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# **CHILD RIGHTS AND THEIR LEGAL PROTECTION**

AUTHORED BY - AISHWARYA KRISHNAN KUTTY.  
& RUTUJA RAJENDRAKUMAR PHEGADE.

## **1. Abstract:**

India marching towards a USD 5 trillion economy sees many challenges that could pose to be an obstacle in this aspiration. All over the world when children remain the focus group of human development a glaring disparity prevails in India. With an HDI value of 0.633, India ranked 132 out of 191 countries in the 2021 human development index, according to a report released by the United Nations Development Program. This is due to social inequality and a large segment bereft of opportunities.

The researchers take the journey of inquiry to assess the level of awareness of the educated people of society with respect to child rights and child menace in society. There has been a large body of research on studies relating to adult begging but very few on child begging.

An attempt is made in this research endeavor to assess societal initiatives to overcome this issue of child beggary.

Keywords: child begging, child rights, level of awareness, societal initiatives.

## **2. Introduction:**

Children are the most vulnerable part of our society. It is the right of every child to have a positive, nurturing and healthy childhood. Only then will they be able to reach their full potential. Children are the future of a country and it is very crucial for both the government and the society to protect and take care of their well being to ensure that they become fruitful individuals and contribute positively towards the society. But sometimes children have to take up the role of an adult and become their own guardian. One such group of children are child beggars. It is estimated that 3 lakh children in India are forced to beg. Sometimes it's their parents itself that force them to beg. Whereas sometimes these children become victims of child begging rackets

where they are tortured, exploited and taken advantage of. In some cases, these children are abandoned by their own parents and they have no one by their side. Under such circumstances, these children have to resort to begging in order to survive.

As per Census data taken in 2011 by the Ministry of Social Justice & Empowerment, there are 45,296 children between the age group of 0 – 14 years are engaged in the act of begging.

Name of the State/UT	Total (0-14 year3)
Punjab	1,214
Haryana	1,171
Rajasthan	7,167
Uttar Pradesh	10,167
Bihar	3,396
West Bengal	3,216
Jharkhand	1,254
Chhattisgarh	1,065
Madhya Pradesh	2,592
Gujarat	1,982
Maharashtra	3,026
Andhra Pradesh	3,128
Karnataka	1,602
India	45,296

As per the information available on the website of Registrar General of India, State-wise details of number of children (Age up to 14 years) engaged in the act of Begging. These figures are

based on Census 2011.

In order to curtail this problem, government as well as members of society play an important role. In our research we are focusing on four categories of members of society – teachers, social workers, parents and students.

Legal framework for child beggars:

- 1) **CHILDLINE:** Childline India Foundation is a non – governmental organization that operates a telephone helpline number called CHILDLINE 1098. Childline India Foundation (CIF) is the nodal agency of the Union Ministry of Women and Child Development. This is the country’s first toll – free number for distressed children living in streets. This number operates across 602 cities and districts covering over 81% of the Indian landscape. CHIDLINE operates centralized call centers from 6 regional locations.
- 2) **Bombay Prevention of Begging Act, 1959:** Under this act, definition of a child is a boy under the age of 16 and a girl under the age of 18. A child under the age of 5 must be referred to a children’s court. As per section 11 of the Bombay Prevention of Begging Act 1959, “Whoever employs or causes, any person to solicit or receive alms, or whoever or causing having the custody, charge or care of a child, connives at or encourages the persons to employment or the causing of a child to solicit, or receive alms or whoever uses another person as an exhibit for the purpose of begging, shall on conviction be punished purposes of with imprisonment for a term which may extend to three years but which shall not be”
- 3) **Juvenile Justice (Care and Protection of Children) Act, 2015:** As per Section 2 (14) (ii) of the JJ Act,2015 “a child who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street is included as a ‘child in need of care and protection’, among others”. As per Section 76 of JJ Act, “whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees”
- 4) **Integrated Child Protection Scheme: 2009:** This scheme covers various schemes for children in need for care and protection and children in conflict with law.
- 5) **Railways Act, 1960:** As per section 144(2) “If any person begs in any railway carriage or upon a railway station, he shall be liable for punishment”
- 6) **The children Act, 1960:** As per section 42 of this act “Whoever employs or uses any child

for the purposes of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both”

- 7) Indian Penal Code, 1860: As per section 363A of IPC “Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purpose of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”

### 3. Research Problem:

Child begging has become an increasingly rampant issue in the Indian society. The Indian government has constitutionalized several laws and policies regarding child begging. This research paper focuses mainly on two things-how aware people of laws and policies against child begging and how involved people are in reducing this menace.

