

STREET CHILDREN IN INDIA: A VEXATIOUS REALITY

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Introduction

Street Children is not a new thing in India. Everywhere we go, we see children roaming on streets, begging, collecting garbage and doing all the dirty work. It hardly awakens anyone's conscience. Once they approach us, either we give them 5-10 Rupees or we ignore them and don't let them come even close to us. I don't say that what we do is wrong or right but the problem that remains there is the fact that they are homeless and even if they have a shelter to go eat and sleep in night, they don't know that they are abused, such is the innocence of the child. They adapt to that way of life but making a child beg on streets is undoubtedly a worst instance of the Abuse of childhood that leads to more worse problems. The reason I said that the street children and their problems are not a recent thing in India, just clarifies and throws light on the approach that the government has taken until now. We pin hopes on the NGOs that they would come and help, and they do but the government does what it is best at. It formulates policies with negligible implementation. This renders the problem unsolved and thus, it keeps on increasing every year. Street Children experience the worst possible forms of abuses. They are prone to trafficking, sale for prostitution, maiming, begging once they are on streets. With no one to take care for them and the perpetrators of Crimes against children always preying on them, Children become an easy target and end up getting their lives ruined.

A Menace and Heart Wrenching Results

Street Children basically refers to those children who live on the streets, it includes those boys or girls who are of young age and they don't have anyone to act as a guardian for them or to take care of them. They are homeless and have made streets their home.² Because of the fact that Children living on streets do not always have a place to go and they keep on roaming around, it is a tough ask to estimate the amount of children living on streets in India.³ However, some reports have come up and the recent report claims that there are more than 18

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² A Study on Street Children in Zimbabwe (UNICEF) available at
https://www.unicef.org/evaldatabase/files/ZIM_01-805.pdf (last visited on January 24, 2020)

³ Thomas Chandy, CEO, Save The Children, available at <http://www.businessworld.in/article/There-Are-Over-2-Million-Children-Living-On-The-Street-In-India-Thomas-Chandy-CEO-Save-The-Children/02-01-2018-136112> (Last Visited on January 24, 2020)

million Children living on Streets in India.⁴ This is a huge number and it subsequently means that Government has to be stringent when it comes to Child Protection. It must be understood that children living on streets are not living there on streets out of their own will but there are several underlying factors that push them out on streets and render them even more vulnerable. Some of them are:

- **Poverty:** - It is one of the main causes why children come out on streets. Poverty is already too much prevalent in India and it doesn't even spare young children. Most of the times, these children get severed from their families or sometimes it is the families who let their children on streets and make them beg.
- **Family Setup:** - It involves when Children are abused by their families and in most cases by Step Parents. In other cases, the phenomenon of Street Children begins with family itself. With lesser exposure and poverty adding to the causes, families often sever ties with children or in worst cases, if Parents die, Children are left alone and thus become a part and parcel of Street population.
- **Sale and Trafficking:** - Although it doesn't actually start with family but somehow, it is inter related as well. Abduction of Children and then putting them to work on streets. They are even maimed sometimes and left for begging. Although there are laws but we cannot ignore the fact that we still have millions of children roaming the streets and thousands of Underage girls entering into prostitution every year.

With this said, the most heart wrenching fact strikes us and that is when we don't see that many girl children on streets. Where do they go? Rightly thought, Unfortunately, they do end up in sex markets, brothels and Red-Light areas of cities. They are sold and brought, used and Abused, just like commodities. Once again, laws are there but that doesn't stop prostitution from taking up or engulfing thousands of girl children every year. Around 55 % of the girls who live on streets or are missing end up in sex markets and that is a worrying factor for any country.⁵ Many people widely criticize the population explosion of country and take that as one of the reasons for this problem as well. I won't disregard that fact but one cannot disregard the other fact that the social setup in places all over India is also the reason why we see children on streets. Migration from rural areas to urban areas often ends up with incidents like these: Children and their families begging on streets. All said, Street Children end up

⁴ Fight for Street Children *available at* <https://www.railwaychildren.org.uk/what-we-do/fight-for-street-children/> (Last Visited on January 25, 2020)

⁵ India. The street children of New Delhi: in search of their future, *available at* <https://www.southworld.net/india-the-street-children-of-new-delhi-in-search-of-their-future-2/> (Last Visited on January 24, 2020)

being used and abused in one way or the other. They always end up with the pimps and other people selling them or in many cases, they become drug addicts, commit crimes once they grow up in such a social setting.

Laws Protecting Children don't reach the Street Children

World has seen a serious development in terms of securing rights of the vulnerable groups and Children being one among them have also received laws in abundance for their rights to be secured. Instead of being a help, the laws have turned out to be discriminatory and this is not because the laws have discriminatory provisions but because the provisions don't seem to reach the children who live in streets.

