

“An Untold Story of the Roadway Juvenile Street Children”

**B Vishnupriya¹*

SASTRA Deemed to be University

***A. B. Abirami²*

SASTRA Deemed to be University

ABSTRACT

In the present times street children is a thriving predicament around the globe, found predominantly in the metropolitan cities due to rapid urbanization, making children susceptible to the changes and risks brought by it. A street child is, "any girl or boy for whom the street has become his or her habitual abode and/or source of livelihood; and who is inadequately protected, supervised, or directed by responsible adults". Such children live a sorrowful life of abuse and torture by their employees who provides them nil or less wages. Apart from this they develop habits like stealing, smoking etc. and become easy victims of drug and sexual abuse. Besides this poor health, malnourishment, mental stress and no knowledge about their legal, social, economic, human rights makes them more vulnerable to the other ills in the society. Does neglect on the part of the parents in providing proper care to their progeny or abandonment of a child by its parents due to illegal pregnancy give rise to this issue by making such children pavement dwellers? Through this paper we would narrate the causes of this problem and would also throw light on how the society sees such children and the role of social interference in providing better life for these children. The steps taken by the government and other NGOs, the legal, human and other rights given under the constitution will also be highlighted. We would conclude this paper by considering the future of such children in India and emphasizing on how this universal crisis can be tackled.

Keywords- *street children, livelihood, abuse, legal rights, human rights.*

1. INTRODUCTION

Street children in India are in a significant number and there is an extremely urgent need of the governments, NGO's and other organisations to render services to stir their welfare and find possible measures to rehabilitate them and make them acceptable to the society. The problem of street children can be studied through Human Rights Laws, Child Protection Laws, Fundamental Rights and Directive Principles of State Policy from the Constitution of India, etc., The declaration of Human Rights by the UN is however the first venture to study the problem and provide solution for the children living on the streets. This is considered as a global problem where a universal solution must be developed to sort out this problem. Everyday they struggle for survival, food, water, clothing, shelter and protection. Their struggle for livelihood compels them to work and earn at an early age. Exploitation, lack of education, falling into hand of criminals, becoming a criminal themselves are an alarming issue to be taken into concern. A rapid growth in the economy of the country and

¹ 3rd year, B.B.A.LL. B(Hons.) SASTRA Deemed to Be University. Thirumalaisamudram.

² 3rd year, B.B.A.LL. B(Hons.) SASTRA Deemed to Be University. Thirumalaisamudram.

urbanisation demands for understanding the issues related to the vulnerable street living children and ensure that no such child in future lives in abject of poverty or at the margins of the society.

2. STREET CHILDREN IN INDIA

Street children are found by the United Nations Children's Fund as those children in difficult situation and their rights, welfare, health and security remain an ongoing concern to the national and international organisations. It was found that children living on streets in every other country is developmentally at risk. The longer they stay on streets, the situation becomes riskier.³ In 2003, the UNICEF determined that there were about 100 million street children in the world. In 1994, the UNICEF determined that there were about 11 million children living on the streets in India. It would rather be an under-estimation. The Indian embassy estimated 3,14,700 street children in cities like Bombay, Calcutta, Chennai, Kanpur, Bangalore and Hyderabad. There were around 1,00,000 street children in Delhi alone.⁴ About 18 million children work on the streets in India and only 5-10% among them are truly homeless and are disconnected from their families. The children on streets in India have unique vulnerabilities. The amount of time they spend on the streets, the dependence on streets for their livelihood and lack of care and protection from their families makes them a subgroup of Indian population that requires heavy attention. The UNICEF states that the street children in India are the most vulnerable group of children that needs to be understood as much as possible.

