RIGHT TO EDUCATION OF CHILD BEGGARS IN INDIA: A CRITICAL ANALYSIS

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Abstract
Education is crucial in the transformation of a civilization into a civilized country. It accelerates the country's progress in all areas of national activity. Despite the fact that we have several rules and policies relating to the Right to Education, we have yet to accomplish this right as a developmental right, “as our constitution architects intended for it to be implemented over a period of time. The aim has not been met since independence, as evidenced by educational backwardness and poverty, particularly among some sectors of the community who have endured social discrimination. The educational system does not operate in a vacuum from the society in which it is embedded. Children's access to school and engagement in the learning process are heavily influenced by unequal social, economic, and power relationships. The differences in school access and attainment between different social and economic classes in India are evidence of this. This paper aims to mention the various laws and rights in India related to the education of child beggars.

Keywords: Discrimination, homelessness, Juvenile justice, poverty, scholarship

Introduction
Every generation's future is a child. He should be given all he requires to guarantee that he has a good and prosperous future. No one can deprive or infringe on a person's essential human rights, whether they are a kid or an adult. Every kid is entitled to a pleasant upbringing and an education, yet these things may not be available to a child beggar. Childhood is the most innocent stage of our lives. Millions of street children scurry to underpasses, railway stations, street parks, and sidewalks at night to guarantee they have a secure place to sleep. These children beg for food to satisfy their hunger.1

The cartels force the majority of them to beg. In India, over three lakh youngsters are forced to beg. These youngsters live in deplorable conditions, are subjected to cruelty and torture, and live in poverty. To make ends meet, the children are left with no choice except to beg. Many youngsters are harmed and forced to beg for money to give to human traffickers, and they frequently use the money given to them to buy drugs and alcohol instead of clothes and food. These kids are sedated as well. These children are generally from low-income families with no one to care after them.

Challenges and issues children face while begging on streets
1. Abuse and torture
Children who beg on the streets are subjected to a great deal of abuse and cruelty. Their parents, guardians, traffickers, and other individuals mistreat them. They are sometimes sexually molested, beaten, tormented, and forced to beg on the streets for food and shelter.
2. Discrimination
Many people abandon their girl child in India due to discrimination between men and women. After that, the child is forced to live on the streets and beg. Prostitution is practiced by some children. People mistake these children for thieves, and they are frequently regarded as filthy. People from affluent backgrounds and families also treat the children differently than other children.
3. Poverty
Have you ever tried sleeping without eating? The children that beg on the streets come from an impoverished family. These kids beg their entire family. Their only motivation for begging is to obtain food.
Their primary concern is food. They are compelled to beg since their families are large and they have no other source of money. Hungary begs due to a hungry stomach and a need for nourishment.
4. Homelessness

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1 Anubhav Pandey, how to help child beggars in India? blog.ipleaders.in, https://blog.ipleaders.in/help-child-beggars-india/
How can a person who barely manages their meals have excess to give to the shelter? These children may come from an impoverished family or be orphaned. Finding a safe haven is a difficult task. They beg all day and then find a place to sleep at dark. They live on the streets, train stations, and other public places in the hopes of obtaining a roof and food to provide for their families' basic needs.

Factors Responsible for Child Begging

1. Children are compelled to do so by their parents or guardians. Typically, children from low-income families are compelled to beg by their parents or guardians. They come from a poor home, and their parents either labor in dangerous conditions or beg to make ends meet. Sometimes the entire family becomes involved in begging since it appears to be the simplest means of earning money in order to at least acquire a street shelter and some food to support their lives and families. Families frequently compel their children to beg, which is unique since it goes beyond any normal family punishment.

2. Children who are compelled by others

Mafias and traffickers also employ violence, torture, and other methods to coerce children to beg. For their begging visits, kids are set daily goals.²

Objectives of the Study

The objectives of the present research work would include the following:

- To understand the legal framework related to the education of child beggars in India.
- To have a better understanding of the challenges faced by child beggars while begging on streets.
- To suggest ways to improve the life of child beggars so that they don’t have to suffer a lot.
- To investigate and analyse publications on which researchers have conducted research on the Right to education in India.

