ill, and physically challenged were crammed into a vehicle designed to accommodate half the number of people and brought to a Mumbai court dealing with cases of beggars. Incidentally, the researcher was the judicial officer holding temporary charge of that court and so happened to see the callous way in which police treated the beggars. The police officer in charge hurried to seek an order of detention to send these beggars at one of the beggars' home in Mumbai. The police had not bothered to segregate the men and women who were not even able to clad their bodies in a decent way. The list prepared of their names was incorrect. The beggars knew neither the charges levelled against them nor there was any legal aid available to them. Whilst inquiring with one of the beggars the researcher realized that it was a 'pick up and evacuate beggars' drive undertaken by a competent authority to give Delhi a tidy look for an event.

This incident underscores the insensitivity of administration and simultaneously reflects the inhumane way the legal system approaches beggars in India. Many noted evacuation of beggars from the city of Delhi for an event. The incident of sweeping beggars under the carpet during the 2010 Commonwealth games in India (Guha, 2010; Ramanathana, 2008; Gopalakrishnan, 2002; et all) sparked the researcher's interest in critically analysing the operation of the country's anti-begging legislation. This dissertation aims to create a lens to draw attention

towards the aspect of criminalization of beggars under anti-begging legislation of India.

Some epithets employed in India to describe beggars are: 'ugly face of the nation'; 'obstructors of smooth traffic'; (Gopalakrishnan, 2002); 'trespassers'; and 'encroachers on public land' (Ghertner, 2008). Freeman (2013) says that beggars force us to confront poverty in an awkward and uncomfortable way, which is somehow the truth of the nation. Though begging is ubiquitous in almost all parts of the country, it remains illegal (Goel, 2010). In Delhi, poor people including beggars and the pavement dwellers were banished for the 2010 Commonwealth Games because it was felt that their existence gave India a poor reputation (Guha, 2010). Ahead of the October (2010) Commonwealth Games, the government in India's capital sought to address a centuries-old problem by launching a drive against beggars, slum neighbourhoods and the homeless, demolishing thousands of slum homes and arresting or displacing thousands of people to clear and sanitize the city. A Delhi court intervened and observed that, 'You cannot just take bulldozers anywhere and demolish anyone's house in the name of the Commonwealth Games' (Buncombe, 2010, NDTV, 2010 et al).

The practice of begging is mainly due to poverty in India. Among other reasons are unemployment, illiteracy, ignorance and the ever-increasing population. These other reasons are however again intertwined with poverty and further

reinforce poverty. Another aspect, which cannot be denied, is the unfair distribution of wealth, which creates a wide gulf between the rich and the poor (Ahearne, 2009). However, this dissertation focuses on the issue of criminalization of beggars therefore, it will not touch other aspects of poverty such as its causes, solutions and so on. Usually, the extreme product of poverty is begging. Beggars, in themselves are problems and they create other social problems (Kamat, 1997). Beggars qualify as soft targets for their prominent presence on the streets and often subsume in the category of 'causing nuisance or annoyance' (Iqbal, 2013). Nuisance has become cardinal term driving demolitions of slum and evacuating beggars in re-sculpting residential geography and future (Ghertner, 2008).

i) Demographics

In India, the problem of begging has assumed a colossal and stupendous proportion (Iqbal, 2013). According to a study by Delhi School of Social Work, there has been a phenomenal increase in the numbers of beggars in India. According to Action Aid Report (2004), there are some 60,000 beggars in Delhi and over 300,000 in Mumbai. Beggar research institute says according to police records there are nearly 75,000 in Kolkata and 56,000 in Bangalore. In 2005, The Council of Human Welfare recorded one incident of begging for every 354 people in Hyderabad city (AIF, 2014). In a study published in the International Journal of Psychological Rehabilitation reveals that 39% of the 490 beggars surveyed in Gujarat's Baroda district by a group of medicos suffer from some psychiatric illness. Nearly 74% of them had a history of addiction, psychiatric

illness in the family and poor attitude of family members towards them. Over 68% admitted to feeling of shame and losing self-esteem, 25% to guilt, 4% to suicidal tendencies and 8% to anti-social activities (AIF, 2014). Moreover, the number of women and children beggar is ever increasing. The 1931 census stated 16% were women beggars. The figure shot up to 49% in 2001. There are 10 million street children many among who beg for livelihood. According to another survey, around 85% of destitute people were earning far below the poverty line before they got into this practice. The study conducted by Action Aid International on beggary in India reveals 99% of men and 97% of women got into beggary due to poverty (AIF, 2014).

ii) Universal Phenomenon

The phenomenon of begging is a universal issue. It is not peculiar to any specific country. It is a common problem, which is manifest primarily in urban areas of any country, especially in third-world countries (Namwanta, 2013). Iqbal (2013) says that begging signifies dual perspectives: personal disorganization indicating the failure of the individual to adjust himself with his social milieu; and a symptom of social disorganization. The beggar in the street reminds us of the ill-organized society, which is not able to adjust him properly. Their existence seems to be parasitic (Iqbal, 2013). Begging is described with different terminologies like panhandling, mendicancy, tramp, rough sleepers, and cadgers, more commonly as homeless. It appears that begging is universally treated synonym with crime. Though, there are some exceptions like the Belgium where silent begging is not a crime (Feantsa, 2013).

Many city politicians around the world seem to have concluded that the easy way to solve begging-homelessness in their area is just to make it illegal. Norway, one of the richest and highest Gross Domestic Product per capita countries in the world intends to ban begging and make it a crime presuming that the flow of beggars from outside of Norway has associations with organized criminal activities. Two thirds of Norwegians associate begging with crime (Snyder, 2014). In cities of The United States of America the homeless end up shuttling from place to place to save their skin from the draconian law criminalizing them (William, 2012). In America, the people who beg have been refused 'The right to the city' over decades (Mitchell, 2003: 1). Whilst some European countries have re-visited their punitive position regarding public displays of homeless 'lifestyles', the picture in England and Wales arguably remains one within which 'homeless' and 'criminal' are interchangeable terms (Tosi, 2005). Australian states including Victoria, South Australia, Western Australia, Tasmania, and the Northern Territory penalize the act of begging despite huge criticism from the civil society (Walsh, 2004).

In India, the government treats begging as a crime rather than a social issue (Ramanathan, 2008). Many state governments and union territories have anti-begging legislations in India (GOI, 2013). Under the anti-begging law of India, any person found begging can be arrested and be kept under detention for one year to three years after a summary court procedure. In case, if the said person repeats the act of begging he can be imprisoned up to ten years. The 'fact' of there being a preventive law on beggary can lead state to a position where the

state can usurp upon itself unlimited powers to adjudicate on the fate of the beggars. Beggars become soft targets and being homeless makes it easier for the state to take legal action under the guise of public order and safety. The need is to revise the duties and obligations of the state as its responsibility rather than the way the exercise of power for repression (CSSEIP, 2010). Anti-begging legislation has an essential and exclusionary effect on an already marginalized section of poor population in India.

iii) Rationale

Criminalizing beggars amounts to criminalizing poverty (Ramanathan, 2008). Generally, people adapt to begging because of their mental, physical and other disabilities, which make them incapable to earn a living. They have to beg for their survival and live on the street or in public places. The status of becoming beggar-homeless is usually a last resort adopted to meet ones subsistence needs. A homogenous presumption that all the beggars are criminals would not be fair. Making the act of begging a crime would restrict needy people from asking for help. It would also restrict the acts of a Samaritan who would want to extend help. Beggars-homeless people find it harder to secure employment, housing, or state welfare benefits with a criminal record, and therefore penalizing the act of begging-homeless makes their existing situation much more difficult. William (2012) writes that criminalizing the life sustaining activities of the homeless and the efforts to make the homeless invisible rises to the level of torture and apartheid. Nagarthana, (2013) posits that the existing approach making beggary 'malaprohibita' meaning 'acts declared as wrongs by express provisions of law' is against the established principles of not only criminal law

but also human rights jurisprudence and constitution norms. The act of begging is not 'mala in se' meaning 'wrong by itself'.

The Delhi High court in (DLR, 2007: 137) reasoned that, 'there are various causes for which a person begins to solicit alms. Either, because he is downright lazy and does not want to work, or because he is an alcoholic or a drug-addict, thus in search of financing his next drink or dose or that he is at the exploitative mercy of a ring leader of a beggary 'gang' or also because he is starving, homeless, helpless and begs out of necessity. The court further states that prevention of begging is the object of the anti-begging legislation of India. But, one must realize that embedded in this object are the twin goals- 'Nobody should beg' and 'nobody should have to beg'.'

iv) Research question

The anti-begging law of India does not make any distinction between 'should not beg' and 'should not have to beg' categories of beggars. Both the categories are dealt with in a similar punitive vigour. This dissertation will focus on the criminalization of beggars in India who fits in the category of 'nobody should have to beg' either of necessity because they are starving, homeless, helpless or at the exploitative mercy of a ringleader. This dissertation engages in a question: Will criminalizing those who beg out of dire necessity or compulsion prevent begging? This dissertation will argue that no amount of criminalization or punitive measures can deter a person from begging who is stuck in 'have to beg' situation.

v) Need of scholarly literature

Making beggars-homeless invisible by criminalizing them is the less explored side of the literature. In the wider international context, literature on the problems of beggars is scarce. There seems to be a wide gap in the social science literature regarding concepts, theoretical frameworks and methodological approaches to the aspects of the problems of beggars especially on the issue of criminalization. Walsh (2004) posits that in Victoria, the Scrutiny of Acts and Regulations Committee revealed that it was unable to recommend the decriminalization of begging due to a 'lack of research'. The limited researches undertaken so far are survey-oriented attempts, which heavily lean toward understanding the beggary problem following quantitative approaches. One of the most serious problems with such a profile is that it draws a flat, static picture (Demewozu, 2005). There are policies, which makes poverty invisible by arresting the poor and criminalizing them. There is no significant scholarly literature on these unjust policies, regulations and legislations that perpetuates the grievance of the poor in their day-to-day life leading to a conflict like situation.

A literature review on the work of Denis B (2009), A Critical Evaluation of the Historical and Contemporary Justifications for Criminalizing Begging; and Nagarathana A (2013) Criminalization of Beggary, A Critical Look at the Indian Legal Approach will be reflected in this dissertation. These articles demonstrate that the rationale for the criminalization of begging is no more relevant.

vi) Structure

This dissertation will attempt to propose that the anti-begging legislation of India

is repressing the poor instead of responding with the responsibility to deal with their poverty. Chapter 1 will begin with describing the different perspectives of poverty. It will discuss the status of the extreme poor known as beggar-homeless. It will then analyze the nexus between poverty and conflict with factor of grievance being in the center of it. It will draw attention that the anti-begging law is a grievance-causing factor. Chapter 2 will focus on the historical analysis exploring the justifications of the older anti-begging statutes criminalizing beggars. It will elaborate how the broken windows theory justified criminalizing beggars in contemporary era. It will suggest that over time these statutes do not have the desired effect in contemporary social set up of welfare states. Chapter 3 will unfold the discourse of fear of crime and the way it encompasses the beggars-homeless. It will suggest that the beggars-homeless are not always the feared ones. They themselves are victims of different category of crimes. Placing them in feared category has had detrimental impact on beggars-homeless in triple way: from policy perspective; academic study; and understanding of fear of crime. Chapter 4 will throw light on the controversial definition of begging in anti-begging law of India and its scope of misapplication given the wide power of arrest to police. There will be a brief comparison between begging and charity. It will discuss the theory of proportionality and punishment, fundamental rights of speech and expression and the right to life. It will highlight the weak rehabilitation policies and the need to refurbish the beggar homes where beggar-homeless are under de-facto incarceration instead of rehabilitation. Lastly, the conclusion will demonstrate that it is unconstitutional to criminalize passive beggars-homeless and there is no normative justification

for it in contemporary era. There will be recommendations on the change needed in the existing unjust policies and legislations to overcome the grievances of homeless- beggars for preventing any internal conflicts in future.

vii) Limitation

Begging due to extreme poverty is one of the most prevalent and pervasive social problems in India. This dissertation will not touch on the theories of development to eradicate poverty. It will not enter into the debate of professional/ occupational/ vocational beggars, organized begging, and child begging and on issue of gender in begging as these are avenues of separate researches. The focus is on the issue of criminalizing the act of begging by arresting the poor who beg out of necessity or under duress of others.

