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A RIGHT OF STREET CHILDREN-A SOCIO-LEGAL ISSUE

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Abstract

In India, a large number of children are tragically denied their fundamental human rights, compelled to engage in labour instead of receiving an education. These children, often referred to as "street children," find themselves in this situation due to the loss of their families or other unfortunate circumstances. Despite the Constitution of India guaranteeing rights for all, a significant portion of the country's children continue to be deprived of their basic human rights. These vulnerable children are unable to advocate for themselves or are simply unaware of their rights. However, various international conventions and declarations on child rights emphasize the commitment of the global community to providing essential human rights to every child. At the national level, numerous legislations aim to improve the conditions for children and protect them from exploitation. This article seeks to delve into the underlying causes of streetism, examine the specific challenges faced by street children, and critically analyse the effectiveness of the legal framework both nationally and internationally in safeguarding the rights of these children. It presents data highlighting the dire circumstances endured by street children and explores the roles of the judiciary, non-governmental organizations (NGOs), and the police in protecting their rights. Furthermore, the article endeavours to identify potential measures to address the issues faced by street children, ensuring the guarantee of their human rights and providing them with the necessary support and nurturing environment for their holistic development. India, renowned for its rich traditions, history, architecture, and diverse culinary delights, is unfortunately also plagued by the pervasive issue of poverty. Poverty is an ever-present reality in the lives of a vast majority of Indian citizens, with little indication of it being eradicated. The plight of street children, intimately connected to poverty, is a significant socio-legal issue that has persisted throughout the country's history, seemingly impervious to the existing legislative framework. This article aims to shed light on this pressing matter, emphasizing the urgent need for comprehensive and effective measures to protect the rights of street children. By examining the various perspectives of Child Protection Law, Directive Principles, Fundamental Rights, and Human Rights under the Indian Constitution, as well as relevant legislation such as the Juvenile Delinquency Act, a comprehensive understanding of the complexities surrounding the issue can be attained. The study will specifically focus on the different categories of street children and the numerous hardships they endure on a daily basis. Additionally, it will explore the various legislative efforts in India aimed at safeguarding the rights of street children and highlight the roles played by NGOs and other organizations in protecting them from exploitation. Finally, the article will propose potential steps that can be taken to ensure the effective implementation of laws protecting the rights of street children. It is imperative to prioritize the well-being of these vulnerable children, providing them with the necessary support and creating an environment conducive to their growth and development. Only through concerted efforts at both the legal and societal levels can their fundamental rights be safeguarded, offering them hope for a better future.

Keywords – Constitutional, Human rights, International, Country, Road



Introduction

Before delving into a comprehensive exploration of the topic, it is crucial to understand the meaning and scope of the term "street children." Street children do not refer to a specific term, but rather describe the status of children who endure poverty and homelessness. The primary cause of their homelessness is often abandonment by their parents due to poverty, leaving them without a home or selling them into exploitation. These children typically reside on the streets, relying on themselves and engaging in laborious work to earn a meagre living. The United Nations Children's Fund (UNICEF) defines street children as those below the age of eighteen who live and make their living on the streets. In advanced countries, there is a subcategory known as destitute children, who are essentially children abandoned or forced to leave their homes by a single parent. These children share similarities with street children as they are also compelled to survive on the streets. Street children face extensive abuse, exploitation, neglect, and, in extreme cases, even murder. The saying "criminals are not born, they are made" applies similarly to street children. These children are not born as street children but are shaped by the society's negligence. Instances abound where well-educated and affluent members of families choose to abandon their children before they can even fully comprehend or give consent. In countries like India, it is a common sight to see children begging or selling goods to earn a meagre living in places such as bus stops, main roads, and railway stations. Notable cases, such as the Olga Tellis case, highlight society's responsibility, where an organization filed a case against the Bombay Municipal Corporation for forcibly displacing children without making necessary arrangements for their welfare. The Supreme Court rightfully criticized the corporation's actions towards the underprivileged segment of society. In another case, Bandhu Mukti Morcha, a voluntary organization faced legal action for compelling street children into forced labour. Street