3. CAUSES OF BECOMING STREET CHILDREN

Every street child has a reason to be on the street. "While some children are lured by to promise of excitement and freedom, the majority are pushed onto the street by desperation and realization that they have nowhere to go"⁵. Majority of studies and surveys regarding street children points out that the children are pushed out to being on streets because of family disintegration, urbanisation, poverty, inadequacy of resources, forced marriage and growing population. But the major reason that force these children is family violence. In one study of 1,000 street children living in Bombay conducted in 1990, 39.1 percent of street children said they left home because of problems and fights with family, 20.9 percent said they left because of family poverty, and 3.6 percent said that they wanted to see the city.⁶ Most children living on streets come from slums or low cost housing and areas that are prone to illiteracy, drug use and unemployment.

4. LIVELIHOOD OF STREET CHILDREN IN INDIA

³ <https://www.savethechildren.in/sci-in/files/79/79bfb888-7ed0-496e-b1e7-e71f7814ea7e.pdf>

⁴ <https://inbreakthrough.org/street-children-statistics-lives/>

⁵ World Health Organisation (WHO)

⁶ Patel, Sheela (October 1990). "Street Children, hotel boys and children of pavement dwellers and construction workers in Bombay - how they meet their daily needs". *Environment and Urbanization*. **2** (2): 9–26. doi:10.1177/095624789000200203.

Children living on streets are often termed as “hidden children”. This status makes them prone to risk of abuse, exploitation and neglect from the part of other side of the society. This hidden life has extreme effects on the children. Lack of medical care, unstable lifestyles, lack of better living conditions make them riskier to health and chronic illness like respiratory illnesses, skin diseases and even sexually transmitted diseases like HIV/AIDS. Drug abuse is also a predominant culture with the street children. In 2007, the Ministry of Women and Child Development found that 65.9% of the street children lived with their families. Out of these children, 51.84% slept on the sidewalks, 17.48% slept in shelters and 30.67% slept in other locations such as under flyovers, bridges, railway platforms, bus stops, parks, marketplaces, etc. 66.8% of children reported being physically abused by family members and others.⁷ The biggest problem that these children face is that they do not have any proof of residence or their age. Therefore, those schools that offer free education are unable to provide admission without these proofs. The girl children are in highly pathetic condition. They become prey of pimps and are then put into prostitution.⁸

5. STREET CHILDREN AND THE SOCIETY

Street children are not born but they are made into one. The society is responsible for this disgraceful behaviour. There are several instances where the children of affluent families have been abandoned in order to conceal their dark side of life. Ultimately these children must bear this impact without their consent and knowledge. Unless the society changes its outlook and wise counsel prevails on them, this evil practice continues, and no comfort is found on the street children.⁹ In the case of *Olga Tellis and Ors. Vs Bombay Municipal Corporation*¹⁰ a voluntary organisation filed a case against the Bombay Municipal Corporation in order to evict the pavement dwellers overnight without providing any alternative arrangements. The Supreme Court of India reprimanded the corporation for the callous attitude towards the unfortunate section of people. It was held that those people have the right to livelihood and if they are evicted from their dwelling, they will be deprived of their livelihood. Therefore, the Right to Life under Article 21 also includes the Right to Livelihood.

6. SOCIO LEGAL ISSUES

Many children become prone to criminal behaviour and become vulnerable to all forms of exploitation. They become beaten up by the police and have a negative impact on the society. Street children have become an integral part of the society. There are various socio legal issues to be looked upon which hamper the development of the well- being of these “invisible children”. Street children like any other children have been entrusted with specific rights under the United Nations Convention on Rights of the Child. But these rights do not provide

⁷ <https://wcd.nic.in/annual-report>

⁸ <https://www.mapsofindia.com/my-india/india/street-children-in-india-what-are-their-lives-like>

⁹ <http://www.legalservicesindia.com/article/2378/Street-Children-Human-Rights-A-Socio-Legal-Issue-In-India.html>

¹⁰ 1985 SCC (3) 545

absolute protection for the children. Due to their living conditions these rights are mostly violated and not fully realised.

