

Asha Banu Soletti
Editor

Contemporary Issues in Late Adulthood

Perspectives from India

Editor

Asha Banu Soletti
Centre for Health and Mental Health
Tata Institute of Social Sciences
Mumbai, Maharashtra, India

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Chapter 4

Homelessness and Elderly Persons: Issues, Vulnerabilities and Possibilities



Mohd Tarique

Abstract Growing numbers of elderly persons becoming homeless is alarming yet the issue remains invisible. Such is the prejudice towards the homeless that their original identity is just lost. Be it a person with mental illness or abandoned woman or a destitute elderly, none of them retain an identity of who they are but that of a homeless. This paper attempts to examine the situation and understand the reasons resulting in the elderly becoming homeless and the challenges they face while on the streets. The paper has used ‘real-life’ situations of elderly homeless in the cities of Mumbai, Delhi, Nagpur, Patna and Lucknow. The phenomenon is a two way where the elderly not only becoming homeless but homeless citizens growing old on the streets. People living as homeless for years, finding no interventions and ageing on the streets add to the issue. With age, their physical capacity to face the hostilities of street life is restricted. Unfortunately, in the modern world, an individual’s relevance is linked with a person’s capacity to be productive in the material sense of the word, including the approach followed in rehab processes. This makes the elderly homeless as one of the worst victims of urbanisation and the resultant culture. Abuse and neglect rule the lives of the elderly homeless. Being homeless or elderly are situations where one is vulnerable but being a homeless elderly is extended vulnerability and suffering.

Keywords Older adults · Ageing · Vulnerability · Beggary law · Rehabilitation

4.1 Introduction

Homelessness is a global phenomenon with a constant increase in the number of people and communities turning homeless. There are several factors that result in the homelessness. Mental illness, breaking down of family system, chronic illness, disability, caste violence, distress migration, natural disasters, search for better livelihood and sustenance in cities, denotified tribes migrating culturally, elderly getting abandoned, the collapse of traditional livelihood practices, are just some of the key

M. Tarique (✉)
The Koshish Trust, New Delhi, India
e-mail: tarique.tiss@gmail.com

factors resulting in urban homelessness and destitution. Interestingly, many of these factors are both the cause as well as the consequence of homelessness. There are factors that reinforce each other and result in the extremely complex situation of homelessness.

A person can be pushed into a situation of homelessness due to a range of circumstances and situations. Our experience has shown that mostly, it is the people who have fallen out of family structures and have either failed to build other social support systems or have lost on them as well or the aged, abandoned, restricted by disabilities, physical or mental illness who resort to destitution. They have a sheer need to survive, to stay alive.

Elderly Homeless: While life on the streets is very difficult given the hostility towards the homeless, certain populations experience homelessness with added vulnerability and hardships. For example, homeless women are far more vulnerable and at risk when compared to male homeless persons. Similarly, children face greater risk. The worst affected population among homeless people is that of elderly persons. They are the worst affected given the increased dependency (due to age) against the heightened deprivation of the streets.

The dependency in old age is multi-fold. One needs assistance and care; the ability to work is severely compromised, and mobility is restricted in multiple ways. There are medical conditions that need to be addressed and most importantly, the emotional need to be with your children or family is higher than any other time in your life. Restrictions of old age when combined with hardships of homelessness, survival becomes the foremost challenge. Once homeless, the absence of any support compels the person to slip through and become totally destitute. This is the strongest possible explanation for a maximum number of elderly homeless being destitute and often living off seeking alms.

This paper is an attempt to examine some of these complexities from the lives of the people that the author works with and to understand the reasons resulting in the elderly becoming homeless and the challenges they face while on the streets. The paper has used 'real-life' situations of elderly homeless in the cities of Mumbai, Delhi, Nagpur, Patna and Lucknow.