Research Methodology

Doctrinal Research methodology is adopted to understand concepts of right to education in relation to child beggars. The main objective of this research paper is to explore the laws and reasons governing Right to education of child beggars and to find out their effectiveness therefore the data was collected through various Government Guidelines, Acts, Constitution of India, Journals, Magazines, their edited volumes, Articles and various Websites.

Scope of the Study

Because of the diverse forms of education, the many faces of human nature, different degrees of education, the complicated environment, different schools of philosophy, and varied ideologies, education is directed by a diversity of goals. Though there are many forms of Education levels in the society the study focuses mainly on the primary education level only, as it is the fundamental learning of the child in any society. There are also other rights of child beggars so that they can improve their standard of living. Moreover, the study is confined to the right of children to child beggars.

Limitations of the Study

Education is not a one-size-fits-all endeavor. It can’t be limited to just a few goals. It can only perform its responsibilities if it is guided by ever-expanding objectives. Its seemingly unlimited accomplishments are only achievable if it is directed by the widest possible goals. Modern, vision-oriented, futuristic, clear-cut, and practical education should be the goal. There should be no disconnect between our goals and our accomplishments. “This work is limited to the right to education of child beggars, challenges they are facing, legal framework with respect to child beggars.

Legal framework for Child Beggars

² Save the children. in,https://www.savethechildren.in/child-protection/how-children-are-forced-into-begging-by-cartels/
The Indian Constitution guarantees all citizens equality, freedom, justice, and dignity, as well as indirectly mandating an inclusive society for everyone.” The Right to Life Protection is protected under Article 21 of the Constitution. Article 38 mandates the establishment of a social order for the advancement of people's welfare by the states. Article 41 outlines appropriate mechanisms for ensuring the right to work, education, and public support in the event of unemployment, old age, “disease, or disability, as well as other unmet needs. Begging has always been a popular practice throughout history. Beggary is the act of asking or receiving alms in a public area for the purpose of making a living, whether or whether it is done under the guise of singing, dancing, fortune-telling, acting, or selling something.

Through violations of a variety of humanitarian and religious sentiments, this conduct serves as a cause of labor contempt, loss of human respect, and damage to societal and individual structures. As a result, begging presents before us as a psychosocial problem that must be combated and resolved. Beggary is the result of poverty, which is a position of high vulnerability with several facets. Poverty, homelessness, powerlessness, stigmatization, discrimination, exclusion, and material deprivation all feed into a vicious cycle of poverty, homelessness, powerlessness, stigmatization, discrimination, exclusion, and material deprivation.

Poverty or abandonment among homeless people, leprosy patients, differently abled individuals, those with mental disorders, the elderly, infirm, and others in similar conditions compelled many people to rely on begging. People with disabilities, infirmity, or illnesses such as leprosy make up a large majority of those discovered begging.

The treatment of children discovered asking for charity differs significantly between state regulations on begging. Children discovered begging are recognized as victims in need of care and protection under the Juvenile Justice (Care and Protection of Children) Act, 2015, and are dealt with by child welfare committees. On the other hand, certain state laws classify them as criminals who may be sentenced to prison.

The Beggars (Protection, Care, and Rehabilitation) Model Bill of 2016 intends to create a rehabilitative framework for those who have been caught begging. It does not make begging illegal, except in cases of recurrent and systematic begging, and it does not allow for the imprisonment of dependents. Instead, it concentrates on providing safety, care, and support.

- Juvenile justice (care and protection of children) Act, 2000

The government and constitution have a set of legislative structures in place to prevent children from begging. These laws are anti-child begging legislation that serves to improve a child's wellbeing in every way.

- Indian Penal Code, 1860

According to Section 363A of the Indian penal code of 1869, anybody who kidnaps or maims a child for the purpose of begging faces a sentence of imprisonment of up to ten years, as well as a fine.

- Railways Act, 1989

Children are frequently spotted begging in trains in India. These children sing or just extend their hands in the direction of the passenger to beg. According to Section 144(2) of the Railways Act, 1989, prohibits these youngsters and adults from begging on trains, and stipulates that anybody who begs in any train or railway station faces a penalty of up to one year in prison, as well as a fine.

