

## AN ANALYSIS OF DISABLED CHILD BEGGARS IN INDIA

### Abstract:

Every social problem that comes before us requires an extensive, thorough, practical, and long lasting solution. A solution framed should help the person in need and should place them in a better place than before. The beggars in India is one such social problem existing to which we have not been successful in getting a solution. People perceive beggary as a social problem which has no potential answers. The 'well accomplished' internet has targeted the beggars and beggary in India to an extent that people are wary of beggars and don't want to come into their sight. This include beggars of all ages. Sadly about 60,000 children in India are trapped into this business/profession each year. In the USA no child is seen begging. The social services takes care of the children and puts them in a protective home where holistic development of the child can take place. It gives a lot of emphasis on child rights, and a chance to enjoy their rights freely, expressly and without any fear. But in India, where Rule of Law is upheld, and when we as a democratic country are striving hard to protect the interest of everyone, why is something like Child Rights which has been an issue for more than a decade not able to meet with a solution? In discussing the aspect of Child Rights and Beggary, this paper shall consider the question of child beggary and the disabled child beggars in India. It shall also highlight the problems faced and why solutions for this practice are not very handy; as 'Beggars are not beasts with claws', they are human beings and should be treated like so.

*Keywords: Child beggars, disability, beggary*

### Introduction:

Children are the messengers of God, they say. Most of them dream about what they are going to be in future while others decide what to play. All children have hopes and dreams- including children with disability. The most vulnerable group of people includes old people, disabled people, single women, women-headed households, single unprotected children, child-headed households, people with debilitating illness. All children should be able to make their dreams real. Human Rights are derived from the dignity and worth inherent in the human

person. Democracy, development and respect for human rights and fundamental freedoms are interdependent and have mutual reinforcement. The human rights for children, therefore, inalienable, integral and indivisible part of universal human rights.

In accordance with the United Nations Convention on the Rights of the Child (1989), a child is defined as a boy or girl aged less than 18 years old unless under the law applicable to the child, majority is attained earlier.

The ‘Convention on the Rights for the Child<sup>1</sup>’ which is a human right treaty sets out the civil, political, economic, social, health and cultural rights of children is in play in the United Nations as well as in India. India ratified this treaty on October 1, 2007. Some of the important elements of this treaty are:

**Article 20:** “A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.”

**Article 23** points out that the states parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community; that the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources....; that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

The International Labour Organisation defines ‘begging’ as: “a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale.”

**The Bombay Prevention of Begging Act, 1959** which is in force in many states defines<sup>2</sup> “Begging” as:

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<sup>1</sup> United Nations Human rights, Convention on the Rights of the Child, available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>2</sup> Section 2(1) Bombay Prevention of Begging Act, 1959 Act X of 1960

- a) Soliciting or receiving alms, in a public place whether or not under any pretence 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 soliciting or receiving alms;
- e) Allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms.

All children who are forced to beg are subjected to forced labour, which is defined according to the International Labour Organization's (ILO)<sup>3</sup> as "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". Forced child begging by third parties is slavery, servitude or a practice similar to slavery.

Article 8 of the Declaration on the Right to Development<sup>4</sup> provides that the State shall undertake at the national level, all necessary measures for the realisation of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Appropriate economic and social reforms should be carried out with a view to eradicating all social injuries.

In India sadly there are no welfare laws, which protect the rights of the disabled children who are begging. Children may fall and they might be abused physically, emotionally and sexually in the places where they beg. The most appalling aspect is that there is no direct legislation, which is vested with powers to deal with the problems of these children. The Police, Labour Department or any other State Agency is not prepared to deal with the issue of disabled child begging. Local police stations know exact locations where kids are forced to beg, but not all cops were enthusiastic about the task. Officers believe they have more serious crimes to bother about. There is violation of the Fundamental Rights and all International

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<sup>3</sup> Convention No. 29 on Forced Labour (1930)

<sup>4</sup> Declaration on the Right to Development, United Nations General Assembly, retrieved from: <http://www.un.org/documents/ga/res/41/a41r128.htm>

treaties and Conventions related to Human Rights and Child Rights where India is a signatory.

### **Reasons for children to beg:**

- Poverty
- Abandoned by the family
- Family encouragement: Some children are forced by their parents to beg or they will suffer dire consequences. Afraid of this, children beg.
- Some children are attracted by this
- Failure of Government Services and Policies: When these policies are unable to reach the children, they take matter in their own hands and choose to beg.

### **Living and Working Condition of Disabled Children**

The living and working conditions of the disabled children is pathetic. Some of the broad categories are:

- Meals

Most of the time, special children are not able to fend for themselves. Most often, the food is inadequate to satisfy the appetite of young growing children.

- Poor Sanitation

Since there is no proper place for a child to stay, there are no proper toilets and bathrooms for children to use. Children therefore are forced to defecate in the open. In general, condition of sanitation is most pathetic. It also precipitates unhygienic conditions that could lead to diseases. Children with disabilities often report that they try to drink and eat less to cut down the number of times they need to go to the toilet, especially if they have to ask someone to help them. This adds to the risk that these children will be poorly nourished. It is also cause for concern that in some places, new water, sanitation and hygiene (WASH) facilities are still being designed and built without adequate concern for children with disabilities. Low-tech, low-cost interventions for persons with disabilities are increasingly available – new step

latrines and easy-to-use water pumps, for example. This information has yet to be widely disseminated among WASH professionals or incorporated into WASH policies and practice.<sup>5</sup>

- No Health Care Personnel

Another important issue concerning the children is the lack of any health care personnel to look into their day-to-day health care needs as well as the accidents that might occur.