Complex Identity: The homeless are the most visible yet the most invisible part of our cities; they are seen, all around but rarely anyone acknowledges their existence. Even when they are acknowledged, they are seen as the roles they play in the society. For example, fruit seller, milk delivery person, domestic help, security guard, newspaper person, rickshaw pullers all these people could be homeless but we rarely associate homelessness with them. We perceive these members as productive people providing essential and affordable services whereas the notion of homeless is completely different and negative. A very small percentage of homeless persons who could be drug dependent or ones suffering from mental illness are then understood as homeless. Such is the prejudice towards the homeless that their original identity is just lost. Be it a person with mental illness or abandoned woman or a destitute elderly, none of them retain an identity of who they are but that of a homeless. This is nothing but prejudices against the homeless playing out.

The situation is worse for the elderly who are homeless. The growing number of elderly persons becoming homeless is alarming yet the issue remains dormant. We see them often on the streets but they continue to remain unregistered for most of us. When we acknowledge them, we see them in the form of beggars, drug addicts, and a person with mental illness. We rarely see them as elderly people on the streets. It seems as if there is by default a secondary identity for this person.

However, it must not be understood as a coincidence or society's prejudice alone behind this identity. It is, rather, a carefully constructed identity for economic as well as political reasons. Identifying elderly homeless as drug addicts or beggars or lazy people unwilling to work, the onus of getting out of that situation is on the elderly. However, if the same person is identified fairly with the situations of vulnerability associated with his/her old age and homelessness, then it would be the responsibility of the state, administratively and morally, to provide necessary support and facilitate one's exit from the state of destitution. However, creating a supportive environment requires deep political will and resolve while it is far easier to push everything on the affected person. Worst, the state has adopted Beggary Law as its most potent response to homelessness, and that has only added to the plight of the elderly homeless.

Ageing and Vulnerabilities: With families going nuclear, there is a fall in the family's capacity to look after the elderly in the family. The absence of a social support mechanism has resulted in people giving up on their elderly. Shrinking employment and earnings on one end with limited access to health care facilities and increasing need for age-related medical interventions on the other, further impacts families' preparedness to look after the elderly.

Poor health infrastructure and acute poverty have been found as serious triggers for the elderly getting abandoned and becoming homeless. Families are caught between deciding to use the available resources to meet daily consumption needs and other necessary requirements or towards maintaining the elderly. More often than not, it is the elderly that pays the price for this deprivation in the family.

Family with limited resources cannot be expected to have enough savings or regular income to be taking care of their elderly especially when facing chronic illness. Missing out on social security programmes like old age pension is more of a rule than an exception given the limited coverage of such schemes and that too with the extremely meagre amount for sustenance. Shrinking spaces, both in physical as well as emotional terms, and breaking families into nuclear units means more and more elderly persons ending up on streets. Once out of the safe & familiar environment, all that is left for the elderly is a life of hostility and humiliation on the streets.

The phenomenon is also a two way where not only the elderly is becoming homeless but homeless citizens growing old on streets. People living as homeless for years and finding no interventions and ageing on the streets are adding to the issue. With age, their physical capacity to face the hostilities of street life is restricted. Unfortunately, in the modern world, the relevance of an individual is linked with a person's capacity to be productive in the material sense of the world, including the approach followed in rehab processes. This makes the elderly homeless as one of the most vulnerable victims of urbanisation and the resultant culture. Abuse and neglect rule

the lives of the elderly and homeless. Being homeless elderly is a situation of extreme dependency, breakdown and suffering. Even the civil society organisations that work on the issue of homelessness, find it difficult to engage sufficiently and appropriately with the elderly. Often the pressure of results and foreseeing hope restricts the intervention towards the elderly. Also, when the resources are limited, the scope of having specialised services is severely restricted and the ability to respond adequately gets badly compromised. Ultimately, it is again the elderly person who ends up suffering.

The Construct of Destitution as a Crime: 'I have been living on the streets for 3 years now. My children abandoned me few years ago and since then I have been struggling. I do odd jobs for my survival. I do not know why was I abandoned, but it is very humiliating when people stare at you and think low of you. Krishna Baba 70, (name changed) shared about his helplessness when asked about his life on streets as a homeless.

Radhika Tai (name changed), 76, remembered only few words when she was brought to Beggars' Home. She would often repeat those words. While those words made little sense, what was clear was her mental illness and that she didn't want to stay in the institution. She was sentenced for a two-year period and therefore had to complete her punishment before she could be released. The bigger crisis, however, was the absence of any family or relative that she could go back to. She had been living on the streets for almost two decades after her son abandoned her owing her mental illness.