- The Children Act, 1960

Under section 42 of the children act, 1960, it is provided that whoever employs a child for the purpose of begging or indulges a child into begging or makes him beg shall be liable for the imprisonment

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3 juvenile justice(care and protection of children) act, 2000, 24(1), acts of parliament, 2000,(India)
4 Indian penal code 1869, 363A, acts of parliament, 1869,(India)
5 the railways act, 1989, 144(2), acts of parliament, 1989,(India)
6 the children act, 1960, 42, acts of parliament, 1960,(India)
which may extend to one year or a fine or both. The abetment of the offence is also punishable and the nature of the offence is cognizable.

- The Bombay Prevention of Begging Act, 1959

The statute criminalizes begging with the goal of preventing beggars from begging and directing them to better work opportunities. The statute further stated that children under the age of five who engage in begging would be reported to the courts under the Children Act of 1969, and their mother will be jailed for caring for them.

**Right to Education**

The Indian constitution has provisions requiring the government to offer education to all residents. In its original adoption, the Indian constitution designated education as a state subject. In 1976, an amendment to Article 42 of the constitution was adopted, making education a concurrent list topic, allowing the central government to legislate it in the way most suited to it. Apart from that, India is a signatory to a number of international covenants, including the Jomtien Declaration, the United Nations Convention on the Rights of the Child, the Millennium Development Goals, the Dakar Declaration, and the SAARC SDG Charter for Children, all of which bind India's commitment to making education a reality for all children.

The government of India introduced a legislation on April 1, 2010, over eight years after the Constitution was changed to make education a basic right, to offer free and compulsory education to all children aged 6 to 14. Parliament ratified the 86th Constitutional Amendment in 2002, declaring education a basic right. Last year, Parliament enacted the Right of Children to Free and Compulsory Education Act, which allows the basic right to be implemented. The new legislation and the constitutional amendment both took effect on April 1, 2010. The new law makes it mandatory for state governments and municipal governments to ensure that every kid receives an education in a nearby school.

The State should offer free and compulsory education to all children of the age of six to fourteen years in such way as the State may, by law, designate, says the Constitution (Eighty-sixth) Amendment Act, which makes education a Fundamental Right for children aged six to fourteen years. This Act, which went into effect on April 1, 2010, mandates that all children aged six to fourteen get free and compulsory education.

- The 86th Amendment to the Constitution, which went into effect on April 1, 2010, made free and compulsory education for all children aged 6 to 14 a justifiable basic right.”
- Every kid has the right to an education under the Act. The Act requires that the appropriate governments guarantee that every child receives a free primary education.
- Even private educational institutions are required by the Act to set aside 25% of seats for students from low-income families. According to the government's estimates, the Act's implementation will cost Rs 1.71 lakh crore over the next five years. According to the Act, no school can refuse a pupil admittance, and all schools must have trained teachers. Schools that do not have trained teachers will be required to comply with the regulation within three years. According to the new rule, schools must have certain minimal amenities such as enough instructors, “a playground, and appropriate infrastructure. The government will devise a system to assist marginalized schools in complying with the Act's stipulations. The government has already created model regulations, which have been distributed to the states in order for them to draft their own rules for the Act's implementation. Separate guidelines for the Union Territories have been established by the Centre and will be announced by the Law Ministry next week.
- However, because the admission season is almost ended, the reserve for weaker sections will not be applied this year. From 2011 to 2012, it will be deployed.
- The state government and municipal governments will build primary schools within a one-kilometer radius of the neighborhood. For pupils in classes VI through VIII, the school should be within a three-kilometer walking distance of the neighborhood.
The RTE Act, which took effect on April 1, 2010, has elicited a mixed response from all those who had hoped to benefit from it.

1. The government has already demonstrated its failure to provide enough funding of 1.71 lakh crores due to a lack of resources, and it is eager to incorporate the private sector under the guise of Public Private Partnership (PPP), which would dilute the rights-based idea of primary education.

2. There are no reliable statistics on India's out-of-school children, who have been denied access to formal education for decades.

3. RTE Act excludes private unaided schools from its regulatory framework.

4. Rather of implementing a Common School system, the government prefers to build Model Schools, encouraging a multi-layered education system for both device affluent and poor students.

5. In the RTE Act of 2009, the problem of educational quality remains unresolved.

6. The Act applies to children aged 6 to 14, but not to those aged 14 to 18 or less than 6.

7. The Indian Child Labour Act (The Child Labor Prevention and Regulation Act-1986) and the provision on child work in the constitution (Article 24) distinguish between hazardous and non-hazardous child labor, with non-hazardous child labor being permitted under the age of 14. According to the RTE Act and Article 21 A of the Indian constitution, education for children up to the age of 14 is a basic right that should be provided free of charge. It is necessary to make the necessary amendments to indicate that all types of child labor are dangerous and should be prohibited.