7. PROBLEMS ENCOUNTERED BY THE STREET CHILDREN

Leading life in the pavements is in itself a major problem faced by the children. Lack of education, opportunities to develop or showcase their talents, vulnerability to unscrupulous practices like robbery, smoking, drug abuse, sexual abuse especially among girls etc are some of the major troubles to which the children become an easy prey. Some of the other basic problems faced by such children are malnutrition, lack of cleanliness and exposure to deadly diseases and the ultimate and untimely death. Those mentioned are all physical troubles encountered, most lethal of all is the mental suffering or trauma undergone by these children which is prone to have more devastating effects on such children than their physical pain and suffering.

8. LEGAL PROVISIONS FOR PROTECTION OF CHILDREN

Protection is one of the basic rights available to all children. The govt. has a duty of protection towards every child within its state or nation. There are some like pavement dwellers, migrant child, run away children etc, who remain most exposed to risks and abuse than the other and thus are entitled to special attention from the government and thus, street children are in need of care and protection. Thus, the parliament in the year 2205 established National Commission for Protection of Child Rights (NCPCR) under the Commission for Protection of Child Rights (CPCR) Act, 2005. The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.¹¹

▪ UNITED NATION CONVENTION ON THE RIGHTS OF THE CHILD

This is an internationally binding agreement which deals with the civil, economic, political, and cultural aspect of child rights, regardless of race, religion etc. The commission advocates that the government should take the responsibility to ensure that they meet the rudimentary needs of the children and acknowledge their basic rights such as:

- Right to life, survival, development.
- Protection from violence and abuse
- Right to education
- Right to be raised and Cared by parents
- Right to opine and be heard
- Non exposure to pornography and slavery

¹¹ National commission for protection of child rights

9. CONSTITUTIONAL PROVISIONS REGARDING CHILD RIGHTS

The Indian constitution keeping in mind the well-being of the future generation has provided for the following rights, aiming to provide a discrimination free livelihood with liberty.

RIGHT TO EDUCATION

By 86th amendment act the constitution has inserted article 21 A which deals with right to compulsory education for children from the age of 6-14 yrs. The right to education under this art covers only the primary level and not the secondary level education¹². It is also the fundamental duty of the parents and guardians to educate children¹³.

RIGHT AGAINST EXPLOITATION

No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment¹⁴. The employment in Savakasi of children below the age of 14 was prohibited and the employment was restricted only to parents or other able-bodied adults in the family¹⁵. Article 23 and article 24 both of which prohibit child exploitation are the base for the enactment of the Child Labour (prohibition and regulations) Act, 1986.

ARTICLE 39

The clauses e and f of art 39 states that the children have the right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength and also have a right to enjoy equal opportunities and facilities to develop their talents in a healthy way in conditions of freedom, dignity and guaranteed protection of childhood and youth against exploitation, moral and material abandonment respectively.

OTHER GENERAL AND BASIC PROVISIONS

1. Right to equality under Article 14
2. Right against discrimination under Article 15
3. Right of weaker sections of the people to be protected from social injustice and all forms of exploitation under Article 46
4. Entitled to special provisions under article 15(3)
5. The state must raise the level of nutrition and standard of living of its people and the improvement of public health under Article 47

10. STEPS TAKEN BY NGOs AND THE GOVERNMENT

¹² Unnikrishnan J.P and other v. state of AP AIR 1993

¹³ Article 51(k)

¹⁴ Article 24

¹⁵ M.C Mehta v. state of TN (1996) 6 SCC 756, Bandhua Mukthi Morcha v. UOI AIR 1997 SC 2218

The number of homeless children has been on a devastating escalation since independence. This as a reason has led to an increase in the number of NGOs over the years with an objective to do justice to the street dwellers by providing them shelters, awareness of their rights etc. one such NGO is the Salam Baalak Thrust which has been in the capital city since 1989. These act as secure shelters for children and provide them with food, clothing and other rudimentary necessities. It provides non-judgemental staff whom the children tend to consider as their family, as most of the children do not get support of their parents¹⁶. The government also has through the 85th year plan has created a Night Shelter Scheme (NSS) for the pavement dwellers. Recently in the year 2013 the government has started the National Urban Livelihood Mission program which mandated guidelines for states on how to create and utilize shelters¹⁷. Apart from this the government keeping in mind the problems faced by the street children has brought about and implemented many polices and schemes relating to the prohibition of child labour, education etc.