### 4. Research Gap Analysis:

Studies on public awareness about child begging are very scanty. Majority of the studies done so far focuses on government’s role in reducing child begging but rarely any studies have been done to measure the societies’ involvement.

Also, multiple studies have been done centering different geographical areas but there are very few such studies focusing on Mumbai.

### 5. Objectives:

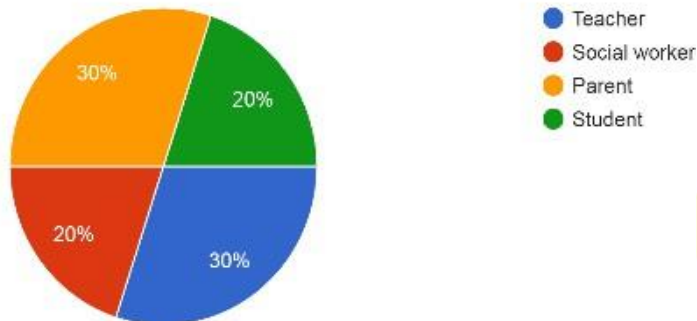
1. To check whether people are aware of various policies and laws regarding child begging
2. To check the awareness and usage of Childline number.
3. To check how involved people are in reducing child begging.
4. Research Methodology:

The present study is qualitative in nature and is conducted on the basis of primary and secondary data. The primary data used in his research is collected using surveys. Secondary data is obtained from research papers, government websites and online articles. The data is collected from 4 categories of people: teachers, students, parents, and social workers. A total 100 responses were received.

## 6. Data Analysis And Interpretation:

Select the category under which you fall

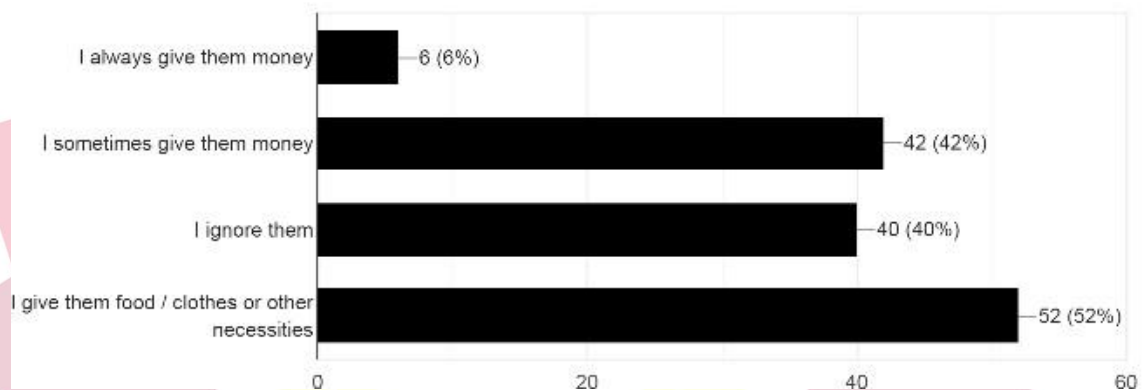
100 responses



The google form was circulated among teachers, students, parents and social workers. 100 people responded to this google form. Among these 100 respondents, 30% were teachers, 20% were social workers, 30% were parents and remaining 20% were students.

What is your first reaction when you see a visibly minor child approaching you for begging ? what would you do ?