8. The RTE Act applies to children aged 6 to 14, although Article 45 of the constitution stipulates that all children under the age of 14 should be covered by free and compulsory education within ten years.

**Assistance to parents**

a. Need for supportive money

To help their children, parents/guardians need to be aware and informed, putting aside their discomfort and firmly held normative ideas. Parents should be aware of the possibility of their children being bullied or subjected to various forms of violence outside the house — in the extended family, at schools, or on the playground — and provide appropriate assistance. They must also consider the rise in stress and discrimination experienced by children of beggars, especially those with leprosy.”

Both the youngster and their parents require counseling and other mental health treatments that validate the child's inferiority complexes. “Support groups assist parents in overcoming societal taboos and realizing that they are not alone as parents. Existing forums such as Anganwadi Centres, Self-Help Groups, and Bharat Nirman Volunteers (BNVs) may also be geared toward these concerns and active in disseminating information to parents of children and the general public.”

Parents of beggars, including leprosy patients, would get financial help in order to assist them in effectively raising their children against social intolerance, stigma, discrimination, and violence. It will also serve as a feeder program for the pre- and post-matric scholarship component.

b. Eligibility

The following requirements must be met in order to get financial assistance:

1. Both parents are beggars, including leprosy patients with a fixed address in Odisha.
2. The child is under the age of eighteen.
3. In the event that a parent passes away, supporting funds will be made available to the guardian upon submission of the applicable Certificate of Guardianship received from the Competent Authority.
The assistance under the head will be provided to parent at the rate of Rs 1000/- (rupees one thousand only) per child per month and can be paid till the child attains the age of 18 years.

Assistance to Child Beggars

Pre and post metric scholarship

The objective of the component is to provide financial assistance to the child beggars and children of beggars studying at pre and post matriculation or post-secondary stage to enable them to complete their education. “These scholarships are available to the child beggars and children of beggars for studies in India only and are awarded where the applicant is studying.

a. Scholarship

1. The students desirous to avail the scholarship shall submit applications in prescribed format to the DSSO with certification/recommendation by head of the educational institutions.
2. Under this scheme students so eligible will get scholarship for a maximum period of 10 months in an academic year. The students availing scholarship from either the Central or State Govt. under any other scheme shall not be considered.”

3. Rate of scholarship

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<th>S.I</th>
<th>“Category”</th>
<th>Rate/PM</th>
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<td>1.</td>
<td>Pre-Matric (From Std. Vto X)</td>
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<td>2.</td>
<td>Post-matric (From std XI-XII)</td>
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<td>3.</td>
<td>General Graduate/Post Graduate Courses</td>
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<td>4.</td>
<td>Professional degree/Diplomas/Certificates</td>
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4. By the end of September, the DSSOs will have completed their review of the applications and will submit a request for money to the Department. With the consent of the Collector, DSSOs will send the scholarship to the students' accounts after receiving the funds.

5. The needed scholarship will be paid in advance for the academic year in question and will carry over to the next academic session.

6. By February 28th of each year, the DSSO must submit the expenditure utilization certificate to the Department, together with proof of payment and the Collector’s required counter signature.

7. Every effort should be made to use funds within the same fiscal year. In an emergency, the undisbursed balance amount should be rolled over for the following year’s payment and used first.

b. Conditions of eligibility

Applications can be made for the purpose of receiving a scholarship under the plan if the following requirements are met.

1. The applicant is a bonafide Odisha resident.
2. The applicant is a beggar or a beggar's kid.
3. The applicant is engaged in a recognized educational institution on a regular basis.
4. The applicant’s household income must not exceed Rs. 2,40,000/- per year.
5. The applicant is not receiving any other type of financial help from the state or federal governments.
c) Modus of allocation/sanction/disbursement of scholarship

1. Students who wish to apply for the scholarship should submit an application to the head of institution as soon as possible after being accepted.

2. Upon receipt of such applications, the head of institution shall check the information provided therein against existing records and recommend sanction to the concerned DSSO.