children, or any other group resembling this category, are highly visible as they make their living on the streets. They are present everywhere, encountered by people throughout the day. Ironically, when it comes to protecting their rights under the law, they become the most invisible and inconspicuous group. It is disheartening to witness their struggles so prominently, yet fail to make significant efforts to protect them. One of the main challenges street children face is their demonization and detachment from mainstream society, making them vulnerable to criminal behaviour. Surveys have revealed that most street children are not orphans but have been abandoned by their parents. Many have fled their homes due to severe physical and psychological abuse inflicted by their families. Once on the streets, these children face numerous challenges as they are underage and lack the maturity to navigate various situations. The most distressing aspect is that street children not only endure abuse and crime from various organizations but also from the very police who are supposed to uphold the law. There are various reasons why street children's rights are often neglected, with many cases not even reaching the courts. These children are often driven out of city limits and left to fend for themselves without legal recourse. The United Nations Declaration of Human Rights was the first comprehensive effort to address the issue of street children and propose viable solutions. The United Nations Human Rights Council developed a framework to tackle the seriousness of this socio-legal issue, urging nations to adopt policies, rules, and regulations for the implementation of these measures to safeguard the rights of this vulnerable population. These efforts yielded some positive results, garnering attention from powerful nations and providing aid to children living on the streets and struggling for survival in countries like India. This led to the creation of guidelines and policies aimed at protecting and preserving the rights of those in need. Many nations, including India, have taken these



guidelines and policies seriously, committing to their implementation regardless of the challenges. The Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution, along with the Fundamental Rights under Part III, play a crucial role in safeguarding the rights of children, including street children. These constitutional provisions highlight the government's duty, both at the central and state levels, to take significant steps for the welfare and development of these marginalized sections of society. In addition to the constitutional provisions, several laws prioritize the needs, scope, study, analysis, and resolution of issues faced by street children. These laws aim to address the specific challenges faced by these children and provide a framework for their protection and well-being. These laws may include legislation related to child protection, child labour, education, rehabilitation, and social welfare. Such legal provisions recognize the importance of addressing the issues faced by street children and emphasize the responsibility of the government and society as a whole to ensure their rights are respected and protected.

DEFINITION OF CHILD

Before delving into the formal definition of street children, it is important to understand the concept of "child." In India, there is no standardized definition of a child, as different legislations and laws provide varying definitions based on the age specified in each statutory provision, aligning with their specific aims and objectives. The Indian Constitution, for instance, prohibits the employment of children below the age of fourteen in factories, mines, or any other hazardous occupations¹. The law pertaining to juveniles² defines a 'child' as an individual who has not yet reached the age of eighteen. Therefore, the definition of a child in the context of street children may vary depending on the specific legislation or law being referred to, with

different age thresholds utilized to determine a child's legal status and entitlements.

Street child: definitions, actions and problems:

When one thinks of the term "street children," a vivid image often comes to mind. It portrays children dressed in tattered clothing, barefooted, engaging in various activities to survive. These activities may include selling books or flowers, scavenging for discarded items from garbage heaps, working in restaurants to clean utensils, washing cars, being involved in pick-pocketing incidents, and even shining shoes or cleaning rail-buggies. These images depict the harsh reality faced by many street children around the world. Due to poverty, homelessness, or abandonment, these children are forced to take to the streets and engage in such activities as a means of survival. Their dire circumstances often push them into exploitative and risky situations, where they are vulnerable to abuse, neglect, and criminal behaviour. These children's daily lives are marked by the struggle to earn a meagre income, living on the fringes of society. Their resilience and resourcefulness in making ends meet despite challenging circumstances deserve recognition. However, it is important to address the root causes of their predicament and work towards providing them with better opportunities, education, and support to break free from the cycle of poverty and street life.

Definition of Street child:

The term "street children" does not have a universal definition and varies across different organizations. According to the United Nations, street children³ refer to any boy or girl for whom the street has become their habitual abode and/or source of livelihood, and who are inadequately protected, supervised, or guided by responsible adults. This category includes orphans, abandoned children, runaways, and others who are entirely reliant on themselves for survival, both materially and psychologically.

¹ The Constitution of India. art. 24

² The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act 2 of 2016)

³ Lakshmi, G. Rao, "Street Children- The Problem, Causes and Approaches" 7(1) Journal of Institute of Human Rights 84 (2004).



The Street Children (Protection of Rights) Bill, 2001⁴ proposed a definition of street children as "deprived children with unknown parentage, abandoned and neglected children, including destitute children of sex workers." This definition focuses on the children's circumstances and categorizes them based on their time spent on the streets. In summary, the term "street children" refers to children who live and rely on the streets for their livelihood, lacking proper protection, supervision, and care from responsible adults. They can be orphans, abandoned children, runaways, or those from marginalized backgrounds.

Causes children's thoughts and problems:

Children may choose to live on the streets for various reasons, which can be categorized as push and pull factors.