The perception of poverty as a motive, in itself, for crimes lies within the inner reaches of the law. It is not what they do, but what they are that is offensive. In this, the fault of poverty lies with the poor and gets constituted into an offence (Ramanathan, 2008).

The most critical aspect of homelessness is the legitimacy of the person's existence that gets denied. This gets clearly explained by the legal framework that is there to respond to urban homelessness and destitution. Most Indian states have anti-beggary laws that are nothing but a legal mechanism to punish poverty. Person could be arrested simply for being a poor.

Krishna Baba or Radhika Tai are not the only ones. There are thousands of elderlies struggling to survive on the streets or getting arrested under the draconian Beggary Law that fails to differentiate between organised crime and destitution. In what could be easily understood as mockery of human rights and constitutional guarantees, more than 20 states and few union territories in the country have anti-beggary legislations that criminalise absolute poverty and destitution with the elderly homeless being the worst victims.

The old and infirm abandoned homeless run a risk of getting arrested and punished under Beggary Law along with other vulnerable groups like disabled and mentally ill, transgenders, denotified communities, etc. In a clear disregard for vulnerabilities and situations of helplessness that people are forced to live with, Beggary Laws focus on the final act of seeking alms while conveniently avoiding the circumstances.

If an elderly person is abandoned by the family, what is that elderly person's fault? The people who require the state's support and protection are not only left on their own but also face the risk of punitive action from the state. Protection and rehabilitation find no place in the legal framework that merely criminalises people's situations of helplessness and destitution. The fragility that accompanies old age means the

damage and casualties further increase in the absence of a systemic protection and rehabilitation framework.

Our Constitution provides for right to life with dignity for all citizens. But unfortunately this excludes homeless as well as the abandoned elderly as citizens.

Article 41 of our constitution provides that the State shall “make effective provision for securing the right to works, to education and to public assistance in case of unemployment, old age, sickness and disablement....”. However, what most states have adopted is completely contrary. Instead of securing people’s rights and providing assistance, all that states do is criminalization of these situations of vulnerability. These state laws are, broadly, version of the Bombay Prevention of Beggary Act 1959 (BPBA, 1959) which grants powers to officials to detain people, presumably engaged in begging, in government run custodial centres (Tarique, 2017).

Although there are government schemes like pensions, for the welfare of the elderly, due to the legal identity constructed under the Beggary Law, there is little possibility of them availing the benefits. Beggary Act functions as a barrier. In fact, some of the state schemes like the Scheme for the Old Age Pension in Delhi have a clause that if any action has been taken against a person under the Beggary Law, then the person would not be eligible for pension under the scheme. Even a wrong arrest would technically be an action and therefore disqualification from the much-deserved and needed scheme.

The Beggary Law and Its Coverage: It is observed increasingly that more and more elderly persons are getting abandoned and reaching the stage of destitution. While one end of the problem is this trend itself where families abandon them, the other concern here is the criminalisation that happens when they are processed legally and brought to custodial institutions like Beggar’s Home.

The Bombay Prevention of Beggary Act, 1959 (BPBA, 1959), though a state law, is one legislation that has been adopted by several other states and most other state legislations have more or less similar provisions. BPBA 1959 defines ‘beggary’ in such a manner that an elderly homeless, even an elderly who has lost his way, can be considered a ‘beggar’ legally.

While defining beggary, Section 4.2 i (d) of the BPBA 1959, says ‘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 soliciting or receiving alms’ (BPBA 1959). This one clause alone is enough to put any abandoned or elderly homeless person at risk of arrest and criminal proceedings against him/her.

The way beggary has been defined, it makes every homeless and destitute person a potential beggar technically; it also gives extreme powers to the police as there is a lot of discretionary power provided under the law. There is neither a requirement of the warrant for the arrest to be made nor there is any need for the evidence for the offence to be established in the court. On the contrary, it is required of the accused person to prove that he or she makes his/her livelihood out of earnings other than beggary. There is absolutely no concern about the violation of the personal liberty of the person. In case the charges of beggary are proved, a person can be detained for a period of one to three years for the first-time offence and up to 10 years for repeat

offence. So, if my inability to organise visible means of subsistence is held against me for my conviction in the first time, the same would become the base to get me classified as ‘repeat offender’.