3. Upon receiving all such suggested applications, the respective DSSOs would evaluate them and get them sanctioned by the Collector in accordance with the regulations and procedures.

4. After authorizing the scholarship, the DSSO will submit a Block and ULB-by-Block request for money to the Department, informing the Collector involved.

5. After the scholarship amount has been approved, the DSSO/head of the institution will ensure that a bank account is opened in the name of the candidate if the candidate is 18 years of age or older, or a joint account in the name of the candidate's father, mother, or guardian if the candidate is younger than 18.”

6. The District Social Security Officer (DSSO) will make sure that such a request is received by the deadline.

7. Following receipt of the DSSO's request, the Department will release money in first allocation to the DSSOs, who will remit the cash directly to the students.

8. By the 31st of March, the DSSOs will submit consolidated UCs to the Department, with the Collector's countersignature.

9. The scholarship will be paid from the month of entrance until the completion of the academic session, including the month of examination, with a maximum of ten months each academic year.

10. If a student is absent for more than three months, the scholarship will be paid in full, assuming the absence is due to illness. “If a person is absent for an extended period of time without justification, the DSSO in charge must make a decision after conducting an investigation.

11. The DSSOs will enter data on students online, including information on course completion, followed by certification.

Literature Review

The UNICEF (2009) estimate of 11 million street children in India is considered cautious. According to the Indian Embassy, there are 314,700 street children in Mumbai, Kolkutta, Chennai, Kanpur, Bangalore, and Hyderabad, with 100,000 in Delhi alone. In India, 12.6 million children labor. On the streets, 65.9% of street children live with their family. 51.84% of these youngsters sleep on sidewalks, 17.48% in night shelters, and 30.67% in other locations such as beneath flyovers and bridges, railway platforms, bus stations, parks, and market areas (CWM 2012). When one examines the exploitation of a group inside an already marginalized group, the girl child, the situation becomes much worse. In India, sexual assault on girls aged 4 to 7 is a widespread occurrence. Many young girls in rural regions are denied an education since they begin working in the household and fields at the age of four. The Indian social structure, which is stratified into several strata based on class, caste, gender, and religion, has widely visible gaps in education access and attainment across different social and economic groups. The urban Indian education system is notorious for its inequity, with high-fee schools catering to the wealthy and affluent, and regular government schools with inadequate facilities catering to the majority of students living on the streets and in slums. The major victims of exclusion are street children, who are frequently overlooked by government authorities.

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Education is a lifelong process that strives to educate a person to fulfill his or her potential as a contributing member of society. Recognizing the flaws in the British-imposed educational system in India, the country has worked to rebuild its education policy to meet the demands of technical and economic advancements since independence. The last time the National Policy on Education (NPE) (1986), and it was responsible for a significant growth of education in the country at all levels. However, gaps in execution remained due to a lack of financial and administrative assistance. In 1986, the government released a manifesto on education that served as the foundation for the new NPE, which focused on eliminating inequities and equalizing educational opportunities, particularly for Indian women, Scheduled Tribes (ST), and Scheduled Caste (SC) populations. In 1990, the National Committee on UEE reported that school attendance had expanded fourfold to 9,30,000 students. Primary school attendance increased six - fold to 110 million students. At the upper elementary level, enrollment surged by 13 times. Girls' enrollment grew 32 times. Primary education was available to 94 percent of the population. At the same time, the study made it clear that the situation was far from ideal. 59 million children, including 35 million females, were absent from school. There was a high rate of dropout. The report found low levels of learning attainment, minimal coverage of disadvantaged groups, inadequate school facilities, poorly functioning schools, high levels of teacher absenteeism, significant numbers of teacher vacancies, poor educational quality, and insufficient money.

The Commissions for the Protection of Child Rights Act of 2005 established the National Commission for the Protection of Child Rights (NCPCR, 2007). NCPCR's comprehensive mandate is to safeguard, promote, and defend child rights across the country, with the powers of a civil court to examine complaints and take notice of matters connected to deprivation and violation of child rights.

