

THE REHABILITATION OF BEGGARS IN NIGERIA: A SOCIAL-LEGAL PERSPECTIVE

E. I. Obarisiagbon Memudia Egltagie and Osagie Eguagie

Abstract

One problem which has generated a great deal of popular discussion and concern among various people in Nigeria but has so far received little serious consideration either from the government or from the so-called charitable organizations, is the issue of "beggars". The reason is not because of a total lack of appreciation and sympathy on the part of these bodies, but perhaps, because of the elusiveness and complexity of the problem and the ambivalence with which the society views it. Using this as a basis, this study examines the concept of "Beggars" its classification and makes a sociological and legal explanation of the issue. Based on these, the paper also offers some useful social and legal policy guidelines for the rehabilitation of beggars in Nigeria.

It is paradoxical that the commonest of terms can sometimes be the most difficult to define. True, the concept "Beggars" has defied a precise social or legal definition although its existence is widely recognized. Nevertheless, the fact remains that it is a social problem. It is a social problem because it fits in all four corners with the definition given by Merton and Nisbet (1971). They view social problem as a way of behaviour that is regarded by a substantial part of a social order as being a violation of one or more generally accepted or approved norms and which requires an action to alter the situation.

For the purpose of this paper, beggars are those who either due to poverty, old age or ill-health (which may arise from natural or accidental causes) find themselves in a position where they have to beg in order to put body and soul together.

Sociological Explanation of Street Begging

For a meaningful and analytical discussion of the issue under consideration, we think that begging should be categorized. Consequently, two classes of begging are identified in this paper viz: .

- a) Begging which does not constitute a social problem, and
- b) Begging which constitutes a social problem.

The first class of begging which can be subsumed under this type is begging by mothers of twins, by masked actors during 'Egungun' festival, by students in higher institutions during Rag Day Celebrations and by indigent students in order to complete their education. Let us briefly discuss each of these.

Johnson (1969), has explained that no condition is invested with an air of greater importance or has a halo of deeper mystery about it, than that of twin-birth; for they are almost credited with extra-human powers. Their mothers are thus expected to carry them about the street, begging for alms at a particular period. It is believed that when this is done, the child will not die. Unfortunately, today some mothers of twins virtually take to street begging as a profession and this negates the traditional definition of the situation.

Amongst the Yorubas, the period "Egungun" Festival is celebrated, is also an occasion when street begging is legitimized. It is believed that, to give alms to an Egungun is to indirectly invoke and receive blessings from the spirit of the departed ancestors.

On the other hand, begging during Rag Day Celebrations among students in tertiary institutions is a colonial tradition which has become a part of us. The reason for it, is that the alms received are used for charitable purposes.

There are also the sophisticated beggars such as the street corner drummer boys, the street artists and the solo singer entertainers. Although, they appear harmless, their main aim seems to be to entertain people in diverse ways, with the hope of receiving money. This to us is a modern method of begging.

The latter class of begging, one which constitutes a social problem is usually engaged in by children, adolescents and adults who are physically handicapped. While some may be mentally

retarded, others are just indolent. They are usually seen in open places shabbily dressed, under fed and diseases-ridden.

Perhaps, we should venture to ask why street begging has constituted a critical social problem in Nigeria. The following pages offer some answers.

A major cause of street begging to us is relative poverty. It is thus contended here that Nigeria by virtue of being a capitalist society contains those conditions which mass-produce beggars. An illustrative example might make the point more vivid. In Nigeria, like other capitalist societies, everything is for sale including health. For instance, if a parent has not got the fund to take his child to the hospital for

treatment at an early stage of an eye disease, the eyes of the child could deteriorate badly thus becoming blind in later years. The child's easiest means of livelihood automatically becomes street begging.

There is also an unequal access in Nigeria's social structure thus creating the ground for people to take to street begging as a means of keeping their hopes alive. Without mincing words, unemployment is a major cause of inequality and poverty in any country-the world over. To a large extent, gainful employment is a sure avenue to a fairly decent living. Some years ago, the acquisition of education was recognized as a license to gainful employment. How true this assertion is today in Nigeria is a debatable issue. The inference which can be drawn from this is that if able-bodied and educated Nigerians are unemployed and cannot afford a decent living, the disabled will definitely be worse off. The implication is that the latter (i.e. the disabled) will take to street begging as a way of life.

Let us at this point examine the causative role of religion in street begging. It is here contended that the extent to which particular religious beliefs are invoked as rationalizations of begging calls for a thorough analysis. For one thing, the tenets of Islam and Christianity seem to us to encourage the giving of alms to the poor and the needy. In fact, it is generally believed that anyone who give fulfils a religious obligation. Or else, how do we explain the Biblical injunction "it is more blessed to give than to receive"? Of course, this act of giving is not only psychologically satisfying,-it gives an inner feeling that the act-may procure the alms' giver other economic and social rewards in the future.

From the foregoing discussion, some questions beg for answers and we are not making any pretentious attempt at answering them. This is because they rightly constitute areas for further research. Let us only at this stage raise them:

1. Could one safely ascertain that a person who performs his religious obligation by giving alms to the poor encourages the institutionalization of begging?
2. Can we contend without fear of contradiction that the tenets of Islam constitute a framework for rationalizing the institution of begging?

True, further research is needed to resolve these propositions.

Legal Explanation of Street Begging

Our task here is to thoroughly examine the position of the beggars under the existing Laws in Nigeria and to suggest Legal changes as per schemes to rehabilitate beggars throughout Nigeria.