Chapter 1

Poverty, Grievance and Conflict

'Poverty is the parent of revolution and crime' - Aristotle

This chapter will briefly discuss the different perspectives of poverty such as social exclusion, relative deprivation and lack of capability. It will discuss the categories of the poor especially the status of the extreme poor known as beggar-homeless. It will attempt to analyze the nexus between poverty and conflict with factor of grievance being in the center of it. This chapter proposes to argue that the unjust laws like anti-begging legislation of India can add to the already existing grievances of the poor. The building up of grievances can result in conflict of some nature like revolution, rebellion, disobey, disharmony, agitation creating instability or rise in crime. It will point out that one of the grievances of the beggars is of resource deprivation even to make their voice heard.

In 21st century, the focus of the Millennium development goal lies on global poverty and its eradication. The Millennium Declaration adopted by the Heads of State meeting at the United Nations in September 2000 assured to struggle for the rule of law to achieve the stage where 'men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice'(UNMD, 2000). However, to many, especially the extreme poor around the world, the right to live in dignity is still

unachievable. India is still a 'long way from even the minimum targets when looking at the numbers of people living in poverty' (Action aid, 2013).

i) Perspectives of Poverty

To understand the deeper concerns of poor people it is quintessential as a starting point to understand the concept of poverty. Poverty is riven with ideological disagreements. Poverty is an abstract subject and not easy to define. Definitions of poverty and its causes vary by gender, age, culture, and other social and economic contexts. It is never one reason creating poverty but there are various interlocking factors that cluster in poor people's experiences and definitions of poverty (World Bank, 1999). To many, poverty is bane of society. The term poor generally connote that one could not manage food and home. In general, poverty means inadequate infrastructure and inability to access basic social services of education and health. It is often living in areas that have no hygienic facilities or potable water. Due to such living condition, poor people are much more susceptible to illness and disease resulting into high mortality rate (UN org, 2011).

Poverty and social exclusion are often perceived as allied concepts. Room (1999) writes that in social exclusion people are detached from communities, societies as well as from duties and rights. The sections of people who do not enjoy rights for want of certain qualifications or cannot discharge duties due some disqualification are usually abandoned from society structure. Invariably, these people are the poor. Therefore, those who are disabled, disadvantaged,

unwanted and worth no use such as beggars would come in the category of social exclusion.

In its Joint Report on Social Inclusion 2004 the European Commission came up with the following: 'People are said to be living in poverty if their income and resources are so inadequate as to preclude them from having a standard of living considered acceptable in the society in which they live. Because of their poverty they may experience multiple disadvantages through unemployment, low income, poor housing, inadequate health care and barriers to lifelong learning, culture, sport and recreation. They are often excluded and marginalized from participating in activities (economic, social and cultural) that are the norm for other people, and their access to fundamental rights may be restricted' (JRF, 2004).

The UN measured poverty in terms of the ability to meet a minimum number of calories or to have a minimum level of income to satisfy needs. A "poverty line" indicated this minimum level. Those whose income and calorie intake was lower than this level would be constituted as poor. A commonly used measure for purposes of international comparisons of income poverty is the \$1 or \$2 per day (UN org, 2011). The highest numbers of poor are in South Asia (522 million of who live on less than \$1/day). In 2010-2011, the percentage of poor below poverty line in India was estimated as 25.7% in rural areas, 13.7% in urban areas whereas for the whole country to 21.9% (GOI, 2013). The International

Labor Organization broadened the concept trying to view poverty beyond the income criteria. Attention focused on non-monetary features such as isolation, powerlessness, vulnerability and lack of security, as well as an individual's capacity and capability to experience well-being (ILO, 2003).

Townstead (1979) states that relative deprivation approach to poverty covers aspects of standards of living: material; and social. Individuals, families and groups in the population can be said to be in poverty when they do not possess the resources to acquire the kind of diet, to take part in the activities, and to customary living conditions and amenities approved by the society they live in. Their resources are too scanty compared to the average individual of family that they are excluded from the normal activities and customary practises.

Usually, poverty is construed mainly in terms of income—or a lack of one. Sen (1982) explored the concept of capability in understanding poverty and its related issues. He argues that in analyzing well-being, one should shift focus from 'the means of living', such as income, to the 'actual opportunities a person has', namely their functioning and capabilities. Martha (2011) came up with philosophically derived capabilities: life; bodily health; bodily integrity; senses, imagination and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment. She posits that all citizens have a right to demand from their government these capabilities.

ii) Poverty vary in varying contexts

World Bank (1999) has mentioned some varied contexts of poverty: in Uganda, there are three categories of poor: the poor, the poorest, and the fully dependent. The poor has a patch of land or hut to live in but work for others for food and money; the poorest has no land and housing and work for others for food money and housing; the fully dependent were the disabled persons, elderly who could not work and single unemployed mothers. In Cameroon, the poor are distinguished from the rich in five main ways: 'The presence of hunger; less frequent meals and inadequate diets; whatever irregular income earned is spent on food; no source income; and feelings of powerlessness and an inability to make them heard'. In India, 'the poor have lost their bargaining power. The basis of dominance is control over productive resources and the basis of subordination is survival'. Jha (2013) expresses that one of the sections of poor comprises of people in India who do not struggle to survive but are sensitive to expenditure shocks. Below this category there is a section of poor that neither is struggling to sustain them nor is vulnerable, but they are unlikely to prosper without welfare programme. 'These seekers of prosperity are below the economic threshold line'(Jha, 2013:1). This category of the poor seems to be the lowest section of the poor, the beggars.

iii) Categories of beggars

Namwata (2012) defines street beggars, 'as individuals, including children, elderly people, people with disabilities, and families, who normally beg or make their living from the streets or public spaces such as shopping areas, churches,

and mosques by asking people for money and food'. Adugna (2006) describes that street beggars are generally categorized in terms of their abilities and disabilities depending on how they gather their living from the streets. Malik (2012) classified the Indian beggars in three distinct categories, though not exhaustive: first consist the ones for whom begging is a vocation; second comprises people who are forced into begging; and third includes those who beg due to circumstances.

Malik (2012) states that the ones who choose begging as a vocation have connection with some interested and influential groups who insure the acquittal of these beggars when arrested. Iqbal (2013) suggests that many beggars are found to be professional beggars who otherwise could have earned an honorable living rather than leading a life of moral corruption. The second category of beggars as described by Malik (2012) is the kidnapped children, victims of force, oppression and exploitation. A report 'Begging for Change' on forced child begging published in April 2009 by Anti-Slavery International reflects on the complex grooming and behavior patterns that keep children locked in a cycle of exploitation when forced to beg for family members or third parties. In another incident a women victim, having been trafficked, was given a 'choice' of whether to steal, provide sexual services, or beg in front of a grocery store (ECPAT, 2009). The third category of beggars as stated by Malik (2012) are those people who are weak, vulnerable, leading life on edge and struggling for means of livelihood. Iqbal (2013) described this category of beggars as

biological beggars who are affected by sickness or disease, physical disability or deformity, mental infirmity and old age with no support. Bhattacharya (1977) writes that in India there is no required provision for the treatment and social rehabilitation of physically and mentally challenged people. For a chronic leper patient his family members may also feel a sort of contempt for him and abandons him. In the absence of adequate alternatives, such persons are constrained to beg.

The second and third category of beggars as categorized by Malik (2012) fits in the category of 'have to beg' as already described in the introduction chapter for whom this dissertation is speaking. Somewhere, it is the failure of the state to accord life of dignity to these second and third categories of beggars.

iv) Intersection of begging and homeless

Begging and homelessness are signs of abject, chronic poverty (Pilch, 2010; Ramanathan, 2008; Walsh, 2004). Begging and likewise, homelessness has similar implications on the human rights including the right to health, adequate housing, food and safe water, the right to education and a range of civil and political rights. Being homeless adversely affects a person's facility to continue personal ties, job, and fulfill social responsibility. The beggars and homeless people are affected by social exclusion (Room, 1999), relative deprivation (Townstead, 1979) and lack of capability (Sen, 1982). Likewise, they experience lack of resources, opportunities, choices, shelter, dignity and participation in public life. The economic development does not reach them. The terms beggar and

homeless is used interchangeably in this dissertation because of the similarity of the problems and the common way with which they are being dealt with the legal provisions.

v) Professional begging

There is no denying of harassment caused by 'professional' beggars by threat, fooling tactics, playing with emotions and dishonesty. These professional beggars are not needy, they are greedy. They prefer begging to work. Ask them to work or leave you, the knocking on your vehicle's window gets vengeful and even more haunting. Some even curse, sprout abusive-cuss words for not giving alms. At times, such beggars refuse to take petty help and insist with up-turned noses that they want more (Lodhi, 2012). Professional beggars are often found carrying kidnapped-maimed children (Iqbal, 2013), drugged-induced children, or move around with fake scars and bleeding injuries (Lodhi, 2012). Professional begging subsumes organized begging which often involves coercion and exploitation. Organized begging is where one or more persons are coerced to beg to sustain the perpetrator for whom making people beg is a profession. This dissertation does not speak about those who have made begging their vocation/profession themselves or are coercing others to beg.

vi) Whose Domain?

For its complexity and ambivalence, characteristic poverty has become 'everybody's business is nobody's business (Austin, 2006:3). Lening, Vu, Pitnak, (2006) quotes Carr and Sloan (2003) in stating that the source of poverty primarily lies in the individual himself and so there is need to develop individual

behavior rather than the social environment. Rank (2005) purports his sociological view of poverty where he argues that the reason of poverty lies not within individual failings, but within the structural failings of society. Knight (2013: 14) in Minority Report of the Royal Commission on the Poor Laws and Relief of Distress, critically asserted that: 'Poverty is not due to a weakness of character, but is a problem of social structure and economic mismanagement.' This perspective reflects the poverty from a private problem, in which the individual is the main unit of analysis, to a public one, in which society is the main unit of analysis. Rank (2005) demands for a rejection of the old poverty paradigm of blaming the victims and replacing it with a new paradigm that seeks explanations and solutions in social institutions. The modern study of begging-homeless phenomena should be seen in a context of collective responsibility of all actors. Declaration of Human Duties and Responsibilities declares that members of the global community have individual and collective duties and responsibilities to take appropriate action to prevent the commission gross or systematic human rights abuses (UN Org, 2011). Knight (2013) says that poverty is an unpleasant reality and unwanted in society because it is reason of conflict.

vii) Poverty and conflict

Poverty and conflict are not only linked but mutually reinforcing factors. The result of conflict ensuing poverty is high rate of mortality from preventable disease, communicable disease, displacement, psychological distress and other violent acts (Ahearne, 2009, Kett & Rowson, 2007). Poverty increases a

country's susceptibility toward conflict and conflict undermines recovery from poverty (Collier, 2003). Ahearne (2009) quotes Junne and Verkoren (2005), countries affected by conflict face a two-way relationship between conflict and poverty – pervasive poverty makes societies more vulnerable to violent conflict, while conflict itself creates more poverty. Atwood (2003) posits that the state of poverty may not itself causes widespread conflict, but studies vividly show that poverty fuels the feeling of 'alienation, exploitation, and dependency' and these feeling in turn contribute to a breakdown of social cohesion and result into violent conflict. For example, in Nepal, the lack of implementation of governmental policies in remote rural districts of the country fueled the Maoist insurgency because the marginalized perceived that they were not benefiting (Murshed and Gates, 2005). Murshed and Tadjoeeddin (2008) states that the perception of alienation and injustice generates deprivation and dependency which could be central to conflict causation. The states, which possess less social cohesion, are prone to this phenomenon. Generally, such states have weak legal system and strong bureaucratic system. They state that the poorest population of nation is often forced to live and work outside the legal framework of their society.