ROLE OF MEDIA

One of the main reasons behind the victimization of the street children apart from their exposure to social evils is the fact that they remain invincible in the societal eyes. In other words, there is no enough knowledge among the population especially rural population regarding the sorrowful life of the homeless. Lack of knowledge amid such children relating to their legal rights still worsens the situation. Majority of the roadside population is from rural or under developed urban areas, who leave their homes or dwelling place thinking they would move to a better place unaware of the evils prevalent on the roadway. as it is popularly said knowledge is wealth, it is necessary to educate the roadway population regarding such evils and in doing so the media plays an important role. The media has a vital part to throw light on the life and plight of such children and show the well-off population the other side of the society. Moreover, it should act as an eye opener to the government by taking its attention towards such people so that the govt. can bring necessary measures on a regular basis to provide the road dwellers a better life and spread awareness.

ROLE OF POLICE

The police force is also a vital mode of social intervention as the police play an important role in influencing the juvenile roadway offenders who are caught while indulging in unfair and illegal practises like drug use, robbery, theft etc. the police have an important role in shaping the children in the juvenile homes. Proper education imparted, care and understanding shown by the police towards such children can have a huge impact on the characterization of such children which in turn will determine their future.

11. THE PATH AHAED

¹⁶ Sen, Amit (2009-12-01). "Street Children in India: A Non-Government Organization (NGO)-Based Intervention Model". *Journal of Developmental & Behavioral Pediatrics*. 30 (6): 552–559. doi: 10.1097/dbp.0b013e3181c21caa. ISSN 0196-206X. PMID 19996901.

¹⁷ Commissioners of the Supreme Court (2011). Tenth Report of the Commissioners of the Supreme Court. Permanent shelters for urban homeless populations: the national report on homelessness.

The street children are a highly sensitive socio- legal issue which is to be handled with care. The following steps are recommended to secure the street children an opportunity to develop their talents and provide them a better lifestyle for ensuring that they enjoy a happy future. Some suggestions are as follows:

- Education centres must be opened at all levels including the grass root administration and children must be made aware of their legal, social, political and other rights guaranteed by the constitution and other parliamentary laws and enactments.
- Proper and sufficient awareness regarding the societal ills must be given to the citizens via media and other such means
- Well maintained shelters must be operated and should be accessible 24x7, so that the deprived children can be protected
- Children who have been victims of sexual, physical or any kind of abuse must be rehabilitated and facilities for the same should be made available to them.
- The UNICEF, NHRC recommendations must be stringently upkept.
- More efficient policies and schemes must be enacted for the protection and reduction of the predicament of street children.
- The policies and schemes already in force must be more efficiently and effectively implemented.
- The legislative, executive and judicial bodies must work in cooperation to implement, safeguard and promote welfare policies for the upliftment of the homeless children.

12. CONCLUSION

It is well said that “Every child you encounter is a divine appointment.” The predicament of street child is universally spread and it is important to control its widespread by eradicating some of its root causes such as poverty, increasing illiteracy among rural population etc, though eradicating these factors is the first phase in reducing the current predicament the second phase is the most vital. The second phase should deal with policies, schemes for educating and rehabilitating the children in question. A faultless execution of these 2 phases is the need of the hour as such implementation would promise a harmonious lifestyle for the pavement dwellers by reducing the problem little at a time till it eventually becomes nil, because any civilization’s personality is best revealed in the way it treats its children.