

UNDERSTANDING THE INTERRELATIONSHIP BETWEEN POVERTY, DISABILITY AND CHILD BEGGING: A STUDY WITH HUMAN RIGHTS PERSPECTIVE

Abstract

The World Health Organization (WHO) estimated that about 500 million people live with disabilities worldwide, and a proportion of about 75% is living in the developing countries. Certainly, there is a strong association between poverty, disability, and begging. If a person is born with disability or becomes disabled, it is often assumed that most or all other options are closed and the only choice left to meet basic needs is to beg. People with disabilities are often seen as more profitable than non-disabled beggars because they evoke sympathy or pity. The disabled child beggar is an asset in the trade and most vulnerable to being forced into begging. The frequent mistreatment of disabled child beggars is so common in India that public now refuse to give disabled child beggars any donations, knowing that it will only end up in the hands of their handlers. Despite the strong links between disability and poverty however, the global development community, as well as the global disability advocacy community, has paid little attention to men, women and children with disabilities who make their living in whole or in part by begging. In this paper researcher tries to explore issues and challenges as well as international and national legal framework for the protection and promotion of rights of disabled child beggars.

Keywords: Poverty, Disability, Child Begging, Trafficking, Criminal Gangs etc.

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I. INTRODUCTION

Children are the nation's future human resource; hence their wellbeing is crucial to nation's growth. But, in contrary to this, there were 4,13,670 total beggars in India, and 45,296 of them were children. Many of them are forced into the profession¹. They are drugged, beaten up, threatened, and made to beg every day. According to the National Crime Record Bureau (NCRB) data, on an average, 174 children go missing every day and whereabouts of more than 50 per cent of them remain unknown². Poor people are at greater risk of becoming disabled through lack of adequate housing, food, clean water, basic sanitation, and safe working environments.

On the other hand, People with disabilities are at increased risk of becoming poor through restricted access to education, health care, job training and employment opportunities. These factors, in combination with the effects of stigma and social isolation, limit the ability of people with disabilities to be full participants in their societies and to find employment that will support themselves and their families³. This has economic and social implications not only for the person with a disability but also for the household in which he or she lives, and increases the likelihood of turning to begging⁴.

The child beggar may be a paid or unpaid assistant to an adult beggar. Beggary would not be a profitable trade if there were no children to attract the customer's attention. The beggar child, therefore, is sold, bartered, or mortgaged. Children can easily draw the sympathy of the general public⁵. UNICEF reported that thirteen percent of trafficked victims in South Eastern Europe have been trafficked for the purpose of forced begging⁶. The ILO has reported that there are at least 600,000 children involved in forced begging⁷.

Children with disabilities are kidnapped and forced to work as beggars for organized, mafia-like criminal groups. According to UNICEF, Human Rights Watch, and the U.S. State Department, these children are not allowed to keep their earnings or go to school, and are often starved so that they will look gaunt and cry, thereby eliciting more sympathy and donations from tourists⁸. In many countries children with disabilities are routinely sold or stolen, usually from rural areas, to be used by criminals or gangs of beggars. Since disabled child beggars get more money than healthy ones, criminal groups often increase their profits by cutting out a child's eyes, scarring his face with acid, or amputating a limb.

¹ Office of Registrar General & Census Commissioner, Ministry of Home Affairs, Government of India, "Census of India" (2011)

² National Crime Record Bureau, Ministry of Home Affairs, "Report on Missing Women and Children in India" (2016)

³ Gary Craig, "Child Slavery Now Portland", 52 (The Policy Press, 2010)

⁴ A.Goel, "Indian anti-beggary laws and their constitutionality through the prism of fundamental rights with special reference to Ram Lakhan V. State", Vol. 11, Asia Pacific Journal on Human Rights and the Law, 23(2010).

⁵ N. Groce, L. Murray, "The Disabled Beggar: A Literature Review", International Labour Office, Gender, Equality and Diversity Branch, Geneva, ILO, GED Working Paper No (2014).

⁶ Iveta Cherneva, "Human Trafficking for Begging", 17(Buffalo Human Rights Law Review, 2011).

⁷ Anupama Kaushik, "Rights of Children: A Case Study of Child Beggars at Public Places in India", 2, JSWHR, 105(2014).

⁸ Dr. Jabir Hasan Khan, Dr. Menka and Nisar Ahmed, "Regional Analysis of Various Places of Begging" 3 IJARMSS 114 (2013).