The increasing valley between the rich and the poor can be the dynamics of conflict in the coming decades. In addition to it, the reason of conflict could be the unjust policies and certain decisions of administration, which adversely affect lives of many poor people. Perceived injustices, deprivations and absence of

opportunity to exercise ones human and constitutional right to its full potential can also be the cause of conflict. Rogers (2000:80) writes: 'One of the most spectacular examples of revolt from the margins was the uprising in many parts of Indonesia in 1998, with incidents in Jakarta described vividly by one journalist as the dispossessed rising out of the shanty towns to loot the shopping mall of the riches'. Poverty just like war, internal conflict or civil war and can make a state's condition fragile. The huge number of poor- their bloated unfulfilled legitimate expectation would become a prospective conflict driver

There is inequality towards the impoverished, which may become the cause of violence (Paris, 2004). Criminology from its conception of conflict theory endeavors to look at crime through the perspective of social class. Conflict theorists study the issues such as various ways of punishment meted out to the rich and poor, identifying that white-collar crimes including theft involving huge stake get far lighter sentences than blue-collar crimes such as the theft of food or basic things (Walsh, 2005). Thus, the poor who is resource less and economically disadvantaged is punished far more severely for the petty crimes than the rich members of society. Taken to an extreme, radical criminologist views theft, robbery and revolt as positive forces toward societal change (Kang, 2004). Robbery and protest are viewed as a means of the poor to regain some of their rights and power.

viii) Poverty and grievance

The argument that follows here is that there is a link between poverty and

grievance. Poverty and inequality are traditional grievance related conflict drivers (Kett M and Rowson M, 2007). Poverty causes conflict with inequality, exclusion and poverty fueling grievance. Grievance is generated by poverty and social exclusion, which perpetuates violent conflict. Social and human vulnerability are grievances and can act as a trigger factor for conflict (Goodhand, 2001). Policy of criminalizing poor is like punishing poor for their poverty. Anti-begging legislation punishes poor, which seems to be unjust. Tajoeddin (2009) referred to justice-seeking motivation as grievance. The aspects of discrimination and exclusion especially from government build up grievance. Insecurities in day-to-day life also exacerbate grievances. Accumulation of grievances can lead to multiple problems leading the state to instability.

The anti-begging legislation seems to have created an 'us' and a 'them' (CSSEIP, 2010). Such division generates grievance, which can become a germ for conflict. Abject poor remains the most deprived, right-less people and attract little public sympathy. They carry insecurity and feel socially excluded. They have been dealt with coercion and as subjects of social control.

Resource deprivation can add to the existing grievances. Collier (2003) states that rebels complain and also make it up but the real disadvantaged are not in position to rebel; they silently suffer. Atwood (2003) quotes Sampson, Raudenbush, and Earls (1997) stating that their study came up with a finding,

that resource deprivation creates collective efficacy due to the factors: alienation, exploitation, and dependency. It becomes 'concentrated disadvantage' as the resource deprivation increases and establishes a correlation with violence. Jha (2013) posits that poverty must be redefined making it comprehensive to consider factor of social inclusion such as access to and control over resources.

ix) Poverty, Conflict and Grievance

Atwood (2003) says that though pervasive poverty alone is not a sufficient condition to create a major conflict but there are studies to reveal that there is a direct correlation between the absence of material well-being which is grievance and the possibility for violence, from crime in inner-city neighborhoods. Atwood (2003) further posits that not even the national security analysts expected the vital connection between poverty and violent conflict. However, the contemporary approach views poverty and its related policies as source of conflict. Goodhand (2001) provides that poverty and conflict are related and suggests that weakly designed policies relate to poverty and can exacerbate grievance and generate conflict.

The grievance of beggary is not only economic; it also has social and moral aspects. It is a curse not only for its victims but is the root of every other social evil as well (Iqbal, 2013). It leads to physical deterioration, mental incompetency, preventable disease and starvation, and wrecks lives by forcing them into crime, mental abnormalities, family maladjustments, and social irregularities of every

type caused after a violent conflict (Kama, 1945). Perhaps the most sinister of poverty, is beggary. Beggary constitutes a very complex socio-economic problem. Dealing with complexities of poverty such as beggary can be equated with long-term peace building process, which is undertaken after an internal conflict or civil war and is an extremely intricate process (Ahearne, 2009).

xi) Conclusion

The perspectives on poverty should not be aimed only towards increasing economic output though it is important but it should be also about understanding underlying causes of conflict and grievances which poverty related issues can generate. It is about guaranteeing human rights and ensuring equity and sustainability to the most marginalized who live on streets. Kett and Rowson (2007) suggest that, in order to avoid poverty related conflicts and grievances triumphant interventions which aim for rehabilitation and reconstruction programs as well as inclusion for good governance and civil society organizations are crucial. However, instead of taking restorative and re formative approach to prevent begging, India has taken a stance to criminalize beggars. The next chapter will give a short overview of some of the historical landmark reasons for criminalizing beggars.

Chapter 2

Conventional and Contemporary Rationale for Criminalizing Begging

The law in action is greatly influenced if not determined by custom and public opinion - Rascoe Pound (Fuller, 1945).

This chapter will focus on the historical analysis with an effort to explore the justification of old anti-begging statutes. It also narrates the historical social set up in England, necessarily so, because India was a colony of England. England's Vagrancy Act, 1824, served as a guiding principle for enacting the anti-begging legislation in India, which criminalizes the beggars. Further, the concept of criminalizing beggars was nourished by the theory of broken windows evolved in 1980s, which purports that all type of disorderly behavior including begging invites crime. This chapter will conclude that over time these anti-begging statutes and theories do not have the desired effect in contemporary social set up.

i) Historical rationale

Beggary is an age-old social phenomenon (Kartika, 1994). In India, poverty and pauperism are age-old phenomena; the concept of giving alms to beggars was and still considered a virtuous act. The term "bhiksha" (alms) is popular in Hinduism, Jainism and Buddhism (Iqbal, 2013). Buddhism in fact valorizes begging by noble men because it is supposed to teach them humility, and empower them to disrupt all forms of material bondage (Sarkar, 1983). Muslims also believed in 'Zakat', which means charity. According to Upendra Baxi, a noted Legal Scholar and former vice-chancellor of Delhi University, begging has

been an accepted traditional way of life in India. Giving alms to the needy is built into the social fabric (Iqbal, 2103). These societal bonds improve stability within communities and relax the psychological strain of poverty (World Bank, 1999).

The criminalizing of begging is a relative development of colonial construction. Traditional societies have been accepting and tolerating people who live by begging. During colonial rule in India the perception of beggars changed. It was in the 1920s that begging was first declared a crime in British India, and the law was updated as the Bombay Prevention of Begging Act in 1959, and extended to all Indian States including Delhi (Haller, 2009).

A more than a century old 'Vagrancy Act 1824' is still in force in England which is dealing with beggars-homeless. It is the most recent of a long line of enactments in '*Pari Materia*' (Nagarthana, 2013). Understanding the object of anti-begging statutes of England is important because the Indian beggary law is founded on the England's Vagrancy Act of 1824 (Nagarthana, 2013). A furtive look in the historical background will guide us to understand the underlying rationale of the principle of enacting anti-begging statute in England. In the middle Ages, even in Europe and Britain, beggary was an accepted practice. Providing succor to the needy was considered as saintly and noble. Such act was presumed to be at par with prayer. Later, the focus increased on the character and deservedness of beggar. Those who were not working were considered fraudulent and immoral. The Victorians beggary embodied laziness and moral degeneration (Baker,

2009).

Beggary was banned by enacting laws for 'maintaining order' since the period of Athelstan and Canute to Henry VIII (Webb & Webb, 1963). It was during this period prohibitory laws were enacted with intention to provide the feudal lords with agricultural labor. One of the reasons of the earlier legislation in England was to prevent the migration of workers. The object was to compel the able-bodied people to work. Only the disabled had a chance to beg. This view was based on: 'Because that many valiant beggars, as long as they may live from begging, do refuse to labor, giving themselves to idleness and vice, and sometimes to theft and other abomination; none upon pain imprisonment, shall under the color of pity or alms, give anything to such, which may labor, or presume to favor them (towards their desire) so that thereby they may be compelled to labor for their necessary living' (Baker, 2009:216).

The legislation of 14 and 15 centuries were based on economic purpose to retain the laborers by protecting the interest of the ruling class. The other purpose was to keep check on public order and crime (Webb & Webb, 1963). After the decline of the feudal rule, the anti-vagrancy laws continued on the belief that the people without stable means of support are dangerous to society and likely to get involved in criminal activities (Baker, 2009).

In the 16th Century there was a substantial increase in population, wide spread unemployment, inflation and famines among related problems. This situation led

to an increase in poverty, consequently leading to civil disobedience and insurgency in many parts (Baker, 2009). Baker, (2009) quotes Palliser (1992) in stating that anti-begging laws were enacted to cope up with the economic and social risks posed to the security of community by huge paupers. Alder (1989) states that many citizens carry presumption that vagrants pose a considerable threat to the stability of society as they are on the far side of convincing of family, community and church. Nevertheless, Palliser (1992) believes that many arrested vagrants are harmless. They are caught in a difficult situation of unemployment and so are vagrant, but not dangerous. Stephen (1996) states that many of vagrants were honest laborers and circumstances forced them to a reduced living. During the Elizabethan period, the vagrants were seen as 'probable criminals' rather than 'runaway serfs' and posed a major concern for the law enforcers and community (Stephen, 1996).

In England, to suppress the activity of begging, the government of United Kingdom emphasized the need of 'zero tolerance policing' treating begging as anti-social, harmful and intolerable. The Vagrancy Act, 1824 made begging a crime in England. Baker (2009) suggests that the espousal of such policy with emphasis on the harmfulness and intolerableness of the so-called anti-social behavior has concluded in being criminal law utilized heavily and unjustly against the all the marginalized. Baker (2009) writes that this piece of law is meant only to control the activities of the members of an allegedly dangerous class that was once prevalent in England.

Almost all legislations in India are based on English laws and anti-begging law is not an exception. Though, there was no such inhibiting situation in India of danger created by idle and able-bodied people, the colonial laws in India held a beggar punishable for his condition (Nagarthana, 2013). The crime prevention theory recognized vagrants as probable criminal: 'For as much as all idleness and vagabondage is the mother of and root of all thefts, robberies and all evil acts and other mischief's'(Baker, 2009:218). This perception of the crime prevention method reflects in form of the broken windows theory.

ii) Broken Windows Theory

In the contemporary period the justification to criminalize beggars-homeless lies in the broken windows theory. This theory reinforces the perception that: vagrancy and begging are a precursor to more serious crime; presence of beggars is public nuisance and intimidation; and beggars lack deservedness (Baker, 2009). This theory suggests that neighborhood disorder such as public drinking, begging, and vagrancy, if not controlled, implies that the area is a potential and defenseless ground for criminal activity (Nagarthana, 2013).

Wilson & Kellings (1982) propounded the broken windows theory in 1982. 'Broken windows' is used as a metaphor for disorder within neighborhoods. This academic theory purports that petty disorder is like a broken window. When ignored it summons large disorder and invites crimes that are more serious. It creates public anxiety and spreads urban decay in the abandoned neighborhood (Foscarinis, 1996). According to this theory, the vision of broken window

suggests that the neighborhood might decay into disorder and crime if none cares for its maintenance. Barnes (1998) states that a broken window implies to passers-by that no one is vigilant. Few more broken windows on the same street by rock throwing create a belief that no one cares. Soon only vagabonds and criminals are willing to use this street. Such streets then attract drug dealing, begging, prostitution and eventually move in the direction of grave offenses.

This analysis implies that if disorderly behavior in public places (including all forms of petty vandalism, begging, vagrancy, and so forth) are controlled then a significant drop in serious crime will follow. Wilson & Kelling (1982) therefore argue in favor of 'community policing' in neighborhoods. According to them, the police must not be overly concerned with violation of criminal law but must be more vigilant in monitoring street life from a broader perspective. Supporters such as Ellickson (1996) of these strategies argue that they offer an imaginative solution to the competing demands of liberty and community in advanced societies provide an effective means of reclaiming public spaces without sacrificing essential freedoms. Critics such as Walsh (2004), Baker (2009) worry about the possible threat the theory pose to tolerance of cultural pluralism and the legitimacy they may accord to vigilantism among citizens who obstinate to 'restore order' in their communities.