The Right to Education Act (RTE, 2009) is a watershed event for India's children. The Right of Children to Free and Compulsory Education Act states that the state, with the support of families and communities, will guarantee their right to a decent basic education. The NCPCR is the RTE's highest monitoring authority, “ensuring that complaints are resolved and that the fundamental right to primary education is safeguarded. The ability of poor children enrolling in private schools under the new rule to overcome the psychological hurdles of interacting in close quarters in an unfamiliar and perhaps hostile setting will determine their achievement (Subramanya, 2012). The Government of India's main initiative under the RTE Act, Sarva Shiksha Abhiyan (SSA, 2000), aims to achieve universalization of primary education. By 2013, the SSA, a partnership between the federal, state, and local governments, must ensure that all children (with a special focus on special groups such as girls and the disabled) are enrolled in school, that they receive a complete and satisfactory primary education, that all gender and social category gaps are closed, and that universal retention is achieved.

Children in habitations that do not qualify for a regular school owing to current state requirements for opening schools are given access to formal learning through a regular curriculum and materials under the Education Guarantee Scheme (EGS). EGS centres are frequently approved in rural areas with few

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pupils, with the assumption that the State will change its school-opening regulations and convert these EGS centers to conventional schools within two years.

Alternative and Innovative Education (AIE) centers are designed for children in difficult situations who have never attended a regular school or whose schooling has been disrupted, and they use a specially tailored curriculum and pedagogic practices to ensure that the child is ready to enrol in a regular school and continue her studies there within a short period of 9 months to a year.

Despite this, there is still a gap between policy and practice. According to the Akanksha Trust\textsuperscript{14}, 96 percent of primary school-aged children in India are enrolled in school. The quality of learning indicators has been consistently low, with inadequate educational standards, up to 25% absenteeism among government school instructors, a 50% dropout rate between grades 1 and 5, and a 90% dropout rate by grade 10. According to reports, 13,000 government schools in Bihar do not supply kids with drinking water. The NGO's challenge is to raise parental knowledge to the point where they will send their children to school rather than to work. Despite the vast number of educational institutions, urban regions remain undemocratic, and making broad judgments based just on the number of institutions would be incorrect.

Suggestions

- Every state government should make more strict regulations to deal with this issue, with the goal of the children's welfare in mind.
- Education should get 6% of GDP or 20% of government funding, with half of that going to primary school.
- In order to assure educational quality, regular and trained instructors should be hired rather than untrained and para teachers. Teachers who have already been hired should be trained and regularized.
- Existing laws protecting children's rights should be enforced appropriately and rigorously in order to completely eliminate the threat of child labor, child slavery, and child trafficking, and all children aged 0 to 18 years should be enrolled in schools.
- The aforementioned legislation should include provisions for a quality education system with quantitative indicators so that parents and the community may monitor educational quality.
- All efforts should be made to guarantee that all children, regardless of their parents' socioeconomic level, have access to a shared educational system.
- All types of privatization, including public-private partnerships and franchises to corporations, should be abandoned since they lead to profiteering, commoditization, and a deterioration of the public education system.
- NGO awareness should be increased in order to reach out to those youngsters who are suffering greatly, as few people are aware of their work and efforts to assist the environment.
- To modify their habits or needs to beg, the government should offer basic requirements such as food and shelter to these kid beggars and their families.
- Everyone has the right to an education. These children's education should be fostered. An educated individual may at least make a livelihood from his or her knowledge and is not obligated to beg for food and shelter.
- Their family should be offered greater career chances. NGO's assisting these kid beggars should be supplied with appropriate financial resources so that they can assist without fear of running out of money.
- Abused children should be sent to a safe haven where they may be cared for. Authorities and non-governmental organizations should appropriately care for malnourished children.

\textsuperscript{14} Akanksha (1991), Aspire, achieve, be the change. Retrieved on April12, 2012 from http://www.akanksha.org/
Conclusion
We can prevent youngsters from engaging in begging by reporting it to authorities or contacting non-governmental organizations (NGOs). The first step should be to inform the proper authorities, such as the police or the railway department if a youngster is seen begging on the street or in a train station. Authorities can save their lives by assuring a bright future for them. Second, one can contact a child care and welfare organization, which will help them identify their family and give financial aid. These non-governmental organizations also aim to educate and offer food and shelter to these street beggars. The government is doing a fantastic job of improving their lives by providing various services such as homeless shelters and so on.” The constitution also contains laws against child begging, as well as penalties for anyone who compels or engage a kid to beg. However, there is still a need to alter society’s mentality since it is not just the government's work or the constitution’s liability to preserve our future, but it is also our responsibility to protect our children's wellbeing.

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