Push factors refer to circumstances that force children onto the streets, while pull factors are elements that attract them to street life. Push factors include parental neglect and abuse, both sexual and psychological, which create an unsafe and hostile environment for the child at home. Severe poverty and the inability of parents to meet their children's basic needs due to a lack of resources can also drive children towards street life. Children from broken families, caused by the death of one or both parents or displacement due to natural disasters like floods or earthquakes, may also end up on the streets. Displacement resulting from armed conflicts or development projects, coupled with inadequate rehabilitation, is another factor that pushes children and their families into street life. Gender discrimination, particularly against girls, can lead to their destitution, forcing them to live on the streets and making them vulnerable to forced prostitution and begging.

Pull factors include rapid urban growth and the allure of city life. The rapid expansion of cities and the consequent changes in traditional family structures have contributed to the

increasing number of street children. The glamorous perception of city life may attract impoverished children, further adding to the population of street children. Chronic poverty, unemployment, overcrowded homes, parental neglect or abuse, peer influence, academic failure and dropping out of school, natural disasters, armed conflicts, and parental abandonment are some of the reasons that compel children to seek refuge on the streets, where they find shelter and work to survive.

Problem of street children:

The problems faced by street children are multifaceted and encompass various dimensions. One of the primary issues is the absence of love, care, protection, and the comforts of a family life that most street children experience. Street children are highly susceptible to exploitation, whether it be physical, mental, sexual, or economic in nature. They are exposed to health hazards, chronic diseases, and are vulnerable to malnutrition, hunger, and unsanitary conditions. Economic exploitation is prevalent, as employers often pay inadequate wages or exploit their labour. Girls, in particular, are at a higher risk of sexual exploitation, facing harassment from males on the streets, and sometimes even from municipal authorities and police officers. Unfortunately, due to a lack of trust in law enforcement, instances of abuse often go unreported, leaving the perpetrators unpunished. Anti-social elements take advantage of street children, coercing them into activities such as prostitution, begging, and drug peddling for their own gain. Harassment and exploitation from police officials and municipal authorities are also common occurrences. Moreover, street children are prone to adopting anti-social behaviours and habits. Lacking education and parental guidance, they often fall into detrimental habits like tobacco chewing, smoking, and alcohol consumption, which have detrimental effects on their health. They may also engage in criminal activities such as theft, drug peddling,

⁴ The Street Children (Protection of Rights) Bill, 2001, cl. 2 (i)



and pick-pocketing. Psychologically, street children face significant challenges. They are not viewed with love and affection by the public but rather as a nuisance, leading to a life of neglect within the community. This attitude of neglect hampers their mental development and can contribute to psychological complexities. The problems faced by street children are numerous and interconnected, encompassing physical, emotional, and social aspects. Efforts must be made to address these issues holistically, providing them with proper care, protection, education, and opportunities for a brighter future.

Situation of street children in India:

In India, it is unfortunately common to witness children begging for money or selling goods to sustain themselves in places like bus stops, main roads, and railway stations. This highlights the dire circumstances faced by these children. A notable case that shed light on society's responsibility is the Olga Tellis⁵ case, where an organization filed a lawsuit against the Bombay Municipal Corporation for forcibly displacing children without making essential arrangements for their eviction. The Supreme Court of India rightly criticized the corporation's actions, emphasizing their negligence towards the underprivileged section of society. In another instance, the Bandhu Mukti Morcha⁶, a voluntary organization, faced a lawsuit for exploiting street children by forcing them into labour. It is important to note that many street children are not orphans but have been abandoned by their parents. They may have fled their homes due to extreme physical and psychological abuse inflicted by their families. Once on the streets, these children are no different from any other group of individuals, except that they are underage and lack the maturity to navigate various situations. Unfortunately, street children are not only vulnerable to abuse and exploitation by various organizations but also by the very police who

are supposed to uphold the law. This alarming reality raises questions about the lack of substantive protection for the rights of street children. Many cases involving street children are not given proper attention, and very few reach the courts for legal redress. Before a case can even be filed, these children are often driven out of city limits and left to suffer, deprived of basic necessities. The plight of street children in India is a grave concern, demanding immediate attention and intervention. It calls for a comprehensive approach that addresses the systemic issues contributing to their vulnerability and ensures the protection of their rights. Efforts should focus on providing them with access to education, healthcare, shelter, and opportunities for a better future, while also holding accountable those who exploit and neglect them.