Harcourt (1998) posits that the broken windows theory is built on the research of Skogan of Northwestern University. But, noteworthy caveat of Skogan is that the crime rate could be related to separate causes and separate effects at street

level and not necessarily to neighborhood disorder. Harcourt (1998) found that there was no significant statistical relationship between crime and disorder. He says that there are many variables, which work to infuse crime, and the theory of broken windows is not the sole reason. The broken windows theory leaves too much discretion to police, leading to questionable street justice tactics.

iii) Justification of criminalization

The historic umbrage of anti-begging legislations lies in erosion of work ethic, idleness, disorderly behavior, and nuisance at public place (Baker, 2009). Pilch (2010) disagrees with this reasoning by stating that begging is a 'necessity' and prevents people from requiring to commit crime such as theft, extortion or robbery. Additionally, a passer-by who presumes that the beggars are undeserving may be offended when a beggar passively asks for help. Such request of the beggar can be ignored easily instead of criminalizing the beggar. Criminalizing passive begging for simple embarrassment and annoyance is epiphenomena (Waldrons, 2000). It increases the culture of non-tolerance towards disadvantaged among public. Mere presence of a disheveled person in a public place does not become an offense unless the beggar is aggressive, abusive or stalks. The need is to postulate socioeconomic solutions for beggary. Nagarathana (2013) contends the need to revise the arbitrary and unjust historical custodial jurisprudence

iv) No change over passage of time

McIntosh and Erskine (2000) in their research found that there is hardly any change over time, as beggars are still perceived as lazy, undeserving, fraudulent and/ or as a trickster. They argue that media stating that begging is a lucrative

business further accentuate such claims. Ellickson (1996) states that the public is offended because of the supposedly parasitic, undeserving and unproductive nature of begging. However, he points that there are undeserved celebrities who are paid more than they deserve. The difference with begging is no one is forced to give. Foscarinis (1999) says that most beggars are unskilled, poverty stricken, and suffering from addiction and or with mental health problem and thus need assistance.

v) Legislation of India

In 1940s, the British rule in India needed a labor force in the war efforts. People were asked to leave their agriculture work and come to cities. There was mass retrenchment after the war. People who had come to the cities had no work left and lost their original work. They had no place to go. The issue of beggary emerged as a health problem first. West Bengal came up with the first law, then Mysore and Madras (CSSEIP, 2010). After independence in 1947, 18 Indian states have beggary laws. There is no national legislation dealing with beggary in India. Of all the state enactments, the Bombay Prevention of Begging Act, 1959, has been in the limelight particularly, as far as discussions on anti-beggary laws are concerned, especially because of its application in the metropolis of Mumbai and the subsequent extension to the Union Territory of Delhi in 1960. The object of the anti-begging law in India reveals that it is enacted to prevent begging, for the detention, for the custody, trial and punishment of the beggar offenders.

vi) Conclusion

Supine begging in the contemporary society is evidence of social issues such as

poverty, destitute, homelessness, addiction to drugs, lack of education, mental illness, to name just a few. Baker (2009) posits that there is no evidence to point out that the begging today leads to the same social problems that the earlier statutes were mechanized to deal with such as shortage of labor or prevention of migration, for which now there are special laws.

Ghertner (, 2008) states that to criminalize, and penalize population of the poor, beggar-homeless will not be in conformation to the aesthetic norms of Indian cities. The category 'nuisance', which includes begging, is in essence aesthetic with regard to India considering its ethnography.

To conclude, there are no normative or historical justifications for criminalizing beggars in the 21 century for the age-old laws. There is no relevant rationale in today's era with evolved modern social settings to continue the criminalization of beggars for the reasons of a bygone age. The following chapter will describe the discourse of fear of crime wherein the beggars-homeless are presumed to be the feared one as is reflected in the existing policy approach.

Chapter 3

Feared and Fearing

'It is fatal to look hungry. It makes people want to kick you' - George Orwell

This chapter will unfold how the contemporary society features the 'beggars-homeless in crime' discourse, policies and legislation, as 'feared'. The anti-begging laws are founded on specific perceptions that people who are begging on street attract grave crime and so should be feared. This chapter will analyze that the beggars are also victims of fear of crime, actual committed crime and drug dependency. There will be a discussion on the aspect that the beggars-homeless can be the fearing ones and not the feared one to get prosecuted and punished. The anti-begging law in an attempt to prevent aggressive begging has brought whole sections of poor people under suspicion of being criminals. This chapter will suggest that there is a need to review the prevailing public and administration perceptions towards non-aggressive begging.

i) Fear of crime

There is an increasing debate on the nature and significance of not only crime, but fear of crime impinging on various urban activities. Pain (2000) states that the fear of crime has gained significant attention in the general media, academic literature, and in national and local politics. Its debates have extended from a range of problems concerning housing and social exclusion relating to poverty. She further adds that among other problems, the focus is on viewing fear of crime inseparable from crime and on the fear of becoming a victim of personal or property crime in public space. There is no definition of fear of crime but there

is building awareness that it is a trait some people have and some do not. Everyone experiences a shadow of fear influenced by experience and temporal situation, theorizing fear and assessing its extent (Stanko, 1985; Pain 2000).

The conventional justification of idleness and nuisance shaped the contemporary justification through the broken windows theory of fear of crime continuing the criminalization of beggars. Ellickson (1996) proposes that the sight of beggars in public places is annoying and offensive. Beggars are like un-repaired broken windows and the public resent them because they are fearful. Kinsella (2012) quotes Walklate (2007) in stating that the fear of crime has a life that is somewhat independent of the actual experience or risk from crime itself.

Poignantly, homeless people are often criticized as likely to engage in criminal or sub criminal behaviour, and, their removal from 'safe space' is premeditated to make general others more secure. Mears and Stewart (2010) state that fear of crime as a discourse can be said to have built upon a traditional social design of 'good' as 'fearing' and 'bad' as 'fearful'. There is a common tendency to fear stereotypical 'others' who are identified out by their colour, class, dirt, or other contamination and whose appearance threatens disorder to conventional life and values (Pain, 2001). The beggars are often socially excluded and treated as 'others'. The concept of the 'dangerous other' can be seen in the social distancing of threat which many people employ in order to feel safer is based upon social exclusion (Killas and Ierici, 2000). The concept of dangerous others reinforces the notion of fear of unpredictable strangers. Hagan and McCarthy

(1997) says that paradoxically, many people face violence at the hands of their intimate relations rather than strangers. At the same time, the 'other' group exposed as a threat to law and order may themselves be at highest risk of violence and abuse of all.

Smith (1987) alludes to the complexity of fear of crime suggesting that the emotional response is being tapped to a probable threat; and danger and anxiety at the prospect of being harmed. These aspects are considered at the level of governance to be the justifications for the fear of crime to endorse support for punitive strategies against the 'others'. This philosophy further endangers the situation of the marginalized of the society especially the beggars-homeless (Pain, 2000). Flawed edifice of fear and danger has significant role in invoking provisions for particular punitive strategies in criminal justice system against beggars-homeless. As a result, there are statutes in place to penalize the beggars, homeless rough sleepers in an attempt to sanitize the streets with an intention to decrease the fear of crime (Cochrane, 2007).

The existence of fear of crime is usually misunderstood, overstated or overestimated. Fear of crime is often shaped by academics, media and policy-makers (Pain, 2001). The government sometimes via crime reduction and self-defence strategies creates vague fear within the discourse of crime (Lee, 2007). Thus, public safety fears are more a result of the misinformed theory of fear within the public consciousness, and the causal labelling of poor and homeless people as troublesome and dangerous, than reality itself (Walsh, 2004).

ii) Feared

In a market economy society and in a strongly utilitarian culture, the ones who want something for nothing are commonly viewed as flawed, distorted, or incomplete. McIntosh and Erskine (2000) put forth that there is sometimes a radical ambiguity in our perception of those who want something for nothing.

The law enforcement agency is more inclined to respond to rough sleepers as offenders rather than victims (Newburn & Rock, 2005). The popular belief that the beggars, street homeless people as a homogeneous group that are feared rather than fearing is deceptive (Lee, 2007). In fact, fear on the streets can encompass the fear of crime and specifically fear of victimization. Hagan and McCarthy (1997) posit that beggars-homeless people express fear and anxiety concerning a series of disparate issues including security, nutrition, health, hygiene, clothing and accommodation all of which become intense by feelings of loneliness and isolation and, in some cases, substance misuse. Begging can manifest sentiments ranging from sympathy, fury and fear (Lee and Fraser, 2003). However, the passive type of begging is the least possible fear-invoking factor.

Kinsella (2012) puts forth that one survey found that even disabled beggars were twice as likely to have been attacked or assaulted on the streets as the general population, and three times more likely to have been victimized in a private space. The Beggars-homeless people are perhaps the most susceptible group of all, with no shelter or private safe space. Surveys have found that most of them witness or experience violence more than the common population and

carry high levels of fear of further victimization, especially amongst women (Stanko, 1995). Government and business classes fear loss of economy presuming that tourist and shoppers would stay away from places where beggars are present. Lee and Fraser (2003) quote Duneier (1999) and Lofland (1998) in stating that to distant away the beggars the design of public settings is altered so beggars-homeless have fewer and fewer place to hang out.

iii) Fearing

In spite of the extensive research and literature in existence on fear of crime there is meagre thought given to the fear of crime experienced by beggar-homeless people. Smith (1987) writes that beggars-homeless perhaps are the most vulnerable group as they lack shelter or a safe private space. Studies show that they are more exposed to witnessing and experiencing the violence than the public. They carry high levels of fear of further victimization, especially amongst women (Stanko, 1985; Hagan and McCarthy, 1997; Newburn and Rock, 2005; et all). Lee and Fraser (2003) posit that domiciled in many people's perception is the assumption that crime and begging go hand in hand, confirming the beggars as troubled regardless of whether such a link actually exists. Such strong perception entrenches the already existing personal problems of the beggars and limits the 'legitimate' possibilities for them to earn a living. Kinselly (2012) argued that the fear of crime discourse becomes inherently imperfect when the beggars- homeless are categorized as 'feared'. Categorizing beggars- homeless as 'feared' has significant detrimental impact on beggars- homeless in triple way: from policy perspective; academic study; and understanding of fear of crime. As Newburn and Rock (2005) puts it: the homeless are forced to

experience the world as an insecure, uncertain and troubled place where they are required to be wary.

a) Hate crime

Evidence is piling of perils of violence and hate-crime that are specific to certain gender, sexual, age and ethnic groups. In the words of Herek and Berrill, (1992); Levin, (1993); Jenness, (1997) these forms of violence are called as 'systemic violence' and 'hate crime' (Kinsella, 2000). Newburn and Rock (2005) after research found that beggars-homeless experience fear of the 'hate-crime' of public. They regularly experience insults and incivility of public. Hatred behavior towards beggars increases their feelings of insecurity to crime.

b) Human Trafficking

Many of the children, vulnerable adults and elderly women begging on the streets are forced beggars: victims of trafficking in persons who are victims of a criminal activity ring with an organizational complexity (Cherneva, 2011). Penalizing these people is re-victimization.

c) Drug dependency

It is imperative to address the drug and dependency of beggars. Overwhelming majority of beggars experiences one or other form of dependency. There is a strong perception that the beggars beg for nourishing their dependency and therefore they are themselves to blame for their condition. Indeed, 'some people do enter the begging cohort because of substance use, but the more important point is that most people engage in substance use after they have become homeless and this often locks them into homelessness for sustained periods of

time' (Pilch, 2010: 5). There is a belief that the beggars can give up the dependency and begin a normal life. This notion does not support the idea of therapeutic treatment for dependency.

iv) Punished only for fear

Lee and Fraser (2003) quote Goldstein (1993) in saying that doubts are voiced by police, attorneys, judges, and other actors in the criminal justice system over the feasibility of regulating the begging by criminalizing. These actors see non-aggressive begging as a minor offense the prosecution of which consumes valuable time, leaves root causes intact, and fails to deter re-occurrence. Consideration be given to the actions of vigorously enforcing anti-begging legislation. The sheer mobility of the begging character may lead to shifting the issue elsewhere.