II. CONCEPTUALISING DISABILITY AND CHILD BEGGING

In medical terminology disability is regarded as an impairment caused by any disease or injury, and requires medical treatment and rehabilitation⁹. As per World Health Organization, "the term disability covers three things first an impairment in bodily function or structure. Second, an activity limitation that means problem faced by an individual in executing a task or action, while third one is a participation restriction felt by an individual in life situations".¹⁰ According to UN Convention on Rights of Persons with Disability, 2006, those persons who have physical, mental, intellectual or sensory problem for a long time that causes hindrance in their full and effective participation in society come under the purview of the definition of persons with disability¹¹. Most of the international human rights instruments such as United Nations Convention on the Rights of the Child (UNCRC), 1989¹², Worst Forms of Child Labour Convention, 1999¹³ and Indian legislations prescribe 18 years of age for a child. According to International Labour Organization (ILO), Begging means number of activities whereby an individual demands money from stranger based on being poor or needing charitable donations for health or religious reasons. Sometimes beggars ask money also in pretence of selling small things such as dusters or flowers. Bombay Prevention of Begging Act, 1959 defines begging as soliciting or receiving alms in a public place, whether under any pretense such as singing, dancing fortune telling, performing, or soliciting or receiving alms by exposing or exhibiting any sore, wound, injury, deformity or disease¹⁴.

III. INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON RIGHTS OF DISABLED CHILD AND CHILD BEGGARS

The welfare of the child and child rights concerns have been considered in several International Conventions, Standards and Declarations. The Universal Declaration of Human Rights (UDHR) states that, everyone has the right to a standard of living including right to food, clothing, housing, medical care, and the right to security in case of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control¹⁵. After UDHR the International Covenant on Civil and Political Rights (ICCPR), 1966 declares that children should be protected from social and economic exploitation. Employment of child in a work that is harmful and dangerous to their life and health should be punishable by law. CRC provides bundle of rights to child, such as right to life¹⁶, protection from all forms of physical or mental violence, injury, and protection against all other forms of exploitation prejudicial to any aspects of the child's welfare¹⁷, which may include exploitation through begging. CRC, followed by UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities¹⁸, 1993, states that disabled child should be given effective access to and receives education, health, care services, rehabilitation services, training to

⁹ Awadhesh Kumar Singh "Rights of the Disabled: Perspective legal protection and issues" 49 (Serial publication New Delhi, 2008)

¹⁰ Dr. Rumi Ahmed, "Rights of Persons with Disability in India: A Critical Analysis" 56 (white falcon publishing, 2015)

¹¹ The UN Convention on the Rights of Persons with Disabilities 2006, art.1

¹² Convention on Child Rights 1989, Art. 1

¹³ Worst Forms of Child Labour Convention, 1999, Art. 2

¹⁴ Bombay Prevention of Begging Act, 1959, sec.2.

¹⁵ The Universal Declaration of Human Rights, 1948, Art. 25.

¹⁶ The Convention on the Rights of the Child, 1989, Art. 6.

¹⁷ Ibid., Art. 36.

¹⁸ The 1993 UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 1993, Rule 6.

develop skills for employment which may help in his or her cultural and spiritual development. The Preamble of UN Convention on the Rights of Persons with Disabilities (CRPD) 2006 provides that children with disabilities are entitled to the same human rights and fundamental freedoms as other children¹⁹. It further states that people with disabilities should be provided the right to free and inclusive education, vocational training, without any kind of discrimination.²⁰

In India, under the Indian Constitution, state governments are responsible for taking anti-begging measures and ensuring rehabilitation of beggars²¹, but there is no national law against child begging till date. Twenty-two states, including some union territories, have anti-begging laws. The Bombay Prevention of Begging Act (BPBA), 1959 serves as the benchmark for all state anti-begging laws. Under this Act, if the person having the custody or care of a child compels or encourages the child to beg or receive alms, he shall be punished with imprisonment for a term of one to three years²². In addition, the Indian Penal Code states that whoever abducts or maims a child for the purpose of begging, shall be punished with imprisonment of 10 years²³. The Children Act, 1960 provides that any person who employs a child for begging or induces him to beg shall be punished²⁴. The Indian Railways Act, 1989 prohibits hawking and begging.²⁵ Under the Juvenile Justice (Care and Protection of Children) Act, 2015, a child working in violation of labor laws, begging or living on the streets shall be considered as 'child in need of care and protection' (CNCP). Section 76 of JJ Act, declares employment of a juvenile or child for begging, as an offence²⁶ punishable with imprisonment of up to five years or a fine of Rs 100,000. In addition, "The Destitute Persons Model Bill, 2016" was introduced in the Parliament in October 2016. The bill aims to shift India's law on begging from punishment to rehabilitation, although it does not impose a blanket ban on arrest. But unfortunately, this bill could not be passed in the Parliament till today. In 2018, the Delhi High Court, in *Harsh Mander vs. Union of India and Karnika Shahani vs. Union of India*, rejected the anti-beggary law, saying that the anti-beggary law violates Article 14 (equality before the law) and Article 21 (life and personal liberty) of the Constitution. The Court held that if someone begs due to poverty, then it should not be considered as a crime. On 5th May 2021, in *Piyush Chhabra v. State & Ors*²⁷ the petitioner argued that the State Government and the Ministry of Women and Child development are duty-bound to stop the exploitation of the child beggars.