100 responses

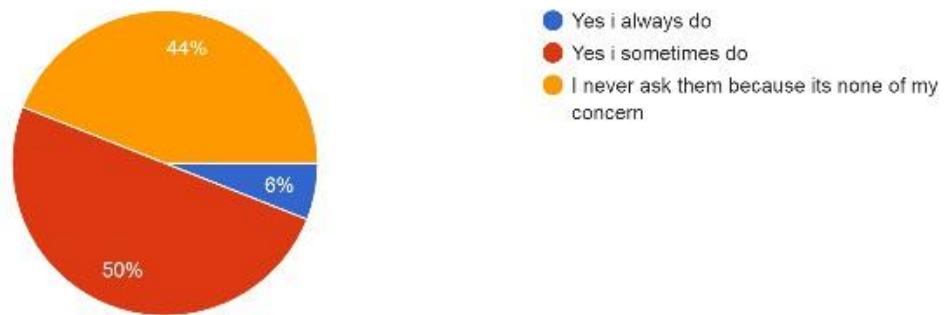


The above question option was given in a checkbox format i.e. one respondent can select more than one option.

Majority of the respondents (52) would give these children food, clothes and other necessities. 40 respondents said they would ignore if a child comes to them to beg whereas 42 respondents occasionally give these children money. Only 6 respondents would always give money to these child beggars.

Have you ever enquired about their reason behind begging ?

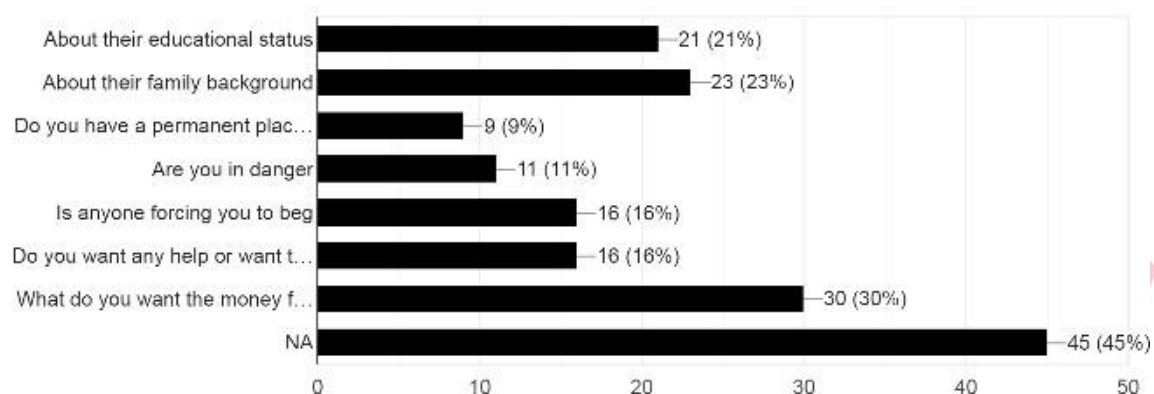
100 responses



The responses received unveil that a staggering 44% of people never ask these children about their reason behind begging. Half of the respondents (50%) would sometimes ask these children their reason behind begging whereas only 6% of people always ask these children their reason behind begging.

If your answer to the above question was YES then what did you enquire about ?