Moreover, the theory of punishment is founded on the principle of 'minimization' according to which imposing criminal liability for any act is always the end remedy when other alternative remedies are absent (Nagarthana, 2013). Economical, health, and social measures are some of the alternatives, which could be exhausted as preliminary response to begging. Jareborg (2004) says that criminalization is the legislator's ultima ratio to be reserved as ultimate resort as 'uttermost means in uttermost cases'. However, it appears the policies penalizing the beggars-homeless do not considerably regard this concept.

v) Conclusion

The format, upon which the 'fear of crime' discourse is built, is flawed where the

beggars-homeless are categorized in the group of 'feared'. Excluding the beggar-homeless from 'fearing' category is detrimental for these people in terms of policy development, academic discourse, victimization approach, and conceptualizing fear of crime. Re-framing the beggars-homeless as fearing in the crime discourse is required. Lee (2007) puts up that this subject is worthy of academic knowledge and developing an appropriate criminal justice response. The next chapter will analyze how the criminal justice mechanism in India deals with its beggar population.

Chapter 4

The Law of India and its Lacunae

An unjust law is itself a species of violence. Arrest for its breach is more so.

Mahatma Gandhi.

This chapter gives the perspective of Indian law on begging. It attempts to point out the anomalies in the legal definition of the term 'begging'. It will elaborate how penalizing the beggars is outside the purview of elements required for a crime and does not fit in the theory of proportional punishment or utilitarianism. The anti-begging law of India targets in making the beggars invisible rather than targeting its prevention. Least attention is given to the aspect of rehabilitation. The fundamental right to speech and expression and right to life with dignity of beggars are curtailed by its anti- begging legislation.

i) A perspective on anti-begging law

The anti-begging law everywhere underscores a clash of competing values: social 'hygiene' vs. freedom of expression; middle-class discomfort vs. underclass economic need; commercial interests of downtown business owners vs. beggars' right to plead for subsistence (Schafer, 2007). Ramanathan (2008), an expert on law and poverty comments that the anti-beggary law of India is a sordid tale of disregard for human life and a relinquishment of constitutional norms. India's beggary law is obviously a resemblance to the ancient vagrancy law of England, which disregarded the fundamental difference between official text and pragmatic application of it (Baker, 2009). Rather than addressing the issue of beggary with socio-economic solutions, it is being criminalized. In the

words of human rights activist Rani Jethmalani, 'the aggressive anti-beggar legislation is aimed at wiping the desperately poor off the city's radar so that society can continue to neglect them without it pricking its collective conscience' (Lal, 2007). The Human Rights Law Network admonishes the law for being 'archaic and colonial with racist undertones which are enacted to clear the poor away from upper class areas' (Childlineindia). As reflected earlier in the chapter of introduction, the anti-begging legislation is mostly utilized to remove the poor from the face of the city. The object of the act though is to make provision for prevention of begging, training of beggars in certified institution and trial of beggar offenders.

ii) Legal definition of begging In India

"Begging" means-

- (a) Soliciting or receiving alms, in a public place whether or not under any pretense such as singing, dancing, fortune telling, performing or offering any article for sale;
- (b) entering on any private premises for the purpose of soliciting or receiving alms;
- (c) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound injury, deformity of diseases whether of a human being or animal;
- (d) having no visible means of subsistence and wandering, about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exist for soliciting or receiving alms;
- (e) allowing oneself to be used as an exhibit for the purpose of soliciting or

receiving alms;

but does not include soliciting or receiving money or food or given for a purpose authorized by any law, or authorized in the manner prescribed by [the Deputy Commissioner or such other officer as be specified in this behalf by the Chief Commissioner] (section 2, BPBA, 1959).

Firstly, the tenor of the legislation is punitive, which makes the poor criminally responsible for their position, which is an inherent lacuna in the legislation. The definition of beggar is nebulous and prone to misapplication. The definition also has scope of misinterpretation when reading its clause (a) 'soliciting or receiving alms, in a public place whether or not under any pretense such as singing, dancing, fortune-telling, performing or offering any article for sale'. This brings all kinds of vulnerable people under its ambit. The people who are street performers, petty vendors, and people struggling to make ends by some art or skill are susceptible to arrest under this provision.

Secondly, the Clause (d) is controversial. It reads, 'people having no visible means of subsistence and wandering, about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exist for soliciting or receiving alms'. Under this clause all the people living on the streets irrespective of the fact that they are beggars or not are susceptible to be arrested for begging. The definition applies to anyone who appears 'poor' and 'destitute' causing an identification complex. Thus, a laborer, cobbler, rag picker or a migrant - who may never have begged in his/her life - can be picked up at random and could face incarceration in a beggars' home.

a) Identification complex

Dhar (2014:1) writes that the former chairperson of the Delhi Commission on Protection of Child Rights says, 'Identifying beggars is a complex thing, any person who 'looks' like a beggar – untidy, unkempt, shabbily dressed – is presumed to be a beggar, even if he is of unsound mental frame'. 'Worse, homeless people and landless laborers who migrate to bigger cities in search of livelihood, destitute people and other categories of people fall into the category of beggars and it is extremely difficult to differentiate'. Ramanathan (2008) states that the anti- begging legislation leads to callous treatments of those who are ostensibly poor and denies rights to them. To acquire the attributes of criminality visible poverty in public place can evoke legal action. Goel (2010) says that 'impoverished appearance' have been the basis for illegal arrests and presumed criminality.

Under this law, the police conduct raids to randomly pick up beggars who are then tried in a special beggars' court and, if convicted, sent to a certified institution. Ironically, the anti-begging law clubs together an assortment of people (street performers, mendicants, small vendors, pavement-dwellers and migrants) who might solicit alms indirectly, as 'beggars'. Walsh (2004) writes that the law does not spare the many that beg but at the same time choose to offer some kind of service to their patrons. These people are unemployed and in search of work. They have to beg but to instill an element of reciprocity into the exchange they give some service to avoid the stigma attached to being

considered 'a beggar', or to avoid prosecution.

iii) Charity and Begging

There is commonality between begging and more 'accepted' forms of solicitation such as charity drives, the purpose of all such activities is similar: to request money for some public interest purpose where no tangible reward is provided to the giver (Walsh, 2004). It is a fact to appreciate that some people believe that giving of alms amounts to perpetuation of social and moral cancer in the society (Iqbal, 2013). However, it is a crime to beg but charity organizations can ask for money on the streets. Ironically, it is an offense to say 'I am homeless- help me ' but perfectly alright for charity people to say 'Help homeless' and collect money and kind at the same public place.

iv) Elements of Crime

a) Moral wrong

Many perceive begging as immoral and so a punishable conduct because of its alleged characteristic of 'idleness and laziness'. Devlin (1965) stands as a vociferous proponent and takes the view that not all immoral acts call for criminal sanctions but only those, which evoke from people, feelings of intolerance, indignation and disgust. Besides, 'idleness' and 'laziness' is not merely the prerogative of the poor, but is prevalent even among the affluent, though not observed as a social problem. Fuller (1941) puts forth that a conduct may deviate from social norm and may be presumed to be highly improper, bad mannered, or downright immoral, but it is not always a criminal conduct. Moreover, only if any act is made punishable by the law, this does not settle the issue and does not preclude people from passing moral judgments on the

rightfulness and wrongfulness of the behavior.

b) Mens era (state of mind)

Eser (1966) and Nagarathana (2013) et al states that the basic structure of criminal law speaks of having mens era such as intention, knowledge, negligence as elements of crime. These elements are lacking in the act of begging. Often, a person ends up in begging not as a first choice but by chance and due to circumstances of dire necessity. Some people beg knowingly but it is usually under duress or threat of someone overpowering (for example organized crime). Nagarathana (2013) writes that when the element of 'voluntariness' is missing in begging it should not constitute a crime. As long as the exchange of money or food or any other thing is voluntary, the state should not treat it as crime.

c) Necessity

'By necessity is meant the assertion that conduct promotes some value higher than the value of literal compliance with the law' (Arnolds and Garland, 1975: 289). If begging is done in necessity to save self or others from hunger, it seems unjust to criminalize it. Usually, necessity is recognized mode of defense in Indian penal law. It is unjustifiable to criminalize a disabled, mentally ill, sick and infirm person who begs for survival. Unless, the state takes care of basic needs of disabled, sick and infirm, mentally ill persons and offers fair opportunities for livelihood for the able persons willing to work, it must not punish such persons who beg under necessity.

d) Harm caused

Eser (1966:345) posits that the notion of harm plays a key role in determining

criminality. He says that 'harm is the fulcrum between criminal conduct and the punitive sanction'. It is the criminal harm inflicted that makes the perpetrators conduct punitive demanding sanction. Nagarthana (2013) writes that the determination factor for criminalization is the harm caused; the social perception of such act; the pragmatic implementation through legal mechanisms along with principles of morality. Passive begging per se is not harmful, as it does not cause any direct injury, harm or loss to any individual. The harm-based approach of criminal law is based on the principle that any act should not be criminalized unless it harms a person. This principle seems to have been ignored by the anti-begging law whilst criminalizing the beggars.

v) Theory of Proportionality

The principle of proportionality proposes the penalties for any criminal conduct to be in proportion and severity to the gravity of criminal conduct (Hirsch, 1992). According to this principle the sanction imposed must be in proportion to wrong or harm done which is aimed to be dealt with (Nagarthana, 2013; Walsh, 2004). According to Engle (2009) 'the proportionality principle obliges that state's action must be reasonable means to a permissible end, which does not unreasonably transgress upon the human rights of others'. However, the current approach of criminalizing passive beggars disproportionately affects those whom circumstance have already denied basic necessities such as food, shelter and health care, and then adds to their disadvantage by denying them even the basic right to communicate and seek to deal with their plight. (Nagarthana, 2013). The consequence of begging does not cause any direct injury, loss, pain or harm to any individual or society. Malik (2012) argues that the punishment

accorded for begging in India is harsh. It is as long as 10 years, which is equal to the punishment provided for heinous crimes such as attempt to murder and rape. She narrates that 'alms giving is a part of our social norm and as long as there is a voluntary exchange happening, one should not be criminalized'. It is argued that if requesting and receiving alms is a crime then why the giver of the alms is exempted. The Delhi Traffic police under Motor Vehicle Act issued a notification in 2009 slapping fine of INR 1000 on those who gave alms to beggars at traffic signals. One cannot overlook the element of discrimination in penalizing the receiver with long term of imprisonment or detention and the giver is released with only petty fine. The governing law criminalizes the weaker, vulnerable with harsh punitive measures and at the same time views the giver with leniency even though the begging and giving alms occurs voluntarily. This arrangement seems to fail the test of social justice. It is nothing but taxing the beggars-homeless for their situation and their effort to survive.

vi) Utilitarianism

The theory of Utilitarianism propounded by Jeremy Bentham articulates that the morally right action is the action that produces the most good. The theory of utilitarianism suggests that the given punishment must bring greatest happiness to greatest number. The objective of utilitarian theory of punishment is to "deter," future wrongdoing by punishment (Farlex, 2014). A person will not be deterred from begging by any punishment if he is begging out of necessity for want of livelihood (DLR, 2010). Nagarthana (2013) posits that if a person begs under imminent threat or to save oneself or others from hunger, does not deserve

deterrent punishment. Punishing beggars does not bring greatest happiness to the community as there is seldom any direct victim of harm or injury of passive begging.

The retributive theory seeks to punish offenders because they deserve to be punished (Farex, 2014). To many retributivists, punishment is acceptable as a form of revenge. The idea is wrongdoers should be made to suffer because they have forced others to suffer. The theory of retribution does not apply in the cases of passive begging as there is seldom any who would want to take revenge against a beggar.

Schmit (1988) argues that the theory of compensating victims as a punitive measure does not apply to the begging because it fails to serve the purpose of awarding damages to victim. As often, the beggars themselves are the victims in need of financial security.

vii) Use of public space for passive begging

The practical application of the anti-begging legislation in India could prohibit even peaceful begging that is not threatening or intimidating at a public place. The law does not distinguish between aggressive and passive begging (Goel, 2010). Non-aggressive begging is like exhausting the remedy under the right of freedom of speech and expression. It is a means of engagement with others to disperse the information of one's multiple problems. Beggars generally do not have social support and no opportunity to converse about their plight to

community (Pilch, 2010; Walsh, 2005). Suppressing their voice is like, 'we', the legitimate citizens, do not believe that 'they', the social outcasts, should have the same rights as we do (Schafer, 2007). At the same time, the anti-beggary law targets individual beggars, but not charitable institutions which acting in groups can be aggressive at public spaces.