Laws on the protection of street children

From the discussions above, it becomes evident that the issue of street children and the protection of their rights is not limited to India but is a global problem affecting countries at various stages of economic and social development, including developed nations. Recognizing the universality of this problem, international organizations such as the International Labour Organization (ILO) and the United Nations (UN) have undertaken comprehensive analysis and taken steps to address the issue. While these initiatives have been helpful, there is still much work to be done. Street children are human beings who constitute a significant portion of the population, and their rights and well-being cannot be overlooked. It requires a collective effort from governments, civil society organizations, communities, and individuals to address the root causes and provide adequate support and protection for street children. The ILO and the UN have played a crucial role in raising awareness about the plight of street children and advocating for their rights on a global scale. However, more concerted action is needed to ensure the effective implementation

⁵ 1985 SCC (3) 545

⁶ (1997) 10 SCC 549



of policies and programs that address the unique challenges faced by these vulnerable children. This includes providing access to education, healthcare, shelter, nutrition, and opportunities for their overall development and integration into society. Furthermore, international cooperation and sharing of best practices are essential to tackle this complex issue. Countries can learn from each other's experiences and develop comprehensive strategies that prioritize the rights and well-being of street children. Efforts should focus on preventive measures, such as poverty alleviation, social welfare programs, and strengthening family support systems, as well as on providing appropriate interventions and rehabilitation for those already living on the streets. In conclusion, addressing the issue of street children and protecting their rights requires a global commitment and collaborative action. It is imperative to recognize their inherent dignity, provide them with equal opportunities, and ensure their inclusion in society. By working together, we can create a world where every child, regardless of their circumstances, has the chance to grow, thrive, and realize their full potential.

Child Rights and Protection - National and International Prospective :

National Prospective

Human Rights are regarded as the highest degree of rights, encompassing life, liberty, equality, and the dignity of individuals. Section 2(1)(d) of the Protection of Human Rights Act 1993⁷ defines Human Rights as the rights guaranteed under the Constitution and enforceable by the Courts, including those mentioned in international instruments like the Universal Declaration of Human Rights 1948 and the Geneva "Red Cross" Convention 1949. Despite the recognition and legal framework provided by the Constitution of India and national laws to protect the rights of children, street children face extreme ignorance and

apathy, rendering them unable to secure their rights. The Indian Constitution⁸ includes several provisions to safeguard vulnerable sections of society. Article 21 mandates compulsory and free education for children between the ages of 6 and 14, recognizing it as a fundamental right. However, statistics indicate that a significant proportion of street children fall within this age range. Therefore, they should be provided with free education instead of being forced into labour, as education is their basic fundamental right. Article 24 prohibits the employment of children below the age of 14 in factories, mines, or hazardous work. Unfortunately, many street children, who are below the age of 14, are still subjected to such hazardous conditions. Although the legislation is clear, its implementation is lacking. It is essential to protect street children from engaging in such dangerous employment. Article 39(f) emphasizes the need to provide children with opportunities and facilities for healthy development, ensuring their freedom, dignity, and protection against exploitation and abandonment. However, street children often experience abandonment and grow up in harsh conditions, facing severe health risks due to their reliance on stale food from garbage and living in unhygienic environments. Thus, despite the constitutional provision, the reality contradicts the intended protection and opportunity for healthy development. Article 51A(k) of the Indian Constitution imposes a fundamental duty on parents or guardians to provide education opportunities to their children between the ages of 6 and 14. Therefore, parents who abandon their children to the streets can be held accountable for violating their fundamental duties under the Indian Constitution. Article 14 guarantees the right to equality, and street children are clearly not treated equally. These children, who are typically of school-going age, are forced to work in hazardous conditions, denying them equal treatment and access to education compared to other children who are treated

⁷ indiacode.nic.in

⁸ Bare Act: Universal Publication

humanely. Article 15 also protects street children from discrimination on any grounds. Article 23 ensures the right to be protected from trafficking and bonded labour. However, street children are frequently subjected to trafficking and bonded labour, involving activities such as child labour, prostitution, and factory work. Many street children are forced into bonded labour to repay their fathers' debts, trapping them in long-term slavery. Such practices violate Article 23 of the Indian Constitution. The Immoral Trafficking (Prevention) Act, 1956⁹, specifically addresses trafficking for prostitution but fails to cover other forms of human trafficking, such as child labour, bonded labour, or organ trafficking. Amendments are necessary to make the law consistent with the Constitution and international protocols, and a clear definition of trafficking is required. The Directive Principles of State Policy (DPSP) in Part IV of the Indian Constitution, along with the Fundamental Rights in Part III, prioritize the protection and development of children. They emphasize the duty of both the central and state governments to take significant steps to promote the well-being of these sections of society. Additionally, various other laws address the needs and challenges faced by street children. The Indian Constitution requires the state to ensure that the tender age of children is not exploited and that economic necessity does not force citizens to engage in unsuitable occupations. However, street children are often involved in activities like working as coolies or rag-pickers, which are unsuitable for their age. Economic necessity drives them into such occupations as they struggle to earn a livelihood.