100 responses

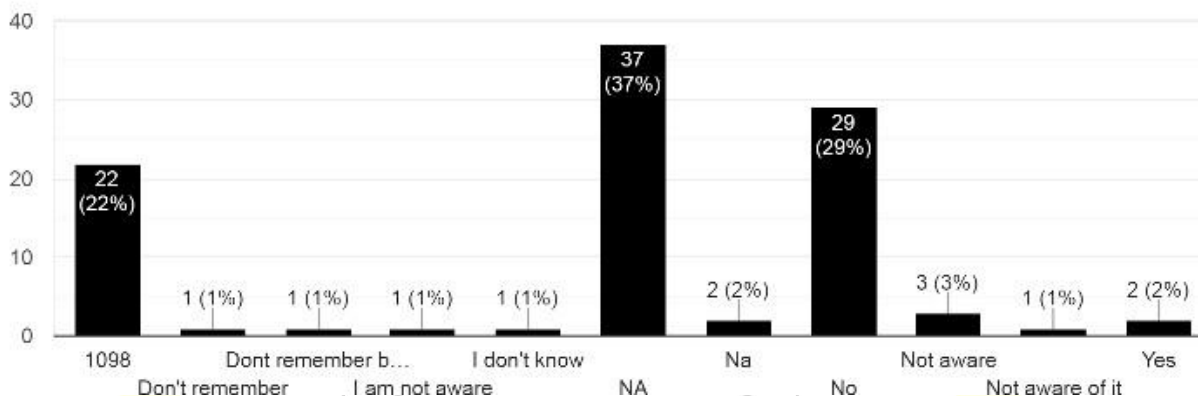


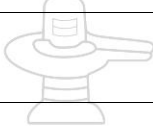
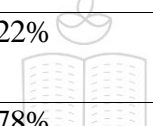
The above question option was given in a checkbox format i.e. one respondent can select more than one option.

45 respondents didn't enquire anything about these children. 30 respondents wanted to know their reason behind wanting the money. 23 respondents enquired about their family background whereas 20 respondents chose to enquire about their educational status. 16 respondents offered to help these children and are willing to approach the authorities for them. Another 16 respondents were concerned about whether anyone was forcing these children to beg. 11 respondents checked whether if these children were in danger. Only a small percentage of 9 respondents enquired whether if they had a permanent place to stay.

Do you know about the child line India foundation and their emergency 24/7 toll free CHILDLINE number ? ( Type the number below if you are aware of it)

100 responses

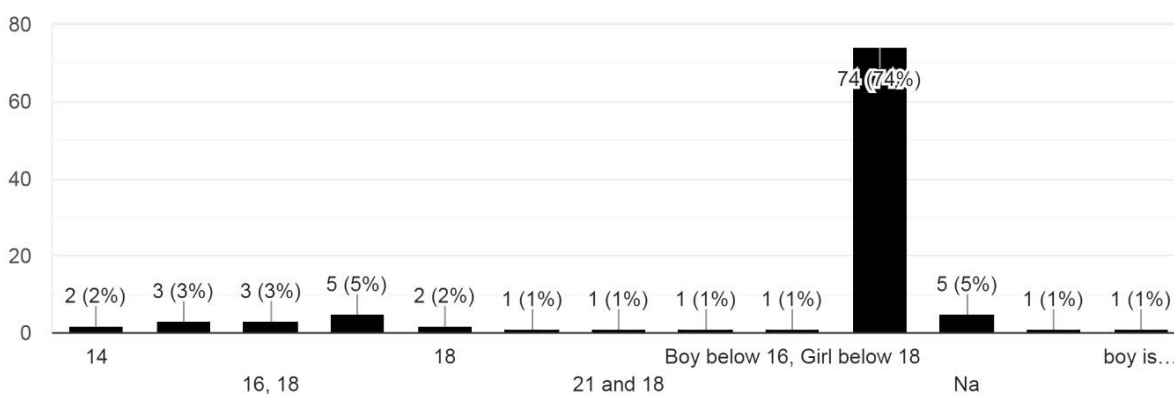


1098 correctly answered	 22%
NA (not aware)	 78%

Out of 100 people who responded, only 22 people were able to answer the Childline number correctly. Remaining 78 respondents are not aware of the Childline number.

As per the 'Bombay Prevention of Begging Act' a child is defined as a boy under the age of \_\_\_\_ and a girl under the age of \_\_\_\_ ( NA if you are not aware )

100 responses



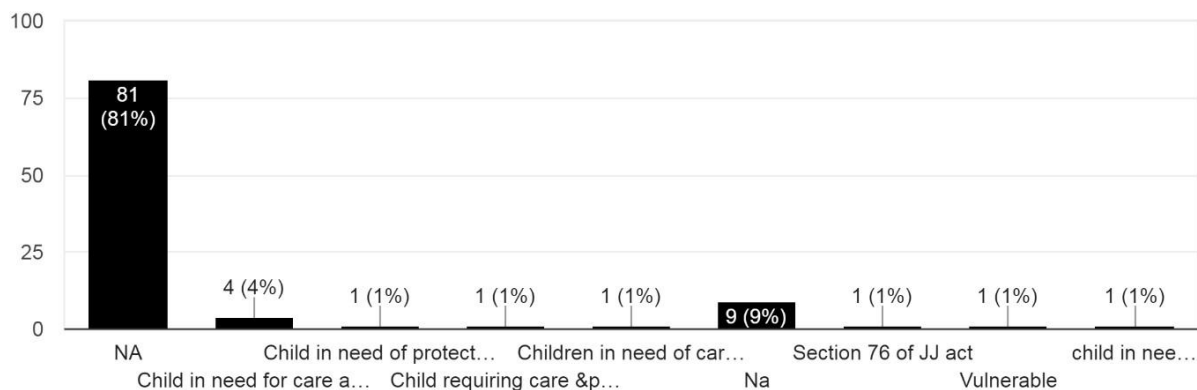
Boy 16 and girl 18 answered correctly	14%
NA (not aware)	86%