The law is granting powers to the state agencies to keep any person in detention for a period between 1 to 10 years, as punishment for beggary, which could be nothing but merely a situation of destitution. The implications of this law need to be understood from the context of construction of offence and how beggary has been defined. Since the definition of beggary includes different vulnerable situations, punishing begging is equivalent to punishing those situations. This is probably an unmatched illustration of positioning state’s failure in providing for or protecting its poor and destitute citizens as individual failure and punishing the poor.

Let us examine few more sections of this law. Section 9 of the Act says that the ‘Court may order detention of persons wholly dependent on Beggar’. This makes the family members who may not have begged themselves, as vulnerable as the person committing the offence. Effectively it would be elderly parents or children who would be affected by this clause. Further, there is a section that provides for an indefinite detention. Section 10 of the Act says that the State has the power to detain the person for an indefinite period if one is incurably homeless (after the completion of 10 years of detention). Though there is a clause and procedural requirement for that, the fact remains that an elderly person, once arrested, can be detained for an indefinite period.

Often the administrative response claims that the law provides shelter and food for many who have nowhere to go. However, this argument only highlights the plight of people who have to suffer the severity of custody and criminalisation in order to stay alive. The reality of the situation is documented appropriately in a research study conducted by Koshish, a civil society organisation. It has recorded ‘the current legislative mechanism to extend relief to such distressed people comes enlaced with criminalization, restrictions on freedom, coercion, threat, punishment and a repelling disregard for dependent adulthood’ (Koshish, 2012). Elderly Homeless are forced to accept criminalisation and live in detention in order to stay alive.

4.2 Koshish: Non-punitive Rehabilitation Framework

Koshish, a field action project was initiated by the Tata Institute of Social Sciences, Mumbai, to address the criminalisation of destitution happening under Beggary Law. Koshish worked towards creating a systemic framework that would facilitate people’s exit from beggary by addressing various situations of vulnerabilities.

Started in Mumbai in 2006, the programme was expanded to Delhi in 2009 and in 2012, it was extended to Bihar. In each of these states, the programme runs in collaboration with the state governments. Practising ‘Systems Approach’, Koshish worked on the principle of ‘non-threatening but uncompromising engagement’ and designed its programmes to strengthen the State’s efforts towards rehabilitation of affected people.

Koshish is opposed to the state's response to destitution, however, as an institution, it also believes that the solution has to come from the state and therefore constantly engages with the government towards putting an end to this criminalisation. In an attempt to create support system for the community, Koshish built national-level alliances and network with large number of agencies working on issues of urban poverty or allied areas. Bringing students along in their efforts has been another vertical.

The law in its underlining argument assumes that begging is a choice; one of the alternatives that people choose and enjoy. Our experience of working inside the institutions and with communities that are engaged in beggary has shown that this assumption is far from the reality. Most persons are in the state of destitution and helplessness and are constantly attempting to move out of that situation of vulnerability where they are compelled to beg. The fact is that most of these groups who have very limited or no access to government programmes should be entitled for services from the government, as their recognition as citizens.

Possibilities & Learnings: Over the past decade and half, Koshish has successfully rehabilitated several thousand persons including the elderly homeless who were repatriated with their families wherever possible. People who had taken to beggary as a distress measure to survive were supported with necessary inputs and facilitated in their exit from beggary. Dignity and love is what an elderly person requires the most. Thankfully, at Koshish, we understood this basic rule of life pretty early and formed these as the core of our functioning. We work with families where conflict or resistance is found and help them understand the value of their elderly family members and also remind them of their responsibility towards them. However, we ensure to acknowledge the real constraints of the family as well and assist them with necessary support like medical support, psychiatric treatment, livelihood support, enrolment into schemes that they are eligible for and so on. This approach has resulted in several hundred elderly getting back to their homes and living a life of dignity. We do maintain a close follow-up as a process from our end.