International Prospective

The UN Protocol provides a comprehensive definition of 'trafficking in persons'¹⁰, encompassing various forms of exploitation, including sexual exploitation, forced labour, slavery, servitude, and trafficking for organ

removal. However, the existing Act in India only considers trafficking as an offense if the victim is used for prostitution. To align with international standards, the Act should be amended to include all forms of trafficking as defined in the UN Protocol. This ensures a more comprehensive legal framework that addresses the diverse aspects of human trafficking and provides better protection for victims, regardless of the purpose of their exploitation.

Universal Declaration of Human Rights (U.D.H.R)¹¹

The United Nations Declaration of Human Rights played a pivotal role in addressing the issue of street children and proposing solutions. The United Nations Human Rights Council established a framework to tackle this socio-legal problem and called on nations to adopt policies, rules, and regulations for their implementation in order to protect the rights of these children. This effort yielded some positive outcomes and garnered international attention, leading to the formulation of guidelines and policies aimed at safeguarding the rights of street children. Many nations, including India, took these guidelines and policies seriously, committing to follow them diligently. The United Nations Universal Declaration of Human Rights emphasizes the equality and dignity of all individuals. Article 1 asserts that all human beings are born free and equal, including street children, who should not be subjected to forced labour or abuse that violates their rights and dignity. Article 3 emphasizes the right to liberty, life, and security of person, which street children are entitled to. However, many street children face various forms of abuse, despite the clear provisions of this article guaranteeing their security. Article 4 prohibits slavery, servitude, and the slave trade in all forms. This article is particularly significant in protecting vulnerable groups, such as street children, from exploitation and bondage. Street children, often trapped in bonded labour to repay their fathers' debts, should be protected under this article.

⁹ indiacode.nic.in

¹⁰ unodc.org

¹¹ un.org

Article 23 ensures everyone's right to work in favourable conditions and protection against unemployment. Street children are frequently forced into hazardous and detrimental forms of child labour. Therefore, they should be safeguarded under this article, which upholds the right to choose employment and work in just conditions. Article 26(1) declares the right to education, emphasizing free education at the elementary and fundamental stages. Unfortunately, a significant portion of street children lacks access to education. They should be entitled to education, including free education, as per this article, which does not discriminate based on social status.

The United Nations Conventions on the Rights of The Child (U.N.C.R.C)¹²

The United Nations Convention on the Rights of the Child (UNCRC), ratified by member nations on November 20, 1989, and effective from September 2, 1990, was established to address the specific rights of children. According to the UNCRC, a child is defined as a human being until they reach the age of majority. The convention places the best interests of the child as a top priority and deals with issues such as custody, guardianship, and protection for children who have been abandoned or have lost their parents. The UNCRC encompasses a wide range of rights, including fundamental rights such as the right to life and the right to be raised by parents while maintaining a parent-child relationship. It provides protection for various categories of children, including migrant children, homeless children, orphaned and abandoned children, street children, runaway children, child beggars, working children, trafficked children, children of prostitutes, children affected by conflicts, children in jail, children affected by AIDS, and children affected by natural disasters. By recognizing and safeguarding the rights of children, the UNCRC aims to ensure their well-being, protection, and development. It serves as

a crucial international instrument for promoting the rights and welfare of children worldwide.

The role of the judiciary, NGOs and police in protecting street children

The Juvenile Justice Act 2015 (Care and Protection of Children)¹³ focuses on two main categories of children: those who are in dire need of care, protection, and shelter, and those who are in conflict with the law. Street children can often fall into both of these categories simultaneously. Due to the lack of care and protection, these children may find themselves in conflict with the legal system. The act recognizes the importance of addressing the specific needs and vulnerabilities of these children, ensuring their well-being, and providing appropriate support and interventions to rehabilitate and reintegrate them into society. It emphasizes the significance of offering care and protection to children in need while also recognizing the need for a restorative justice approach when dealing with children in conflict with the law.