The Canadian Criminal Code expressly forbids nuisance types of panhandling. This ban may be understood by many as a legal use of state power. But at the same time there cannot be any justification of branding peaceful panhandling or begging as criminals (Schafer, 2007). Goel (2010) states that the anti-begging law of India unreasonably restrict and regulate the rights of the poor in the absence of any compelling state interest. Pilch (2010) argues that denying the beggars the right to speech and expression would be disallowing the marginalized to make public opinion. It may amount to robbing ones fundamental right. At the same time, the community or society is robbed of the potential information and ideas which limits the advancement of knowledge. A liberal democratic welfare society must work assiduously to protect mutual recognition and opportunity to communicate.

Beggars communicate: whether through speech; with an outstretched hand; and dirty appearance. They convey the fact about abject poverty, unemployment, substance abuse, mental illness, and homelessness. The presence of beggars depicts the failure of government social welfare programs (Schafer, 2007). Direct access between beggars and the public helps to build a dialogue raising

vital questions relating to poverty, begging, homelessness, addiction and social solidarity. Prohibition of passive begging violates our informational rights as well as their expressive rights. Mitchell (2003) says that the result of banning beggars-homeless from public place is making them devoid of any 'place to call one's own'.

Some critics view begging nothing more than a solicitation for alms to buy food or drugs and therefore argue that begging is not an expressive activity and does not deserve the special protection accorded to free speech (Iqbal, 2013). Delvin (1965:16) states that in applying the criminal law 'there must be toleration of the maximum individual freedom that is consistent with the integrity of society.' Freedom of speech and expression is a precious right than someone's right rather a desire to keep away little nuisance.

viii) Constitutional Perspective

(Ramanathan, 2008) states that punitive approach for begging without any distinction between aggressive and non-aggressive is against the established principle of constitution of India. Article 21 of the constitution of India guarantees fundamental right to life which is inclusive of the right to live with dignity. The punitive provisions of anti-begging laws are curtailment of fundamental right to live with dignity and freedom of speech and expression of a person. (Ramanathana, 2008) opines that anti-begging law is outside the purview of natural rights, equity and the concept of justice for all.

xi) Is it rehabilitation or incarceration for beggars: India

Rehabilitation by detaining a person against his/her wish is an inhuman

approach to the problem. By detention, any future commission of any unwanted act can be prevented but it is not a permanent remedy. The reasons for which a person begs can be many, including psychological, coercion, social, religious, economic, addiction, unemployment, broken family. Each reason for begging has to be met out specifically. It cannot be a 'one size fits all' solution, which generally happens in rehabilitation homes. If a person has a defense of coercion, duress or necessity, the person ought not to be detained as it will serve no purpose. Likewise, a person found begging because of his addiction to alcohol or drugs, not much purpose would be served by sending him to a certified Institution which does not provide for detoxification or addiction. The escalating problem of drug addiction and alcohol dependence coupled with the problem of begging is a complex one. Here begging is only a symptom of the malady of addiction. (DLR, 2007) mentions that taking action on begging while ignoring the problem of addiction is much the same as prescribing a pain-killer for the pain and ignoring the treatment of the disease which is the underlying cause for the pain.

The principle 'purpose of beggar homes' refers to the training and employment of beggars. However, the very nature of arrest and detention of the beggars leads to a loss of individuality because of psychological deprivations like loss of freedom and curtailed movement. There is also the pain of moral rejection implied in detention. (Malik, 2012) quotes Johnson (1996) in stating that arrest and detention implies that the inmate is not trust worthy or honorable therefore

s/he should not be able to move freely amongst other citizens. The Delhi High Court observed that the practice of detaining the beggars causes 'further ignominy and deprivation' leading to the dehumanization of beggars. It is nothing but imprisonment, unless in the rehabilitation centers the beggars are provided with decent job-oriented training (DLR, 2007).

Another drawback is that the vocational training provided in rehabilitation homes is very basic. The products manufactured or taught there has no market or even market link. Petty things such as candle making are taught which is insufficient to earn independent earning. The training is neither job oriented nor market oriented. When the inmate leaves the home he/she is penniless and incapable to support him/herself. The consequence is that they are again left with no option but to beg for survival. The entire reformation/rehabilitation process fails. There is a need for innovation-overhaul in the vocational training aiming for employability of beggars (Malik, 2012).

The beggars who have spent years on the street find it very difficult to live in confined spaces (Malik, 2012). These people do not respond to forced rehabilitation because until now, they had spent their life in an environment where they are habituated with strong freedom and no rules of conduct. In forced rehabilitation they may not respond favorably and feel uncomfortable in constrained spaces and rules of conduct. Malik (2012) emphasizes that the treatment to beggars is more on the punitive aspect rather than re-formative aspect; which is all the more needed for indigent people.

The in-house facilities in the beggar homes are worse than the prisons (Iqbal, 2013). According to Ms Karnika Sawhney, a law student of the University of Delhi, who undertook a research project in 2008 on the subject of 'Problem of beggars', mentions that the inmates were leading a mere animal existence with no proper provision of adequate drinking water, bathing, sanitation, food, clothing and clean bedding or hygienic surroundings in the shelter. The inmates also complained of extremely poor medical facilities (GOI, 2009).

Malik (2012) mentions, 'It is not easy to walk into Delhi's Seva Kutir - so overpowering is the stench of human excreta and indescribable squalor; and for those who have to live there, life is hard. There is seldom segregation in the inmates. Lepers, HIV, Tuberculosis and uninfected people are stacked in same barrack. They use the same water taps, use the same foul- smelling infected blankets and pillows. Corruption is rampant and any protest brings down the assaults of the guards on the backs of the inmates. The custodial ambiance and scarcity of basic resources in the beggar home reduce the desirability of these homes amongst those who need it. The conditions inside the home are sometimes worse than a prison'.

There is a pressing need to refurbish the beggars' homes. The national media of India raised concerns when several beggars died of cholera at the Lampur beggar home. An inquiry committee's report highlighted the need for a review of the law. It said, 'These places are called 'homes', but the pathetic conditions which prevail in there is worse than those of third-rate jails where are convicts

are imprisoned (Lal, 2007).

x) 'Koshish' – An effort

A crucial intervention is made by 'Koshish', an initiative run by the Tata Institute of Social Sciences, founded in 2006 by alumnus Tarique Mohammad. 'Koshish' runs a vocational training center in the Mumbai's beggars' home for inmates and extends other remedial measures. For instance, if 'Koshish' finds that circumstances have forced a person to beg, they submit this fact through state probation officer to the court and offer assistance in reintegration of such person with his family, if any, or helps in rehabilitation of such person. In cases where it's clear that people are not beggars and 'Koshish' is able to establish contact with their families, who can vouch for the person, they recommend making use of a special release clause, which allows the beggar to be released. If a mentally ill person is arrested under anti-begging law, 'Koshish' requests the court to send such person to an asylum for the mentally ill instead of detaining him in a beggars' home (TISS, 2007-2008).

xi) Conclusion

Passive Begging per se, being not harmful in its nature, goes against the principle of the 'harm based' approach of criminalization. Detention of beggars for acts of begging is an out of proportion treatment. Beggary if committed due to necessity is an act which is 'justified' and if done under any duress, 'excusable'. Imposing criminal liability in such case is also not in accordance with the principles of criminal liability and the required 'guilty mind' of the perpetrator is lacking in such cases. The current legal approach of criminalizing beggary with 'punitive' approach is unjustified also because it requires detention

of beggars in most of the cases. The current practice of criminalizing fails to fulfill the purposes of punishment, including 'deterrent', 'retribution' and 'compensation'. Criminalization of passive beggary is not just unconstitutional but is also against the established factors of criminalization and principles of criminal liability (Ramanathan, 2008).

Perhaps the most convincing justification is that the beggars are perceived as potential criminals and a law and order problem. They are also considered carriers of diseases and pose a threat to public health. In addition, they are a nuisance to others in society and serve as bad examples to other able-bodied individuals who may be influenced by their 'laziness' and 'social parasitism'. It is on the basis of this reasoning that the class of beggars is required to be eliminated because of the potential harm that they could cause. By virtue of the above justification, the underlying issues of beggary such as unemployment, homelessness and absolute deprivation have been sidelined. In criminalizing beggary thus, the State is in effect, criminalizing unemployment and poverty.

Beggar homes, which form a part of existing state infrastructure, could be changed into non-custodial development homes where market-linked vocational training can be provided. The state should recognize its responsibility to protect the right to life and simultaneously respect the right to liberty of individuals.

Chapter 5

Concluding Analysis and Recommendations

'The least one can do about it is to respect their condition rather than criminalizing it ' (Mark Tulley)

The draft 'Abolition of Beggary Bill 2010' does not bestow a ray of hope as it does not remove the 'arrest' clause of beggars which means beggars would be criminalized even after a new law is passed in India. Members of National Consultation on Anti-begging law expressed that the draft has 'shockingly high levels of punishment'. According to them, the draft bill would actually exacerbate the beggary problem (CSSEIP, 2010: 9). Lee and Fraser (2003) contend that the conventional wisdom driving anti-begging policies lacks a solid empirical foundation and does not fully consider the dynamics of criminalizing begging as a result fundamental questions about begging continue to exist.

The solution to the problem of beggary is an intricate one. Identifying and combating structural injustices in society and expanding livelihood alternatives for the downtrodden in a growth-driven and now glowing trillion-dollar economy is a good idea but the problem of beggary in India needs to be addressed cohesively, involving sustained, long-term and collective action (Lal, 2007) . Political will, the efforts of local administrations, non-government organizations, civil society and the public will; all need to come together to achieve this aim (CSSEIP, 2010). Prof. Pande one of the member of national consultation insists to deal with three aspects: control syndrome –where the state tries to control

and regulate the acts of beggars; insensitivity syndrome - where the beggars are thought of as bad and arbitrary arrest as its solution; and powerlessness syndrome - where the beggars seem to be totally powerless. Simultaneously, Lal (2007) states that it is crucial to have an inclusive legal system that incorporates the welfare of the deprived/down-trodden in its charter.

i) Recommendations

a) De- criminalization

A beggary law which criminalizes poverty is deplorable and non-negotiable. The concept of treating the disabled, destitute and marginalized as convicts, is undesirable (CSSEIP, 2010). The default in anti-begging legislation is not only the lack of care, but it is custodial detention and casual exercise of arrest power. Ramanathan (2008) emphasized the requirement of studying the details of the oppressive manners in which the legal framework works which rids people of their constitutional right to life, liberty and expression. In the national consultation on anti-begging (CSSEIP, 2010) Prof. Ramanathan listed six things which need immediate consideration in legislation: definition of ostensible poverty; power of law enforcers; object of arrest; the role of probation services in rehabilitation; detention and rehabilitation of the beggar.

b) Custody

The aspect of 'custody' is a contentious one. It is a punishment and so it should not be used as a solution to a social problem. Due to the custody, the beggars are unwantedly deprived of many rights. For beggars, no longer are the rights fundamental, rather 'restrictions' have become fundamental. The practice of keeping beggars in custody must be ceased. Beggars are not perpetrators,

conspirators or public order offender convicts - only the law makes them so (CSSEIP, 2010). It seems that the anti-begging law comes as a rescue to the state in its failure to provide social security services to the poor. The state should not penalize the beggars for its failure to ensure their right to life. It is now a time to change the punitive-custody approach to a therapeutic one.

c) Amendment

The anti-begging law does not cover only beggars, aged old and infirm people but it also takes under its ambit the people selling articles on the street or performing skills-art on the street. With the varied cultures and traditions of India there is need to look at the law and also the profiles of people covered under it. The anti-begging law is apathetic to the definition of begging, especially, it fails to keep pace with the historical and customary lifestyle in India and the government is indolent towards it.

d) Rehabilitation

There are several patrons within the system: the police; the welfare department; and beggar homes. However, the beggars receive no sustainable assistance once they are released from the institutions of so called rehabilitation. There is lack of vocational services, which the poor can aspire to work on. Nagarathana (2013) suggests that alternative means such providing job oriented vocational training, ensuring the right to food, health and shelter must be part of rehabilitation scheme. These basic needs of human beings are essential component of survival. The state therefore cannot put forth the excuse of lack of finances. The obligation of the medical and health service during rehabilitation is hardly focussed upon. The services to beggars during the so-called

rehabilitation phase rarely give credence to human rights perspectives.