IV. STATISTICS ON CHILD BEGGARS AS WELL AS DISABLED CHILD BEGGARS IN INDIA

According to Census 2011, there were 4,13,670 total beggars in India, and 45,296 of them were children. According to the details of the State wise Census, 2011, presented by honourable Virendra Kumar, Minister of Social Justice and Empowerment, Government of India, in Lok Sabha on 07/12/2021, the total no of child beggars in India up to 14 years are

¹⁹ Dr. B. Ramaswamy, "Child Human Rights; Legal Perspective", 46 (Anmol Publications Pvt. Ltd, New Delhi, 1st ed, 2013)

²⁰ The UN Convention on the Rights of Persons with Disabilities (CRPD), 2006, art. 24.

²¹ Constitution of India, Arts. 23§ 24.

²² The Bombay Prevention of Begging Act (BPBA), 1959, Sec 11.

²³ Indian Penal Code, 1860, Sec. 363A

²⁴ Children Act, 1960, Sec. 42.

²⁵ Indian Railways Act, 1989, Sec.144

²⁶ The Juvenile Justice (Care and Protection of Children) Act, 2015, Sec 76.

²⁷ Delhi High Court, WP (C)4663/2021

45,296. Uttar Pradesh (10167), Rajasthan (7167), Bihar (3396), West Bengal (3216), Andhra Pradesh (3128), Maharashtra (3026) are the State having highest number child beggars' population. As per the State-wise Census 2011 details furnished by the Office of Registrar General & Census Commissioner, India, the total number of disabled beggars is 70506. Number of Disabled Beggars in top 10 states is as followings:

Table 1: Number of Beggars with Disability in top 10 states of India

Area Name	Persons	Male	Female
India	70506	43141	27365
West Bengal	13798	7697	6101
Odisha	6550	3850	2700
Uttar Pradesh	6003	4220	1783
Andhra Pradesh	5593	3343	2250
Bihar	5276	3399	1877
Assam	5311	2884	2427
Madhya Pradesh	4868	3135	1733

Source: Press Information Bureau, Government of India Ministry of Social Justice & Empowerment²⁸.

V. GENERAL ISSUES OF CHILD BEGGING

Due to less productivity and all-round backwardness beggary is growing at alarming rate²⁹. Beggary is not only curse but one of the most serious social problems of every country. Problems of begging is the genesis of several other problems in the society such as theft, violent and criminal behaviour, nuisance, among others.³⁰ Today's, the increasing number of beggars is one the reason of traffic jam in the city³¹. Begging has certain adverse effect on the economy of the nation because beggars put the burden of their livelihood on the shoulder of other person of the society. Increase of numbers beggars in society means increase of extra burden on working citizens³². The steps taken by government to control the menace of begging are fruitless and insufficient³³. The negligence and lack of information regarding causes and effect of child begging and begging among disabled persons are the primary reasons behind failure of government to eradicate the menace of begging. The biggest difficulty in curbing the crime of child begging is that in many cases, the family members push the child into the crime of begging. In such cases when child is brought to the Child Welfare Committee (CWC) and presented before them, then parents of the child reach there and demand for the return of the child, which eventually leads them back to the crime of begging.

²⁸ Press Information Bureau, Government of India Ministry of Social Justice & Empowerment, "Empowerment of Beggar Population"(2003).

²⁹ Dr. Menka and Tarique Hassan, "Begging is a Curse on Society: An Empirical Study" 2 IJARMSS 45 (2013).