Role of Judiciary

The Seventh five-year plan (1985-90)¹⁴ in India recognized the importance of promoting the development and well-being of children in all aspects of their lives. As part of this plan, the judiciary and the Supreme Court played an active role in endorsing children's rights and advancing social action for their benefit. Litigation became a catalyst for judicial intervention and policy formulation, with "Social Interest Litigation" emerging as a means to achieve socio-economic justice for the underprivileged, including children. Social action litigation has been instrumental in assuring and ensuring child rights in India. Several significant cases have contributed to shaping the legal framework and policies pertaining to children. These cases have raised awareness and compelled action to protect children from various forms of exploitation,

¹² unicef.org

¹³ indiacode.nic.in

¹⁴ nitj.gov.in



abuse, and neglect. One notable scenario of social action litigation for children is the **Vishal Jeet v. Union of India** case. In this case, the Supreme Court took suo moto cognizance of the dire conditions faced by children in childcare institutions across the country. The court directed the central and state governments to take immediate action to improve the living conditions, education, and healthcare services provided to these children. Another significant case is the *People's Union for Civil Liberties v. Union of India*, where the Supreme Court addressed the issue of child labour. The court mandated that children under the age of 14 should not be employed in hazardous industries and emphasized the importance of providing them with education and a safe environment for their overall development. Furthermore, the court's intervention in the **M.C. Mehta v. State of Tamil Nadu** case resulted in the closure of brick kilns employing children in hazardous conditions. The court emphasized the right of children to be protected from exploitation and mandated that the government take necessary measures to ensure their well-being. These cases, along with many others, have played a vital role in shaping child rights in India. They have compelled the government and other stakeholders to take action, formulate policies, and implement programs that protect and promote the rights of children. The judiciary's active involvement has not only created awareness but has also held authorities accountable for their responsibilities towards children. In conclusion, the Seventh five-year plan marked a significant step towards the development and survival of children in India. The judiciary's role in endorsing children's rights and the use of social action litigation as a tool for socio-economic justice have been instrumental in assuring and ensuring child rights. These cases have set important precedents and have contributed to the ongoing efforts to protect and promote the well-being of children in the country.

The role of civil society organizations

According to UNICEF, there are an estimated 100 million street children worldwide, and in India alone, the numbers range from 400,000 to 800,000, with the majority being under the age of 18. These children come from diverse backgrounds, including various castes, cultures, religions, communities, and economic groups. In the past, awareness about the issues faced by street children was limited, but now there are several NGOs working tirelessly to address these challenges. Organizations such as NHRC, NCPCR, CLAN, CRY, GRACE, and others are actively involved in advocating for the rights and well-being of these children. Although each organization may have a different approach, their shared objective is to support and protect street children. The media has played a crucial role in raising public awareness and promoting social development and child rights protection. Through electronic and print media, the Government of India and UNICEF have collaborated to amplify the power of advertising and broadcasting. The Ministry of Information and Broadcasting has facilitated the dissemination of information about the issues faced by street children, creating awareness among the general public. The media's involvement has had a significant impact on shaping public opinion and generating awareness about the plight of street children. By highlighting their challenges, the media has helped mobilize support, resources, and interventions to improve the lives of these vulnerable children. The cooperative efforts between the government, UNICEF, and the media have contributed to a broader understanding of the issues and the urgent need for action. Overall, the combined efforts of NGOs, the media, and government initiatives have played a vital role in raising awareness, advocating for the rights of street children, and working towards creating a better future for them.



The role of the police – passive and active:

The proverb "There's more to this than meets the eye" perfectly encapsulates the complexity of the experiences of street children within the justice system. The challenges faced by these children go beyond what is apparent on the surface. It is a multifaceted issue that involves various factors such as poverty, homelessness, abuse, neglect, and limited access to basic rights and services. Addressing the needs of street children within the justice system requires a comprehensive approach that takes into account their unique circumstances and provides them with appropriate support, protection, and rehabilitation. It is crucial to delve deeper into their experiences to understand the underlying complexities and work towards effective solutions that ensure their rights and well-being are safeguarded.