Rather than forcing formal rehabilitation schemes on beggars, what is needed is a direction and a set of choices in the form of drop-in development homes, vocational training centers and sometimes counseling services in a non-custodial but disciplined environment. It is improper in a welfare state to impose schemes on individuals more so when such schemes are not so worthy. The better way is to convince and guide the beggars to a better way of life.

e) *Civil society*

Civil society too has ignored the predicament of beggars for too long. Re-sensitization of civil society is a must for a meaningful change. A long-term strategy to remove the hazards of insensitivity towards this issue of the functionaries and organizations should be manifested (CSSEIP, 2010). Many individuals nourish a complex and often contradictory notion on the issue of poverty and social security. The concern is to establish approaches and narratives which unlock the people's negative attitude. (Kinght, 2003) from the Webb Memorial Trust has considered this question as part of a project that meditates on the concept of 'the good society'. The finding is that drafting the poverty challenge, elaborating on 'lack', always generates negative attitudes. Instead, positive programs are needed elaborating on respect, tolerance, fairness and security for all. Negative stereotypes, judgmental comments, the misconception and misuse of public attitude and understanding should be unlocked by positive programs.

f) Lack of political will

Goel (2010) quotes Cal Thomas (1993) anti-beggary laws are conceived as “political placebos” which are ‘designed to placate the voting merchants and community members at the expense of non-voting homeless’. One of the many problems with the homeless is of having their own identity. Since they do not have any identity, they cannot vote. Because the political parties do not see a potential vote bank in beggars, very little or no action on the part of the government is seen to help these people or revise the age-old policies (Lee and Fraser, 2003). The more humane and pragmatic approach to deal with passive begging, as usual, awaits the exercise of political will.

Lastly, the answer to the question whether criminalizing those who beg out of dire necessity or compulsion prevents begging is that criminalizing beggars is not the reasonable way to deal with the peaceful alms seeker who fits in the category of 'have to beg'. The treatment of beggars needs to be coercive less; more therapeutic ;and specific to the need of the individuals, with effective solutions to eradicate the root cause of begging and not the beggars. None of these strategies work as a 'magic stick'. These may appear expensive and time-consuming though possibly less expensive than hiring more police and building more detention homes. Such treatment cures the underlying causes of begging, ultimately preventing begging and at the same time protecting the right of individuals to live with dignity and liberty.

References:

A

Ahearne J (2009) Neoliberal Economic Policies and Post- Conflict Peace-Building: A Help or Hindrance to Durable Peace? *POLIS Journal* Vol. 2, Winter 2009

Available at: <http://www.polis.leeds.ac.uk/assets/files/students/student-journal/ma-winter-09/james-ahearne-winter-09.pdf> Assessed on: 20 June 2014

Action Aid, (2013) *Long way to go in poverty reduction*, Available at: <http://www.actionaid.org/cat/tags/poverty-reduction>. Assessed on 12 December 2014.

Atwood, J. Brian (2003) "The Link Between Poverty and Violent Conflict," *New England Journal of Public Policy*: Vol. 19: Iss. 1, Article 10. Available at: <http://scholarworks.umb.edu/nejpp/vol19/iss1/10> Assessed on 1 January 2015.

Austin M J ,(2006) *Understanding Poverty From Multiple Social Science Perspectives, A Learning Resource for Staff Development, In Social Service Agencies*, Available at:

<http://cssr.berkeley.edu/bassc/public/completepovertyreport082306.pdf>
Assessed on 1 January 2015.

Azad India Foundation, (2014) *Beggary in India*, Available at: www.azadindia.org
Assessed on 12 December 2014

Alder, M (2000- 2001) , Begging as a challenge to the welfare state, in *R. Jowell, British Social Attitudes*, Report 17, London: Sage Publication London

Adugna, G. 2006. *Livelihoods and Survival Strategies among Migrant Children in Addis Ababa*. A Dissertation submitted as partial fulfilment of the requirement of the Master of Philosophy in Development Studies, Norwegian University of Science and Technology, Available at:

www.divaportal.org/smash/get/diva2:126255/FULLTEXT01.pdf, Assessed on 16 December 2014.

Arnolds E and Garland (1975) The Defence of Necessity in Criminal Law: The Right to choose the lesser evil, *Journal of Criminal Law and Criminology*, Vol 65 Issue 3 Available at:

<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=5903&context=jclc> Assessed on: 14 December 2014

B

Baker, D (2009) A Critical Evaluation of the Historical and Contemporary Justifications for Criminalizing Begging, *The Journal of Criminal Law* (2009) 73 JCL pp 212-240

Buncombe A (2010), “*All aboard Delhi's beggar express*”, 3rd of March, 2010 ,Available at: <http://www.independent.co.uk/news/world/asia/all-aboard-delhis-beggar-express-1914922.html>

Barnes P (1998) , Safer Streets at What Cost? Critics say the homeless and substance abusers are most likely to suffer when police crack down on petty offenses, *ABA JOURNAL*, Vol. 84, No. 6 (JUNE 1998), pp. 24-25.)

Battacharyya S ,(1977) “Beggars And The Law”, 19, *JILI*,1977, 499.

Bombay Prevention of Begging Act, 1959, Available at: <http://delhi.gov.in/wps/wcm/connect/f2214e0043383b63b2d1f3cf71a315bd/THE+BOMBAY+PREVENTION+OF.pdf>. Assessed on 12 October 2014.

C

Collier P; Elliot L ; Hegre H ; Anke Hoeffler; Marta Reynal-Querol and Nicholas Sambanis (2003) *Breaking the Conflict Trap: Civil War and Development Policy*, World Bank, Oxford: University Press.

Carr, S., & Sloan, T, (2003). *Poverty and Psychology: From Global Perspective to Local Practice*. New York: Kluwer Academic.

Cama K, (1945) '*Types of Beggars*', '*Our Beggar Problem: How to Tackle It*', 1st Edition, 1945, Available at: <http://www.archive.org/details/ourbeggarproblem029789mbp> India: Padma publishers. Assessed on 28 November 2014.

Collier P, (2007) *The Bottom Billion, Why the poorest countries are failing and What can be done*, Oxford press, New York.

Centre for the Study of Social Exclusion & Inclusive Policy (CSSEIP) & Gandhian Studies Centre, NLSIU, Bangalore , (2010), *Anti-Beggary Laws: Legal and Policy Perspectives*, India, Available at: puclarkarnataka.org/wpcontent/uploads/2011/02/Proceedings1.doc, Assessed on 11 January 2015.

Cherueva I (2011) THE 2010-2011 MITCHELL LECTURE: ARTICLE: HUMAN TRAFFICKING FOR BEGGING 17 *Buffalo Human Rights Law Review* 25 Available on: <https://litigation.essentials.lexisnexis.com/webcd/appaction=DocumentDisplay&crawlid=1&docty>

Assessed on 11 January 2015.

Childlineindai, *Bombay Prevention of Begging Act, 1959*, Available at: (<http://www.childlineindia.org.in/CP-CR-Downloads/Bombay%20prevention%20beggin%20act%201959.pdf>). Assessed on 8 December 2014.

Cochrane, Allan (2007), *Understanding urban policy: A critical approach*. Oxford, UK: Blackwell.

D

Demewozu W, (2005) Begging as a means of livelihood: conferring with the poor at the orthodox religious ceremonial days in in Addis Ababa, *African Study Monographs: Supplementary Issue. #29*. p. 185-191

Dhar A (2014) *Center asks states for data on beggars*, *The Hindu*, 2 February 2014, Available at: <http://www.thehindu.com/news/national/centre-asks-states-for-data-on-beggars/article5646175.ece>

Devlin P, (1965) *The Enforcement of Morals*, Oxford: Oxford University Press.

Delhi Law Reporter (DLR), (2007) *Ramlakhan v State*, 137 (2007) DLT 173 Available at: <http://indiankanoon.org/doc/434096/> Assessed on 28 September 2014.

E

Ellickson R C (1995-96), Controlling Chronic Misconducts In City Spaces: of Panhandlers, skid rows, and Public- space Zoning , *105 Yale Law Jonoural* 1165

Eser, A (1966) The principle of 'Harm' in the concept of crime: |A comparative analysis of the criminally protected legal interests, *Duquesne University Law Review* 4 (1966) S 344-417

Engle E, (2009) The History of the General Principle of Proportionality: An Overview *10 Dartmouth Law Journal* July 7 , 2009, 1-11 Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1431179 Assessed on 15 December 2014.

ECPAT, (2010) *U K Briefing – Child Trafficking: begging and organized crime*, Available on: www.ecpat.org.uk/sites/default/.../begging_organised_crime_briefing.p Assessed on 16 December 2014.

F

Freeman S G,(2013) *Banning begging only punishes the poor* , *The Sunday Morning Herald*, March 2, Available on: <http://www.smh.com.au/federal-politics/begging-ban-only-punishes-the-poor-20130301-2fbsz.html>, Assessed on 7 December 2014.

Feantsa (2012-13) , *Belgium- Report on criminalization - Housing Rights Watch*, Available at:
http://www.housingrightswatch.org/sites/default/files/BELGIUM%20-%20Report%20on%20criminalization%202012-2013_0.pdf, Assessed on 7 December 2014.

Foscarinis M, (1996) , *Downward Spiral: Homelessness and Its Criminalization*, *Yale Law & Policy Review*, Vol. 14, No. 1 (1996), pp. 1-63) Available at:
<http://www.jstor.org.ezproxy.brad.ac.uk/stable>, Assessed on 17 December 2014.

Fuller R. (1941-42), *Morals and the Criminal law*. 32 *J Criminal Law & Criminology* 624

Farlex, (2014), *Punishment*, Available on:
<http://legaldictionary.thefreedictionary.com/Theories+of+Punishment>
Assessed on 15 December 2014.

G

Ghertner, D. Asher (2008) Analysis of new legal discourse behind Delhi's slum demolitions. *Economic and political weekly*, 43 (20). pp. 57-66.

GOI (2013), *Press Note on Poverty Estimates for 2011-12, Government of India Planning Commission 2013* Available on:
http://planningcommission.nic.in/news/pre_pov2307.pdf Assessed on 28 December 2014.

GOI Govt. of India (2009) *Law Commission of India Report no.23 April 2009*, Available at: <http://indiankanoon.org/doc/161773392/>, Assessed on 28 October 2014.

Guha R (2010) "*Banished from Delhi for Commonwealth Games.*" *BBC News*, 21st July 2010, Available on: www.bbc.com/news/world-south-asia-10696792
Assessed on 28 December 2014.

Gopalkrishnan (2002), *A 'Poverty as Crime' Frontline*, 19(23), 9-22, November 2002 Available at:
<http://www.frontline.in/static/html/fl1923/stories/20021122004703000.htm>
Assessed on: 9 December 2014.

Goodhand G, (2001) *VIOLENT CONFLICT, POVERTY AND CHRONIC POVERTY , INTRAC CPRC Working Paper 6 Manchester* , Available at: <http://www.gsdrc.org/go/display&type=Document&id=3454>
Assessed on 9 December 2014

Gurr T, (1970) *Why Men Rebel*. Princeton, NJ: Princeton University Press.

Goel A, (2010) Indian Anti-Beggary Laws and Their Constitutionality Through the Prism of Fundamental Rights with Special Reference to Ram Laxhan V. State, *Asia Pacific Journal on Human Rights and the Law*, Vol. 11, No. 1, pp. 23-38, 2010

H

Haller, (2009), *Criminalizing of begging is anti -poor*, *The Hindu*, 25 January 2009, Available at: <http://media-dis-n-dat.blogspot.co.uk/2009/01/writer-in-india-says-criminalization-of.htm> Assessed on 26 December 2014.