Homelessness at present is mostly seen as beggary which has deep negative connotation. We work towards shifting this understanding towards 'destitution' as it highlights the vulnerable situation of the person. For e.g., if an elderly woman is lying on the streets, people around in the neighbourhood might be prepared to support her with some food or the treatment, provided they do not see her negatively. Even if they approach the police, they would be seeking its intervention to rescue the elderly person and not to initiate legal proceedings against the person. That's the approach that is missing at present due to the misplaced identity and perception.

Koshish understood the need to work extensively with youth as part of strategy to address the issue of homelessness and support the elderly. Youth and students have a significant role to play in creating right kind of atmosphere and energy. Many people who have fallen into destitution are the ones who have largely been uprooted from their families or the communities. Breaking down of social support system is one big factor. We have been attempting a creative and much-needed experiment with youth; attempt to reposition the identity of the person. Apparently, this identity plays a significant role in the ultimate rehabilitation of the person, as both social

acceptance and the government response are determined by this identity. Given the depressive environment that most of these persons are pushed to and also the abusive background that most of them come from, along with the abuse and trauma faced while on the streets, it becomes critical to break the sadness and hopelessness.

Acknowledging the person as one who is caught under the circumstances will allow us to challenge our own prejudices and that itself will mark the shift. Community support is crucial for the rehabilitation and schools are one of the most important stakeholders within the community. Young students will be the most effective instrument in breaking the notions around these groups and in establishing the positive identity.

The elderly as a population have lots of challenges and it requires understanding, trust and patience to make an impact. Coupled with homelessness, the challenges associated with old age grow manifold. Clearly, elderly homeless persons require special support and treatment to be able to get mainstreamed. There is a limit to which an elderly person can be commercially productive. However, the same elderly person could be vital in terms of wisdom and experiences of life and we must evolve ways and mechanisms to make use of our elderly as resources rather than seeing them as unproductive and discarding.

We have experienced that this group needs an extended period of support, when compared to any other community as the capacity to adjust is lesser, opportunities are fewer and abuse has been far more devastating and traumatising. Because of the general understanding of the group being difficult to work with, there isn't enough motivation and incentive for people to engage with. However, with right perspective and approach, it is possible to create the required pool of self-driven, sensitive youth.

Way Forward—From Punitive to Rehabilitative: It has been demonstrated how effective intervention can be achieved. One could see if serious and constant efforts are made with adequate individual planning, after assessing one's background, strength and personality, chances for stable rehabilitation grow manifold. It is important to deliberate in depth, how and what role each of us can play if inducted strategically.

Having a punitive law can never be a solution. For these abandoned, dispossessed and destitute people, street life is not out of choice but a matter of survival; an enforced stay in a beggar home cannot deter them from returning to their situations of vulnerabilities when they come out. The law deals only with the symptoms of the problem, not with its causes. By dumping these people into custodial institutions, the government can't wish the people away. They remain; their problems remain. If not having any means of subsistence was the reason for them being punished, after getting released from the institution, they still do not have any alternate means of subsistence.

It's high time that we convert our 'punitive framework' into 'rehabilitative response' and build capacities so that person can support self. The current legal approach addresses the issue from the wrong end. The real solution, perhaps, is to recognise and combat structural injustices in society and expand support options. Battling this problem requires long-term collective action, political will, the services

of the local administration, the voluntary agencies, civil society and the affected population itself.

It is well established and acknowledged that the Elderly and Destitute form a special vulnerable group and require prolonged and dedicated intervention to ensure their welfare and protection. While the need is severe and real, the current response is adulterated with biases, intolerance and misplaced legislation. It warrants specially trained and motivated personnel to work in this complex area of Social Defence for the most vulnerable and disadvantaged population. However, most of all, more than anything else, what is required is empathy, compassion and believe deep in us as a society that every life deserves to live with dignity. More than for a person who is forced to live on the streets, it should be a matter of concern for us that we have a person living as homeless. Collectively, all stakeholders including the state must do their best to get every single person, especially our elders, off the streets and restore their dignity.

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