Role and conduct of police and private security guards on the streets:

The experiences of street children with the police often reveal a mix of both positive and negative encounters. While there are instances of optimistic experiences and constructive cooperation with the police, the majority of these experiences revolve around various forms of abuse and the lack of an effective system to address complaints. Numerous studies conducted with street children highlight the extent of their interactions with the police and security guards, who are expected to uphold the principles of the justice system. Unfortunately, many street children report incidents of harassment, threats, and mistreatment by the police, as well as by members of society who receive either direct or indirect encouragement from the police. This dual responsibility lies with the police: they not only engage in these serious offenses but also fail to prevent street children from falling into such traps. Instead of fulfilling their duty as part of the justice system, which promises to provide justice to street children and make them feel at home in society, the police often make it clear that these children do not belong and are considered homeless. The

types of abuse inflicted on street children by the police are numerous and disturbing. Examples of these experiences include: Physical abuse: Street children have reported being subjected to physical violence, including beatings, slaps, and physical intimidation by the police. Verbal abuse: Street children endure verbal insults, derogatory remarks, and offensive language from police officers, leading to emotional distress and trauma. Arbitrary arrests and detention: Street children are sometimes arrested without proper justification, detained in police custody for extended periods without due process, and subjected to harsh and degrading treatment. Extortion and bribery: Some police officers exploit the vulnerability of street children by demanding bribes or extorting money from them, exacerbating their already precarious situation. These experiences highlight the urgent need for comprehensive reforms within the justice system to protect the rights and well-being of street children. It is essential to establish mechanisms for reporting and addressing complaints against police misconduct, provide proper training to law enforcement officers regarding child rights and sensitivity, and promote collaboration between the police and organizations working with street children. By addressing these issues, society can strive to create a just and inclusive environment for all children, irrespective of their circumstances.

Harassment Experiences

The experiences of street children with the police often reveal a mix of both negative experiences of street children with the police extend beyond just law enforcement officers. Private security guards, such as those employed by banks, also contribute to the harassment and mistreatment of these vulnerable children. Street children have reported instances where private guards have used their authority to intimidate and exert power over them. In some cases, private guards have resorted to aggressive tactics, brandishing firearms and forcing street children out of



public facilities like women's restrooms. These acts of harassment and physical intimidation are carried out without any provocation from the children, highlighting the disproportionate abuse of power by these guards. Additionally, street children have encountered other forms of misconduct, including bribery, extortion, and corruption. Some police officers and private guards take advantage of the vulnerable position of street children, using it as an opportunity to demand bribes or exploit them for personal gain. These acts further perpetuate the cycle of injustice and deepen the marginalization of street children. The negative experiences shared by street children shed light on the darker side of these stakeholders within the justice system. These instances of abuse, whether perpetrated by the police or private security guards, emphasize the urgent need for systemic reforms and stringent measures to protect the rights and well-being of street children. It is crucial to hold accountable those who engage in such behaviour and to establish robust mechanisms that ensure the safety, dignity, and inclusion of all children in society positive and negative encounters. While there are instances of optimistic experiences and constructive cooperation with the police, the majority of these experiences revolve around various forms of abuse and the lack of an effective system to address complaints. Numerous studies conducted with street children highlight the extent of their interactions with the police and security guards, who are expected to uphold the principles of the justice system. Unfortunately, many street children report incidents of harassment, threats, and mistreatment by the police, as well as by members of society who receive either direct or indirect encouragement from the police. This dual responsibility lies with the police: they not only engage in these serious offenses but also fail to prevent street children from falling into such traps. Instead of fulfilling their duty as part of the justice system, which promises to provide justice to street children and make them feel at home in society, the police often make it clear

that these children do not belong and are considered homeless. The types of abuse inflicted on street children by the police are numerous and disturbing. Examples of these experiences include: Physical abuse: Street children have reported being subjected to physical violence, including beatings, slaps, and physical intimidation by the police. Verbal abuse: Street children endure verbal insults, derogatory remarks, and offensive language from police officers, leading to emotional distress and trauma. Arbitrary arrests and detention: Street children are sometimes arrested without proper justification, detained in police custody for extended periods without due process, and subjected to harsh and degrading treatment. Extortion and bribery: Some police officers exploit the vulnerability of street children by demanding bribes or extorting money from them, exacerbating their already precarious situation. These experiences highlight the urgent need for comprehensive reforms within the justice system to protect the rights and well-being of street children. It is essential to establish mechanisms for reporting and addressing complaints against police misconduct, provide proper training to law enforcement officers regarding child rights and sensitivity, and promote collaboration between the police and organizations working with street children. By addressing these issues, society can strive to create a just and inclusive environment for all children, irrespective of their circumstances.