Hagan, J. and McCarthy, B. (1997) *Mean Streets: Youth Crime and Homelessness*, Cambridge University Press: Cambridge

Harcourt B E , Reflecting on the subject: A critique of the Social influence conception of deterrence, the Broken Windows Theory, and Order Maintenance Policing New York Style (1998) *Michigan Law Review* 291 301-,2

Hirsch A,(1992) *Proportionality in the philosophy of punishment, Crime and Justice*, Vol. 16 pp 55-98, Available at: <http://www.jstor.org/stable/1147561>
Assessed on 15 December 2014.

I

Iqbal R, (2013) , "Begging: A Growing Menace in India", *International Journal of Advanced Research in Management and Social Sciences*, Vol. 2, No. 8, August

ILO (2003) , *Working out of Poverty* , Available on: <http://www.ilo.org/public/english/standards/reim/ilc/ilc91/pdf/rep-i-a.pdf> Assessed on 9 December, 2014

J

Jha R (2013) *How does it feel to be poor in India? Guardian professional* Available at: (<http://www.theguardian.com/global-development-professionals-network/2013/aug/23/india-poverty-figures-debate>
Assessed on 21 December 2014.

Joseph Rowntree Foundation (JRF) *What is meant by Poverty?* Available at: <http://www.jrf.org.uk/sites/files/jrf/poverty-definitions.pdf>, Assessed on 12 December 2014

Jareborg N, (2004) Criminalization as last resort (Ultima Ratio), *Ohio State Journal of Criminal Law* 2, 521

K

Kamat K, (1997) *The Begging Profession*, Available on <http://www.kamat.com/kalranga/bhiksha/begging.htm> Assessed on 29 November 2014

Knight B (2013) Re framing Poverty, *Poverty Issue* 146 (Autumn 2013) pg 14-17.

Kang S, (2014) *Idea on Conflict Theory on Poverty*, Available on: http://www.ehow.com/info_8166986_ideas-conflict-theory-poverty.html Assessed on 11 December 2014.

Kinsella C, (2012), *Re-locating Fear on the Streets: Homelessness, Victimization and fear of Crime*, Available on : www.feantsaresearch.org/IMG/pdf/ejh6_2_thinkpiece1.pdf , Assessed on 1 January 2015.

Kett M and Rowson M, (2007), Drivers of violent conflict, *Journal of the Royal Society of Medicine*, Sep 2007, 100(9): 403;406, Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1963391/> Assessed on 12 December 2014

Kartika A (1994) , "Statical Survey", *Social Defence* ,vol- xxxv, Oct, 1994, No 118, (44).

Killias, M. and Clerici, C. (2000) Different Measures of Vulnerability in their Relation to Different Dimensions of Fear Of Crime, *British Journal of Criminology* 40(3) pp.437–450.

Kama, K (1945), Chapter 1, Types of Beggars, *Our Beggar Problem: How to Tackle it* , Bombay: Fadma Publication.

L

Lenning A, Vu C, Pitnak I (2006) *Theories of Poverty: Findings from Textbooks on Human Behaviour and the Social Environment in Understanding Poverty in Austin M J -Understanding Poverty From Multiple Social Science Perspectives, A Learning Resource for Staff Development, In Social Service Agencies*, Available at: <http://cssr.berkeley.edu/bassc/public/completepovertyreport082306.pdf>) Assessed on 1 January 2015.

Lal N, (2007) *Criminalizing beggars instead of rehabilitating them*, Available at: infochangeindia.org/.../criminalising-beggars-instead-of-rehabilitating, Assessed on 29 November 2014.

Lee, M. (2007) *Inventing Fear of Crime: Criminology and the Politics of Anxiety* Willan: Devon

Lee and Farrel C, (2003) Buddy Can You Spare a Dime, *Urban Affairs Review*, January 2003 vol. 38 (3) 299-324
Available at: <http://uar.sagepub.com/cgi/content/abstract/38/3/29>, Assessed on 8 December 2014/

Lodhi, S (2012) *Professional beggars: More greedy than needy*, Available at: <http://blogs.tribune.com.pk/story/11314/professional-beggars-more-greedy-than-needy/>. Assessed on 22 Decmber 2014.

M

Mercy Corps (2011) *Evaluation and Assessment of Poverty and Conflict Interventions, Conflict & Economics: Lessons Learned on Measuring Impact*, Available at:

(http://www.mercycorps.org.uk/sites/default/files/eapc_lessons_learned_on_measuring_impact_2011-07-28_final.pdf) Assessed on 27 November 2014

Mitchell, D. (2003). *The Right to the city- Social Justice and the Fight for Public Space, Edition 1* USA: Guilford Publication.

Mursheed M & Gates S, (2005) *Review of Development Economics* Volume 9 (1) pages 121-134, February.

Murshed, S. and Tadjoeeddin, M. (2008) Revisiting the Greed and Grievance Explanations for Violent Internal Conflict, *Journal of International Development*, 21, pp. 87-100

Monbiot, G. (2014) *At last a law to stop almost anyone from doing almost anything accessible*: Available at: <http://www.theguardian.com/commentisfree/2014/jan/06/law-to-stop-everyone-everything> Assessed on 27 Novemner 2014.

Mears, D. and Stewart, E, (2010), Interracial Contact and Fear of Crime, *Journal of Criminal Justice* 38(1) pp.34-41.

Malik M, (2012) *Street Begging in Delhi: A Study of Anti-Begging Act and Institutional Arrangements for Homeless People* (July 20, 2012). Available at SSRN: <http://ssrn.com/abstract/2148572> or <http://dx.doi.org/10.2139/ssrn.2148572> Assessed on 20 November 2014.

Martha N (2011) *Creating Capabilities: The Human Development Approach*
Harvard : University Press, 2011, 237pp.

McIntosh I and Erskine A (2000) "'Money for nothing"?: Understanding Giving to Beggars' *Sociological Research Online*, vol. 5, no. 1, Available at:
<http://www.socresonline.org.uk/5/1/mcintosh.html> Assessed on 13 December 2014

N

NDTV (2010) "*Beggars mostly gone from New Delhi during games*", 28th September, 2010, Available at: <http://www.ndtv.com/article/commonwealth-games/beggars-mostly-gone-from-new-delhi-during-games-55405> Assessed on 10 December 2014.

Nagarathana A (2013) Chapter 12- Criminalization of Beggary, A Critical Look at the Indian Legal Approach in K Jaishankar and Natti Ronel of *Global Criminology Crime and Victimization in a Globalized Era*, CRCPress, Page 219-240

Namwanta M, L (2012), *CATEGORIES OF STREET BEGGARS AND FACTORS INFLUENCING STREET BEGGING IN CENTRAL TANZANIA*, *African Study Monographs*, 33 (2): 133-143, June 2012 133, Available:
http://jambo.africa.kyoto-u.ac.jp/kiroku/asm_normal/abstracts/pdf/33-2/33-2-2.pdf Assessed on 12 Demcember 2014

Newburn, T. and Rock, P. (2005) *Living in Fear: Violence and Victimisation in the Lives of Single Homeless People*, Crisis: London .

P

Paris, R. (2004) *At War's End: Building Peace After Civil Conflict*, Press: Cambridge University.

Pilch, 2010, *We want change! Calling for the abolition of the criminal offense of begging*, Available at:
<http://www.justiceconnect.org.au/sites/default/files/We%20want%20change%20-%20final%20report.pdf> assessed on 1 November 2014.

Pain, R (2000) Place, social relations and the fear of crime: a review, Rachel Pain, *Progress in Human Geography* 24,3 (2000) pp. 365–387.

Pain R (2001) Gender, Race, Age and Fear in the city, *Urban Studies*, 38 (5-6) pp 899.

Palliser D. M (1992) , *The Age of Elizabeth: England under the later Tudors*, 2 edition longman: London.

R

Rank, M. (2005). *One Nation, Underprivileged*. New York: Oxford University Press.

Ramanathan U (2008) Ostensible poverty, Beggary and the Law, *43/44 Economic and Political weekly* 33, Available at: <http://www.ielrc.org/content/a0803.pdf>. assessed on 30 November 2014

Rogers, P (2000) *Losing Control*. London: Pluto Press

Room G L (1999), Social exclusion, social solidarity and the challenge of globalization, *International Journal of Social Science* 8 (3) page 166-174

Ramlakhan v State, 137 (2007) *Delhi Law Reporter*, 173 Available at: www.manupatra.com Assessed on 11 January 2015.

Rokach, A. (2005) Private Lives in Public Places: Loneliness of the Homeless, *Social Indicators Research* 72(1) pp.99-114.

S

Snyder B, (2014) *Norway wants to criminalize begging*, *Reuters*, 23 June 2014, Available on <http://rt.com/business/167764-norway-to-ban-begging> Assessed on 1 September 2014

Schafer A (2007) *The Case Against Criminalizing Panhandling : Laws that muzzle the disadvantaged violate human right*, Available at: https://www.policyalternatives.ca/.../2007/FastFacts_Sept27_07_panhand Assessed on 2 September 2014

Stewart, Frances (2000) 'Crisis Prevention: Tackling Horizontal Inequalities', *Oxford Development Studies*, 28 (3), 245-62.

Stephen F J (1996), *A History of the criminal law of England*, vol III (reprint) Routledge/Thoemmes press: London.

Sarkar S (1983), "Beggary in Urban India: Conflict and Challenges of Human Development", *Social Action*, January - March, vol. 57, 54 .

Sen A, (2005) Human Rights and Capabilities, *Journal of Human Development* Vol. 6, No. 2, July 2005, Available on: http://www2.unicef.org/socialpolicy/files/Human_Rights_and_Capabilities.pdf, Assessed on 12 December 2014.

Stanko, E. (1985) *Intimate Intrusions: Women's Experience of Male Violence* (London: Routledge).

Smith, S.J. (1987) Fear of crime: beyond a geography of deviance, *Progress in Human Geography* 11, 1–23.

Schmit, J, Pritchett, T, & Fields, P (1988), Punitive damages: Punishment or further compensation? *Journal of Risk and Insurance*, 55-453.

T

Tosi, A. (2005) Re-housing and Social Reintegration of Homeless People: A Case Study from Milan, *Innovation* 18(2) pp.83-203.

Townsend, P. (1979) *Poverty in the United Kingdom*, London : Allen Lane and Penguin Books

Tadjoeddin M Z, (2009) *REVISITING THE GREED AND GRIEVANCE EXPLANATIONS FOR VIOLENT INTERNAL CONFLICT*, Available at : <http://www.gsdrc.org/go/display&type=Document&id=340> Assessed on 11 January 2015.

Tata Institute of Social Sciences (TISS), (2007-08) *Koshish- Initiative on Homelessness and Destitution*, Annual Report (2007-2008)

U

United Nations Millennium Declaration (2000) *Resolution adopted by the General Assembly*, Available at: www.nesdb.go.th/research/chiba/AC/MillenniumDeclaration.doc Assessed on 1 August 2014

United Nations General Assembly (2011), *Extreme poverty and human rights*, Available at: <http://www.ohchr.org/Documents/Issues/EPoverty/A.66.265.pdf> (<http://www.un.org/en/documents/udhr/>) Assessed on 25 November 2014

W

William D, (2012) " *Torture and Apartheid: The Criminalization of Homeless and the The war against beggars, Tramps, and Panhandlers in American Cities*", The Real News, 10 October 2012, Available at: <http://therealnews.com/t2/component/content/article/170-more-blog-posts-from-david-william-pear/1271-torture-and-apartheid>, Assessed on 29 November 2014.

Walsh, T (2004) Defending Begging Offenders, *QUTLJJ Vol 4 No 1* Available at: <https://lr.law.qut.edu.au/article/download/174/168> Assessed on 11 January 2015.

Walsh T (2005) , 'Offensive language, offensive behaviour and public nuisance: Empirical and theoretical analyses' *University of Queensland Law Journal* 5.

World Bank(1999) , *The Definitions of Poverty* Available at:
<http://siteresources.worldbank.org/INTPOVERTY/Resources/335642-1124115102975/1555199-1124115187705/ch2.pdf> Assessed on 2 October 2014.

Wilson J & Kelling G, (1982), Broken Windows: The police and neighbourhood safety' 1982, *Atlantic Monthly*, 29 31.

Webb & Webb (1963), *English Local Government, English poor Law History, Part 1 : The Old Poor Law, Vol VII* Frank Cass: London.

Waldrons J (2000), Homelessness and community, *University of Toronto Law Journal* 371, 392.