- Bound by Contract

The children are forcefully bound by the contract if it is signed/agreed upon by the parents or guardians of the children, these young ignorant children are bound and indebted to the agent and are unable to break away from the clutches of their agent, even if they are discontented with their lives.

- Daily Routine hindering their All-round Development

A child speaks not from his mouth from his expressions. An inhumane activity like begging forces many of the children to hardships; as a result proper development of the child cannot take place. What sort of a future are we looking at if proper development of the child cannot take place? Because of these reasons, a child may commit a crime for which again there is no proper recourse available. Opportunities available outside, they are unaware about it and they monotonously lead their life begging.

Consequently, they are exposed to a world which hinders their psychological, spiritual and socio-economic development, with no knowledge of their rights, duties and scope for a better future. Instability in life, makes it difficult for them to pursue formal education, resulting in a large number of illiterate children and adults.

Between 30% and 60% of urban dwellers in developing Asia live without the security of a house. People are evicted every year in cities around the world, even in strong democratic countries like India.<sup>6</sup> For these people, there is no rehabilitation home or another dwelling present; children and women suffer the most and for sustenance of their life, they choose to beg.

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<sup>5</sup> UNICEF, The State of the World's Children 2013, CHILDREN WITH DISABILITIES, available at: [http://www.unicef.org/disabilities/files/Final\\_Flyer\\_WASH.pdf](http://www.unicef.org/disabilities/files/Final_Flyer_WASH.pdf)

<sup>6</sup> ASIAN DEVELOPMENT BANK, URBAN POVERTY IN ASIA, available at: <http://www.indiaenvironmentportal.org.in/files/file/urban-poverty-asia.pdf> accessed on January 21, 2015

In a developing country like India which takes pride in calling itself the country where 'Rule of Law' is prevalent, the situation of the disabled children is worst. They are often considered as inferior and a marginalised section of the society open to discrimination and exploitation. The end result which we see does not bring any good image. Because they are vulnerable and the parents abandon them, they often choose to live their rest of the life 'begging'.

When children and women beg on the streets, people on roads often ask themselves whether alms or money needs to be given to the beggars. The internet is flooded with articles which say this practice should not be entertained as they will not earn money on their own and would always be dependent on others for sustenance of their life. Children who beg should never be given money, since they should be in school, women who beg with children in their arms should never be encouraged since they were unethically using the child, and adult male beggars, generally few and far between, should not be encouraged because they plan to blow it on booze.<sup>7</sup> Another thought which revolves around this is that, women and children should be given money because if not, their sustenance is at a risk. They are the needy and should be given the best possible treatment which a person can give to them.

Research has shown that those who live their lives on the street are desperate to move on, but are without the support and services necessary to do so. Placing a greater emphasis on policies of enforcement will increase street homeless people's contact with the police and the criminal justice system. This is not only a costly and ineffective means of tackling the problems of street homelessness but is unlikely to tackle the root causes of begging and may have the effect of exacerbating the problems facing some of the most vulnerable people in our society.<sup>8</sup>

### **Suggestions**

With more than 20.42 lakh disabled children (aged between 0 and 6 years)<sup>9</sup> involved in begging, it becomes imperative to find a solution which is handy. There are government programmes which are for the protection of children but their implementation is very weak.

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<sup>7</sup> Joyeeta Pal, 'Madras', retrieved from: <file:///C:/Users/Sama/Downloads/baggers.pdf> accessed on January 19, 2015

<sup>8</sup> Fitzpatrick, S. & Catherine, K. (2000) Getting By: Begging, Rough Sleeping and The Big Issue in Glasgow and Edinburgh, The Policy Press

<sup>9</sup> The Economic Times, 71% of Disabled kids in Rural India, retrieved from [http://economictimes.indiatimes.com/articleshow/45614259.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://economictimes.indiatimes.com/articleshow/45614259.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

Awareness should be created for common people about disabled children's rights and how can we protect them from vulnerability. According to Persons with Disabilities Act (1995), children till the age of 18 years should get free of cost education. As individuals, we can ensure that a child begging is enrolled in a school and goes to that school and gets his education. A small step from our part will go a long way in preserving the life of the child.

A question which would fetch different answers is whether we should give alms to the poor or not? Instead of giving alms to the poor, we can help in providing a meal which will do more good than giving alms.

The government should provide funds for opening up shelter homes for people who are abandoned by their family and are forced to live on the streets. State Development Authority being a statutory planning body for long-term perspective is duty-bound to plan and cater to the public needs for providing night-shelter and identifying available places for providing night-shelter for the benefit of affected people. Some may criticize this as it will provide a sort of encouragement for people to not work on their own and be entirely dependent on the government. This plan will not be misused if certain stringent parameters are set for the people to use the government facility. Provision should also be made for converting existing buildings, wherever available, with suitable modifications into night-shelters.

### **Conclusion**

Looking at the condition of beggars in India, the Delhi High Court commented that Monarchy is better than a Democratic government because the government fails to implement its policy for them. The fundamental rights, directive principles of state policy, international laws, and conventions talk about one central point, that is protection of an individual, and that protection should be of paramount importance for the Government to work upon. Education should be provided to individuals which is accessible, affordable and appropriate for students with disabilities. Acknowledging that a beggar has a right is simply acknowledging his existence in the world. Fay clothes and shoes should not decide whether a beggar is worthy of his right or not. The idea of Natural Justice is implicit in Article 21. The Right to life includes in its ambit the Right to live with human dignity. Children are the future of this country. India has the highest population of adults. What is going to be the situation when many of them are forced to beg the rest of their lives? All-round development of a child is hindered when a child begs. It is not only shameful and pitiable but also the standards of a human being are

going to the dogs. Hence, a conclusive solution and implementation of it should be made as early as possible.