Some Recommendation:

The following recommendations can be considered to address the challenges faced by street children and improve their situation: Establishment of Advisory Committees: Create advisory committees at both state and national levels comprising government representatives, experts, legal advisors, law enforcers, NGOs, and other organizations. These committees can advocate for the rights and well-being of street children, formulate effective policies, and provide guidance on interventions. Data



Collection and Monitoring: Develop a comprehensive data system to monitor the number of street children, track trends, and assess the impact of interventions. This data will facilitate evidence-based policymaking and enable timely interventions. Social Integration and Family Reunification: Implement a robust system of social integration that aims to reunite street children with their families whenever possible. Foster homes can be established as a last resort for children without families. The focus should be on providing stable homes and essential support. Dual Education System: Introduce a dual education system where street children can receive formal education while interning as apprentices in companies. This approach combines practical skills training with academic education, enhancing their future prospects. Migration Resource Centres: Establish Migration Resource Centres at the Gram Sabha (village council) level to address the issue of precarious migration. These centres can provide information, counselling, and support to prevent vulnerable children from ending up on the streets. District-level Monitoring: Set up bodies at the district level to monitor the situation of street children, coordinate interventions, and ensure effective implementation of policies and programs. Psychological Support and Counselling: Develop comprehensive plans for the psychological support and counselling of street children who have experienced physical and mental abuse, sexual exploitation, and behavioural challenges. Focus on trauma-informed care and behaviour management strategies. Address Root Causes: Address the root causes of street children, such as poverty eradication and population stabilization. Focus on providing rehabilitation and support to children affected by natural disasters. Strengthen collaboration between government and NGOs working on street children issues. Education Policy and Infrastructure: Ensure every child has access to compulsory primary education by identifying and addressing the causes of school dropouts. Improve basic infrastructure and facilities in

government schools to accommodate street children and provide quality education. Awareness and Civil Society Engagement: Increase awareness about the challenges faced by street children and engage civil society organizations to work collaboratively on addressing these issues. Advocate for the rights and well-being of street children through campaigns, public awareness programs, and community mobilization. By implementing these recommendations, it is possible to create a more inclusive society where street children are protected, supported, and given opportunities to thrive. Collaboration between government, NGOs, civil society, and the community at large is crucial to bring about positive change in the lives of street children.

Conclusion

In this article, the issue of street children continues to persist despite the existence of legislation, international conventions, and efforts by various stakeholders. The experiences of street children with regards to exploitation, abuse, and mistreatment highlight the urgent need for effective interventions and support systems. The role of the judiciary, NGOs, and civil society organizations in advocating for the rights of street children and providing essential services cannot be overstated. However, it is evident that more needs to be done to address the challenges faced by street children. The establishment of advisory committees, data collection mechanisms, and monitoring systems can contribute to informed policymaking and targeted interventions. Social integration, family reunification, and access to education and vocational training are crucial for the holistic development of street children. Additionally, addressing the root causes of street children, such as poverty, population stabilization, and awareness creation, requires a comprehensive approach involving multiple stakeholders. Collaboration between government agencies, NGOs, and the community is essential to create a supportive and inclusive environment for street children.

While progress has been made, it is important to recognize that the journey towards improving the lives of street children is ongoing. Continued efforts, resource allocation, and policy reforms are necessary to ensure the protection, well-being, and opportunities for street children to lead fulfilling lives. By working collectively, society can strive towards a future where every child, regardless of their background, has equal rights and opportunities to thrive.

References

- 1) Constitutional Law of India By Dr. J.N Pandey (59th Edition -2022)
- 2) Bandhua Mukti Morcha v. Union of India & Ors. (1997) 10 SCC 549
- 3) M.C. Mehta v. State of Tamil Nadu and Others AIR 1997 SC 699
- 4) Human Trafficking and Migrant Smuggling, <https://www.unodc.org/unodc/en/human-trafficking/protocol.html> (Last Visit on 24 June 2023, 5: 45 Pm)
- 5) Convention on the Rights of the Child, <https://www.unicef.org/child-rights-convention> (Last Visit on 23 June 2023, 12:55 Pm)
- 6) Karra kameswara rao(KARRA), Street Children-Human Rights A Socio Legal Issue In India, <https://www.legalservicesindia.com/article/2378/Street-Children-Human-Rights-A-Socio-Legal-Issue-In-India.html> (Last Visit 23 June 2023, 4: 15 pm)
- 7) Sukriti Verma, Street Children Human Rights: A Socio-Legal Issue in India, <https://www.legalbites.in/topics/articles/street-children-human-rights-a-socio-legal-issue-in-india-356818> (Last Visit 21 June 10:00 pm)