Out of 100 people responded, a small percentage of only 14% people were able to answer the

ages of boy and girl correctly. Remaining 86% respondents don't know the answer to this question.

As per Juvenile Justice act 2015, a child found begging is included in which category ( NA if you are not aware )

100 responses

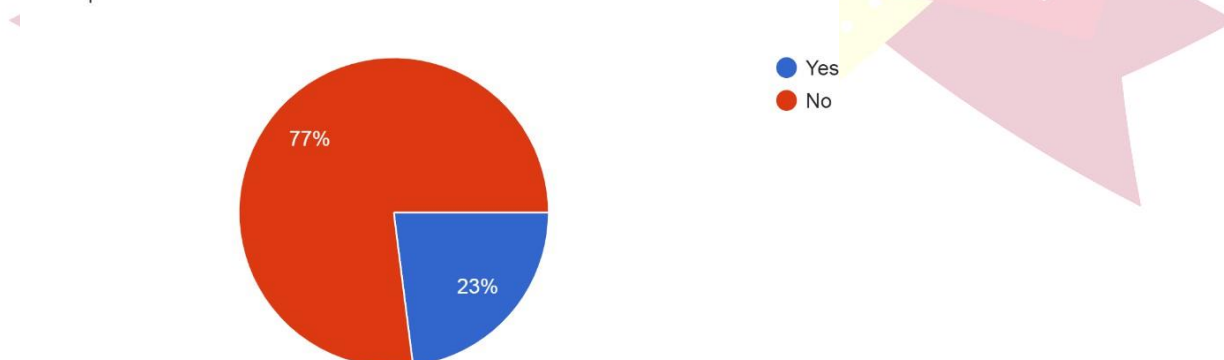


Child in need for care and protection answered correctly	8%
NA (not aware)	92%

As per the responses received from 100 people, only 8% of people who responded were able to answer the question correctly.

Are you aware of the Integrated child protection scheme 2009-10

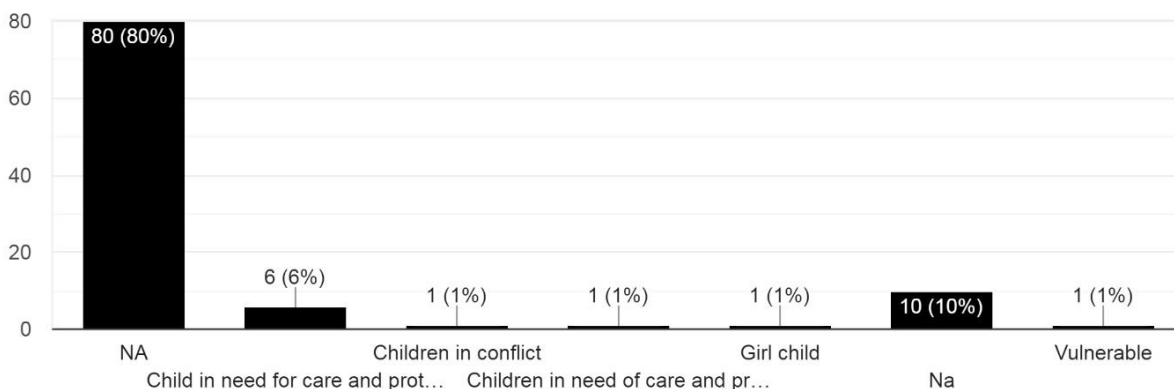
100 responses



Out of 100 people who responded to the above question only 23% of respondents are aware of the Integrated Child Protection Scheme. A vast majority of respondent are not aware of this scheme.