³⁰ A. Adedibu, "Begging and Poverty in third world cities: A case study of Ilorin, Nigeria" 1 IJBSS 25(1989)

³¹ L. Mortimer, "Developing a strategy for street begging", (Portsmouth, Community Safety Executive, 2005)

³² C. S. Reddy, "Begging and its mosaic dimensions: some preliminary observations in Kadapa district of Andhra Pradesh"4 AAJSS 53(2013).

³³M.U. Tambawal, "The effects of street begging on the national development: counselling implications",123 (Usmani Danfodiyo University, 2010).

VI. CHILD BEGGING AS THE PRODUCT OF POVERTY AND DISABILITY

It is evident from the above study that the reasons, for which child and disabled persons chose to beg, are physical defects, poverty, motivation of their siblings, lack of skill, unemployment, abandonment, homelessness, uncontrolled migration, lack of education, religious belief and poor access of rehabilitation services³⁴. Among all other causes poverty is one of the primary reasons behind menace of child begging. It is poverty that forces the parents to send their children to prostitute, to sell their children for child trafficking, to refuse education to their children and forces them to work day and night. Poverty is linked with all forms of child exploitation. Children from low-income households are compelled to beg or work in order to boost the family's income. Many youngsters are prevented from attending school as a result of poverty. Over the years, numerous impoverished nations have created unique and innovative programmes to combat poverty, but the initiatives have never been successful. In order to permanently alleviate the issue, some NGOs have suggested that the government set a monthly allowance for the deserving beggars. But it always fell short³⁵.

People with disabilities earn much more money than disabled beggars, from begging. Most people with impairments have little formal schooling. People with disabilities often beg because they are unemployed, others beg because they are impoverished, and some beg to prevent becoming disabled. Sometimes the only way for persons with disabilities to get money is to beg. People with disabilities beg in a variety of ways, including organised begging, forced begging, and purposeful maiming. Because people are sympathetic to those with impairments, gangs who engage in organised begging take advantage of them to acquire more money³⁶. In a nutshell, children and people with disabilities beg because they are unable to get the money, they needed due to unemployment and poverty, and they make more money from begging than beggars without disabilities due to sympathy³⁷.

VII. CONCLUSION AND SUGGESTIONS

Although not all persons with disabilities are poor, but now it is well established fact that disability is one of the reasons of increasing poverty in group of persons, suffering with disabilities. The current study demonstrates that, in terms of access to employment, income, social support, and civic engagement, people with disabilities are less fortunate than their non-disabled peers in low- and middle-income nations. Child beggars with disability are among the poor and disadvantaged group in society. Children with disabilities are more susceptible to being coerced into begging since they earn more money than other child beggars. Due to parental poverty, many children are forced into the contemporary bondage of begging. Most important cause of begging by people with disabilities is the inefficiency of programs that combat begging, and beggars are not under direct supervision of institutions and ministries. According to this study, social exclusion, and a lack of access to essential resources like healthcare, employment opportunities, and social support networks, which link

³⁴ Amos Taiwoa, "Critical Analysis of the Causes and Implications of Street Begging among People Living with, Disabilities in Ibadan Metropolis, Nigeria", 2 IJARSSEST (2016).

³⁵ Neha Tomar and Dr. Saroj Choudhary, "Child Begging: Legal Shortcomings or Social- An Empirical Study" 2, IJARIE, 176(2016).

³⁶ Anupama Kaushik, "Rights of Children: A Case Study of Child Beggars at Public Places in India", 2, JSWHR, 105(2014).

³⁷ Matthew Wells, "Off the Backs of the Children: Forced Begging and Other Abuses Against Talibes in Senegal", (Human Rights Watch, New York, 2010).

disability and poverty at the family level, are the real causes of the issue of begging rather than the individual with a disability. Though the Government has made efforts to care and protect such people, yet these are not sufficient to uplift them from their low status. It is important to take steps to eradicate poverty which is the chief cause of begging. There is a need of specific research to understand the cause and consequences and to find out appropriate solution to mitigate this problem. Following footsteps may be taken to rehabilitate disabled beggars as well as disabled child beggars:

- Priority should be given to eradication of extreme poverty because owing to poverty many people take to begging.
- The Scheme prepared by state for the betterment of disabled beggars would cover identification, rehabilitation, provision of medical facilities, counselling, education, skill development that would help beggars to find jobs to earn their livelihood with the support of State governments & NGOs.
- Assistive device and required equipments should be supplied to the trained and skilled disabled who wishes to work outside and there should be a special marketing system for products which are made by disabled.

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