Like any Nigerian, the beggar is subject to the laws of the land and may in fact, incur additional liability under certain laws simply by having a disability.

By section 35 (1) of the 1999 Constitution of the Federal Republic of Nigeria, personal liberty is guaranteed to every person in Nigeria. However, the same Constitution provides in S.35 (I) (e) that such liberty shall be deprived.

hi the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or vagrants, for the purpose of their cares or treatment or the protection of the community.

With due respect, we submit that beggars form a class of exception to the legal principle of equality of all citizens before the law.

By far, a greater degree of liability attaches to beggars under the Nigeria criminal law. In dealing with common nuisances, section 234 of the Criminal Code (hereinafter referred to as C.C.) provides that any person who:

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Obstructs any highway, by any permanent work or erection thereon or injury thereto, which renders the highway less commodious to the public than it would otherwise be; or **b)** Prevents the public from having access to any part of a highway by an excessive and unreasonable temporable use thereof, or by so dealing with the hand in the immediate neighbourhood of the highway as to prevent the public from using and enjoying it securely is ... quality of a misdeameanour and liable to imprisonment for two years.

We submit here that beggars can easily contravene this provision of the law as they have to spend a great deal of time on the highway to beg for alms from passers-by.

It is perhaps, the provisions of S, 249 (b) Criminal Code that is more direct and specific as per beggars' position under the Nigeria laws. It states that:

Every person wandering or placing himself in any public place to beg or gather alms or causing or procuring any child or children so to do, shall be deemed idle and disorderly person, and maybe arrested without warrant, and shall be guilty of a simple offence and shall be liable to imprisonment of one month.

The legal implication of this provision is that begging is prohibited under our law. Therefore that a number of beggars in Nigeria commit crimes daily without knowing that they do so. A follow up provision is S.250 (2). This states inter alia:

Every person wandering abroad and endeavouring by the exposure of wounds or deformation to obtain or gather alms.... Shall be deemed to be a rouse and a vagabond and is guilty of a misdemeanour, and is liable to on summary conviction for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year. An offender may be arrested without warrant.

Another interesting aspect of begging which needs throwing legal lights on is S.250 (3) C.C.

Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretense, shall be deemed to be a Rogue and vagabond and is guilty of a misdemeanour and is liable on summary conviction for the first offence to imprisonment for three months and for every subsequent offence to imprisonment for one year. An offender maybe arrested without warrant.

This provision shows that the law anticipates that some impostors might go begging for alms claiming to be representing charitable organisations whereas the alms received are used to line their private pockets. Although, no notorious case exists presently, it does not; however mean that fraudulent persons have not begged for alms under the cover of charitable organisations.

A careful perusal of the provisions above reveals that beggars are constantly contravening the laws of the land and that the law confers on the police power of arrest without warrant. Happily, this power of arrest is seldom (if ever) used by the police on these pitiable and less fortunate creatures. Policy Guidelines For the Rehabilitation of Beggars in Nigeria.

At this stage, we shall consider the form the rehabilitation of beggars should take and see the role the law and social policy formulators can play in such an undertaking. The rehabilitation of beggars is a herculean task which must be preceded by a thorough investigation into the position of beggars. We must have sufficient data about them in order to enable us understand better their problems and the extent of assistance they need.

So, we are calling for a national and comprehensive study of beggars. This should include a census of beggars, their classes, their demographic, social, economic, medical and psychological features.

This we believe can be facilitated by the Federal and State governments working out a collaborative scheme with Faculties of Social Sciences in Nigerian Universities.

Naturally, one is tempted to advocate a repeal of all existing laws under which a genuine beggar may face criminal prosecution. But, we think that the issue should be left to the good sense of the Police who have been quite considerate.

We suggest that more work-houses and training centres for disabled persons should be established. Teachers who are specially trained to work with the disabled should be recruited and placed on an attractive salary. Once these handicapped persons complete their training, they should be given gainful employment.

Moreover, we strongly recommend that older People's Home and Mental Homes should be established. Existing ones should be rehabilitated. Where families of these persons can be identified, voluntary and governmental agencies should give all kinds of support as per the re-absorption of their disabled ones.

With profound respect, we do not think the Federal and State Governments are doing enough as it relates to the Rehabilitation of Beggars. This is therefore, a clarion call on government to encourage and assist in the establishment of charity organisations while persons of known integrity should be recruited to operate such charity organizations. The laudable efforts of project Charilove. Osunde Foundation, Oronsaye Orphanage Home and others in Edo State are worth not only commending but complimenting.

More importantly, rather than engaging in political schisms and unnecessary oversea tours, the Federal and various state Governments should make a legislation that every employed person shall pay a small percentage of his salary towards the rehabilitation of beggars. Such a levy if considered, should be graded according to the employee's level of income.

It is our suggestion that a special day should be set aside as "National Day of Charity" when business Organisations, individuals and philanthropic organizations can donate freely for the maintenance and care of beggars. Our fear is whether there won't be an imbroglio between the Presidency and the National Assembly as to who has the power to declare a day "National Day-of-Charity".

Thus far, we have proffered some short-term measures for the rehabilitation of beggars in Nigeria. A long-term measure is equally needful. Consequently, we proposed that the political leadership should create Legislative and Judicial reforms, to strengthen the, operations of the following: exploitation, utilization and distribution of natural resources to truly benefit Nigerians and the provision of gainful employment opportunity to all. To this end, the Federal Government's

poverty Alleviation Programme is worth commending but areas of heavy waste in its execution should be quickly redressed.

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