The above mentioned ICPS act by the government of India places a special emphasis on which category of children ( NA if you are not aware)

100 responses



Children in need for care and protection answered correctly

7%

NA (not aware)

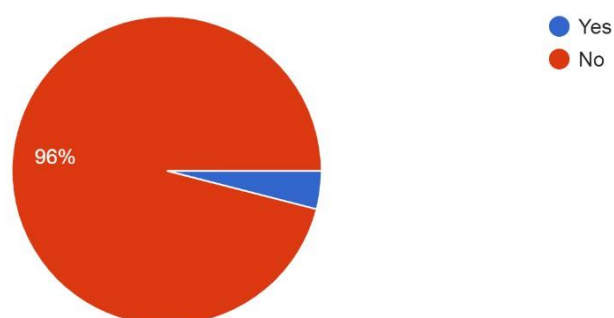
93%

The above question was answered by only 7 people correctly out of the 100 people who responded. Remaining didn't know the answer to this question. This shows that majority of the respondents are not aware of the main emphasis of Integrated Child Protection Scheme.

Sheth T. J. Education Society

Have you ever tried using the CHILDLINE number to report a case of child begging

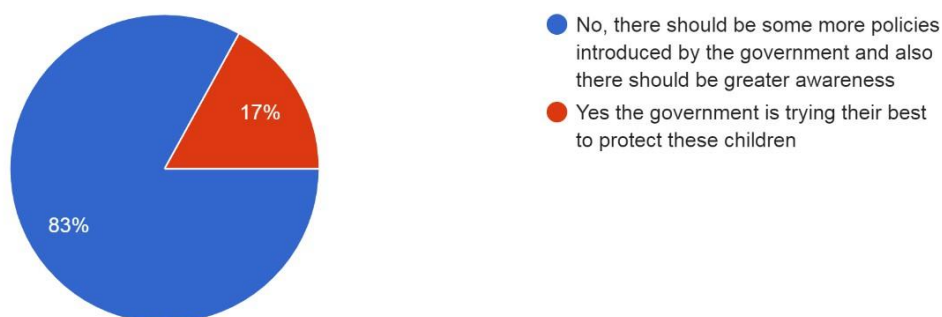
100 responses



As per the above data out of 100, 22 respondents are aware of Childline number but this data reveals that only 4 respondents out of 100 respondents have used the Childline number.

Do you think the government is taking maximum efforts to protect these children

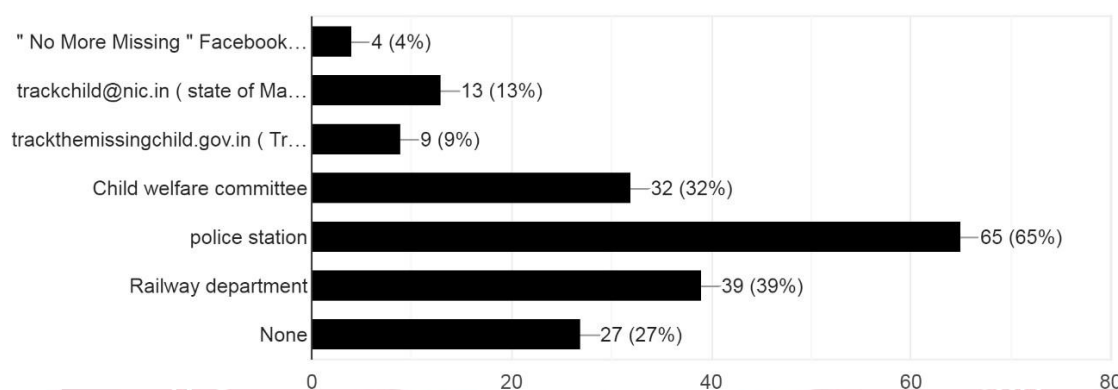
100 responses



A minority of only 17% of people feel the government is doing a good job at protecting these children. The majority of 83% people feel like the government could do more for these children by introducing more policies and creating more awareness about the existing policies.