There are as of now numerous laws in India that provide children the best of the rights which will enable them to secure for themselves a befitting future and a future they aspire. India has signed and ratifies a lot of International documents, declarations which relate to the rights of children. UN Child Rights Convention, 1989 was adopted by India in 1992 and India adopted its two additional protocols in 2005 as well. India is a signatory to International Conventions on Civil and Political Rights (ICCPR), and International Convention on Economic, Social and Cultural Rights (ICESCR) too. India has also Signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) also which applies to girls who are under the age of 18 Years. Indian laws are not lagging behind anywhere when it comes to the protection of Children that also includes Street children. The Constitution of India contains lots of Provisions/articles which provide for the protection of the children and their welfare. The state legislatures can make special laws and policies pertaining to the rights of children. Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e) and 39(f) of the Indian Constitution contains all such provisions.⁶

There are many other legislations that have been enacted for the purpose of providing protection to children such as The Indian Penal Code, 1860 that provides punishments with regard to crimes committed against children. E.g. Foeticide (Sections 315 and 316), Infanticide (Section 315), Abatement to commit suicide of minor (Section 305), Crime against children committed by parents or others to abandon them (Section 317), Kidnapping and Abduction (Section 360-369), Procurement of minor girls to have illicit intercourse (Section 366-A), Selling and Buying of girls for prostitution (Section 372), Rape (Section 376), Unnatural Sex (Section 377), etc. Some other Acts that provide protection to the children are The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act,

⁶ Child abuse in India, available at <http://www.helpline.law.com/employment-criminal-and-labour/caii/child-abuse-in-india.html> (Last Visited on January 25, 2020)

1994, The Juvenile Justice (Care and Protection of Children) Act, 2000, The Immoral Traffic (Prevention) Act, 1956, Child Labour (Prohibition and Regulation) Act, 1986, The Prohibition of Child Marriage Act, 2006, The Commissions for the Protection of Child Rights Act, 2005, Protection of Children Against Sexual Offences Act, 2012, etc.⁷

Now that we know that there are laws in abundance to provide protection to the children in India but the fact remains that these laws more often than not, do not reach the children especially the Street Children. For other children, they are under care and responsibility of their parents and if not them, then there are guardians appointed, legal representatives as well but for Street Children, it is the Government who needs to be the guardian. A Law that cannot reach to the intended objectives ceases to be a law. This shouldn't happen to the laws protecting child rights. The major problems that Street Children face in their day to day lives are all covered under the above mentioned and several other enactments. But we see every day, there is increase in the problems faced by these children. Since they live on streets and have no one to take care of them, they end up in a plethora of problems such as Child Abuse, Child Labour, Gender Discrimination, Health related issues, Homelessness and Poverty. The Street Children are more prone to these kinds of problems and most of the times they ultimately fall into all of these categories one by one. There is no respite to their problems although there are many NGOs working towards their rehabilitation but at the ground level, as of now, this problem doesn't seem to end anytime soon.

Since most of the Street Children are with families also living on the streets but that hardly makes any difference when it comes to the Government Schemes and policies being availed by them. On one hand they are homeless along with their families, they have left their place of original residences and now they are in a new place, probably an urban community and On the other hand they don't have the necessary documents and that is even a bigger problem as they as a result of not having documents are left out of the majority of the government Schemes & Policies.⁸ This surely needs to be pondered upon by the authorities for their overall wellbeing.

⁷ Laws and Policies for Protection of Interest of Children: A Critical Analysis Available at <http://www.legalserviceindia.com/legal/article-346-laws-and-policies-for-protection-of-interest-of-children-a-critical-analysis.html> (Last Visited on January 26, 2020)

⁸ Surviving the Streets: A Study on Street Children in Delhi Available at <https://www.savethechildren.in/news/surviving-the-streets-a-census-of-street-children-in-delhi> (Last Visited on January 26, 2020)

Conclusion and Suggestions

The problem is not new and the laws have been there since years but the matter of grave concern here is their implementation and even bigger problem is identifying all the street children. Identification of all looks improbable but still the Government can come up with strategies and policies exclusively for Street Children that will focus on them and provide for them. A Street Children Centric regulation is the need of hour and its implementation is even more necessary. We may find NGOs to be very helpful but this is also a reality that what Government can achieve in collaboration with NGOs, NGOs and Governments can't achieve that separately.

Still there is this general realization that there are actually people living in streets and everyone takes that phenomenon for granted because we think that is normal. Yes, that may be normal for us, who wake up every day and sleep back at the end of the in our homes so this problem surely won't bother us.⁹ The children live in extremely dangerous environment and are thus exposed to horrific situations. They suffer endlessly but it looks like they have subjugated themselves to it. Well, that is not actually the case and it should be known that they are forced to live on streets. This is not their choice but they don't have any other choice. They are young, they are innocent and it is us, we educate ourselves for ourselves instead of helping them out there. Instead of giving them a life, many among us go around and make them do the work that no ordinary man of even a little bit of prudence would take up. Let's think and let us act before this problem hits us hard because that is what it will eventually do.

⁹ Enos, H.N.; Njoka, M. Street Children and Employment Opportunities, International Nuclear Information System (INIS), 1999-01-01