

Street Children of India

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Abstract: *Article on street children of India defines street children, deals with the causes why street children end up on streets, consequences children face when children end up on streets, various Government programmes to improve the life of street children, we will also see in this research paper various laws relating to street children, case laws, suggestions to improve the position of street children in India. We will also see legislative gap in the implementation of laws meant for the street children. Suggestions to bridge this gap and to improve position of street children.*

Keywords: Street children, causes and consequences, Laws, Case Laws, Government Programmes, conclusion and suggestions

Objectives- objectives behind studying street children of India is to understand challenges they face, intervene and fight for their rights so that they are safe, they get education and healthcare. Research shows that street children are being exploited, suffer from poor health. We can develop better programmes and policies to break poverty and support them. We also aim to study certain Legal provisions that aim to protect street children of India. We will see the legislative gaps in the implementation of laws meant for street children. Suggestions to bridge this gap and to improve position of street children.

I. INTRODUCTION

Vulnerable population living or working on the streets of India are known as street children of India. Street children live on the street because of family conflict and poverty. Around million to two million children are found on streets in India in cities.

Problems faced by street children in cities

Such children don't have education, don't have healthcare, and don't have sanitation. Gangs force them to do child labour they are exploited, trafficked.

Definition of Street children according to United Nations: According to United Nations Street children are those who live, work or live and work on the street or their families live on the street.

These street children are found in New Delhi, Kolkata and Mumbai. Street children never stay at one place. They travel from one city to another. Most of the Street children in India are above 6 years of age and over 8 years.

Causes why Children choose to live on street

Because of urban poverty, aberrant families and urbanization children live on streets. Many children who don't go to school engage themselves in stealing, fight with siblings think that their parents will beat them and leave home and become street children. Alcoholism of the parents, parents death, strained Relationship with parents, parent separation, Family violence are other causes due to which children end up on streets. Besides these cause low cost houses in slums, high illiteracy, drug use and unemployment lead children to end up on streets.



Types of street children in India.

UNICEF identifies three types of street children namely street living children, street working children, and children of street working families. Project called surviving the streets in India- The invisibles gave legal identity to street children in the 10 poorest cities.

Government Programmes for Welfare of Street Children in India

Bal Raksha Bharat is also taking lots of efforts to improve life of street children. Integrated program for street children were introduced in May 2007 and was valid up to December 2008. Preventing children from living a life on the streets was what program aimed at. Program focuses on giving nutrition, homecare, shelter, Sanitation and healthcare, safe drinking water, hygiene, education and recreational facilities, protection against abuse and exploitation against destitute street children.

Rajiv Gandhi National Cretch Scheme for the children of working mother has been launched by the Ministry of Women And Child Development. It provides cretch services for children between age group of 0 to 6 years. Emergency medicines, supplementary nutrition etc. are included in the services.

Juvenile Justice Act has also been enacted to help street children. For the benefit of street children many NGOs also strive.

There is also integrated program for street children and schemes such as PM Cares for Children Scheme. Non-Governmental Organizations (NGO) like butterflies NGO, Bal Rakhsha Bharat and Bosco offer comprehensive support through, education, vocational Training and psychological care to help children reintegrate into society.

Salaam Balak Trust, Pataskala Trust also help Street Children to build their self-esteem and more positive lifestyle for children in urban poor areas.

Key Legal Provisions that protect street children.

There are various constitutional provisions that can be used for betterment of street children.

Equality before the law is ensured by Article 14 of the Indian Constitution.

.Art 15(3) empowers the state to make special provisions for women and children.

Right to life and Personal Liberty are protected by Article 21 of Indian Constitution.

Article 21-A guarantees free and compulsory education for children between 8 to 14 years.

There are also child Labour Laws for employment of children in hazardous occupation with punishment for offenders.

National Plan of Action for children (NPAC) 2016 outlines a comprehensive framework of child welfare, applicable to children in street situations.

Legal Aid schemes like NALSA (Child friendly legal services for children schemes) provide legal Assistance to children

SAP – Standard operating Procedures (SOP for care and protection of children) in street situations guide the care and protection of street children

The Ministry of women and Child Development (MWCD) and the National Commission for protection of child Rights (NCPCR) have issued guidelines for welfare of street children in India

Child Friendly police stations have been also established to protect abused children.

Child welfare officers – Appointment of Designated juvenile or child welfare officers is done at police stations. These officers handle cases relating to children.

Case Laws Relating to Street Children in India

M.C. Mehta vs State of Tamil Nadu(1996)6 SCC756 .

In this landmark case Supreme Court was dealing with issue of child Labor including children working on the streets. Court held that street children have Right to education, protection and dignified life, leading to directives for the enforcement of laws against child labor and provision of rehabilitation services for rescue children.

Olga Tellis vs. Bombay Municipal Corporation (1985)3SCC 545



This case related to eviction of pavement dwellers including families with children by the Bombay Municipal Corporation. The Supreme Court of India recognized the right to life under Article 21 of the constitution, extending it to include the right to livelihood and shelter. The judgment said it is the duty of the state to protect the fundamental Rights of vulnerable populations including street children and their families.

Hussainara khatoon vs State of Bihar (1979)3SCC250

In this case question was that of access to justice for indigent and marginalized population including street children. Importance of education was emphasized and directed the release of under trial prisoners who were languishing in jails for prolonged period without trial. It was held that street children become vulnerable when they are arbitrarily detained, and held that they need legal Aid and protection of their right within legal system

Gaurav jain vs union of India((1997)8 SCC 114

This case focused on Right to education for street children and children from marginalized communities. Importance of education was emphasized as fundamental right under Art -21-A of the constitution. It was held that government should ensure access to free and compulsory education to children including those living on the streets.

II. CONCLUSION

Although there are lots of laws to protect street children, laws are not enforced. Resources are insufficient and there is no coordination among Government agencies responsible for enforcement. Street children are not aware of their legal rights, they no means to go to court for violation of their legal Rights. They are considered as delinquents and troublemakers . They need to be treated with dignity. Social stigma needs to be removed. There needs to be collaboration and cooperation among Government officials in providing facilities to street children. Enforcement mechanism needs to be strengthened. Access to justice needs to be promoted. Service delivery needs to be improved. We can start mobile education for street children, we have to provide them with skills, and we have to address their issues.

Children are the gift of God and future of the country. In our individual capacity as well as with the help of NGO and Government Scheme we must try to protect street children from vices and try to give them good life.