Are you aware of any legal bodies / websites where you can report/ post information of such children?

100 responses

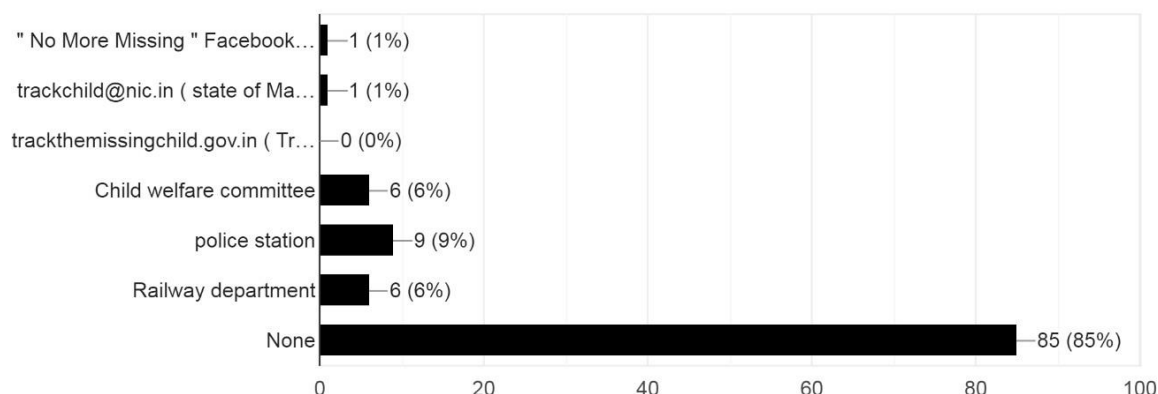


The above question option was given in a checkbox format i.e. one respondent can select more than one option.

65 people are aware of police station. The second option after police station that people are aware of is the railway department. 39 people chose this option. 27 people are not aware of any of the above-mentioned platforms used for reporting child beggars. 32 people seems to be aware of the child welfare committee. 13 people are aware of trackchild@nic.in whereas only 9 people are aware of trackthemissingchild.gov.in

A small portion of only 4 people are aware of no more missing Facebook page.

From the above mentioned websites, have you personally used any of them to report  
100 responses



The above question option was given in a checkbox format i.e. one respondent can select more than one option.

Since 85 respondents chose the none option, majority of the people have not personally used these platforms. 9 respondents have used police station to report child begging where as 6 respondents have filed a report against child begging through the railway department. No respondent has used trackchild@nic.in. 1 respondent has used trackthemissingchild.gov.in and 1 respondent has used no more missing Facebook page to make a report.

## 7. Conclusion.

The laws and policies in place to address child begging are robust, but their effectiveness depends largely on public awareness and active participation. Legal intervention must go hand in hand with community mobilization and awareness campaigns, such as promoting the use of the 1098 Childline number, informing the public of existing child protection laws, and ensuring that citizens know how to report cases of child begging. With greater legal awareness and the active involvement of the community, child begging can be significantly reduced, and the rights of children can be better protected.

1. Yatharatha Foundation v. Union of India (2023): In September 2023, the Delhi High Court directed the Delhi government to submit a detailed status report on the rehabilitation of children rescued from begging. The court emphasized the need for comprehensive measures to address child begging, including the assessment of rehabilitation centers' long-term impact on the children in their care.

## 8. Suggestion:

People's mindset of normalizing child begging should be changed. More people should be encouraged to take actions against child begging.

Schools and colleges can conduct seminars and workshops regarding various laws and policies against child begging to make the youth more aware of this issue.

In public places such as railways stations, junctions, highways, malls, busses, etc. installation of banners, posters, etc. can be done to make people more aware of this issue.

In trains, busses, railway stations, etc. announcements can be made about dialing 1098 Childline number to report cases of child begging. This will make more and more people aware of the existence of this number.

Banners and posters can also be made and installed in public places to increase the awareness.

Government can make advertisements to educate and increase awareness among people on the existence of various laws and policies and Childline number.

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