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THE CRIES OF “STREET CHILDREN” IN INDIA! ANALYSES OF THEIR OPPRESSION AND THE LEGAL FRAMEWORK TO PREVENT IT*

ABSTRACT

The human society functions largely around power structures, both financial and social. The ones who find themselves at the lower end of these structures are more likely to face oppression, for example women and children. However, ‘street children’, i.e. the children who don’t have homes and live and work on the street find themselves to be one of the groups who are at the lowest end and hence are more prone to discrimination and oppression of heinous nature than other groups.

Child rights have acquired importance globally as well as nationally, however in order to ensure prevention of child abuse we must provide adequate attention to the conditions and problems that are being faced by street children in India and must ensure that they are uplifted.

This papers deals with the analyses of the concept of who are ‘street children’, the problems of Substance Abuse, Child Sexual Abuse, Child Labour, lack of access to Health and Education that are faced by them in the nation and are highly prevalent, the policy and legal framework that is present nationally in order to prevent such crimes and provides few suggestions that may help us in our fight for the Rights of these Children of our nation.

Key words: *Child Rights, Street Children, Substance Abuse, Child Sexual Abuse, Law.*

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1. Introduction

Street Children are discussed or defined mostly with respect to the social-economic problems faced by them, where they live, their relationships with families, and the abuse and neglect faced by them¹. Analysts have been trying to comprehensively define the term “Street Children”, since the 1980’s² and have been trying to draw distinction between, “children *on* the streets” and “children *of* the streets”. In the past, it was believed that the street children were those children who lived on the streets and were without a family primarily in Latin American and Asian countries, however extensive research which followed established that there were also many street children who had functioning families, however mostly these children don’t go back to home. According to the ‘World report on violence against children’³ street children are one of the most abused, oppressed and exploited sections of the society, the violence and discrimination against them often is the result of the stigma of not having families or adult supervision/protection and the activities these children take up to survive. Street children are vulnerable to exploitation or abuse from authorities such as police, passer-by, or from those people who employ them, etc. Their protection, care and upliftment are a global as well as a national concern, since India also has a large population of street children in millions. Poverty is the biggest cause of creation and addition to the population of street children; however there is range of other causes as well such as abuse or neglect faced by the child at home, trafficking, etc⁴. However, there have been some efforts globally as well as nationally to curb the problems of origination of “street children” and the neglect, lost opportunities, and abuse faced by them through laws, policies and programmes. However even such laws and programmes face many problems in implementations or are not able to care for and protect them adequately.

2. Street Children

¹ Mehmet Ozbas, “*Street Children: The Forgotten or Not Remembered Ones*”, 4(1) JEL (2015), p. 99.

² Paulo Sergio Pinheiro, WORLD REPORT ON VIOLENCE AGAINST CHILDREN, p. 258, available at <https://www.unicef.org/violencestudy/1.%20World%20Report%20on%20Violence%20against%20Children.pdf> (visited on December 24, 2018).

³ Ibid, at 259

⁴ Khwairakpam Sharmila, Sukhminder Kaur, “*Experiences of Abuse Among Street Children: Nature, Magnitude and Practices*” 2(3) AJADD (2014), p. 388

UNICEF defines street children as anyone who is under the age of 18 and either works or lives on the streets⁵, therefore the children for whom the street is general source of work or shelter and who are not protected through adequate supervision of responsible adults⁶. This definition therefore can further be divided into three categories of street children:

- Children of the street families: This includes the children who live with their families on the pavement/street, public places, etc., hence with homeless families.
- Street working children: This includes the children who spend majority of their time working in public places or on the street, though they do return to their families in shelter or homes.
- Street living children: This includes the children who live alone at the public places or shelters⁷. They mostly live in groups and don't have adequate access to their families in the villages or may also be without any parent i.e. orphans, refugees, runaways etc.

Another of form categorization of “street children” divides them under the categories of: 1) Children on the Streets i.e. the children who are economically concerned with the streets but have continuous contact with their families or they live with them, 2) Children of the streets i.e. the children who spent majority of their daily life on the streets and pragmatically are without family support, 3) and abandoned children i.e. the children who are on their own as they have been abandoned by their biological families completely, however the term ‘working child’ maybe used at sometimes for ‘street children’ by the government of India⁸.

The last two categories are most venerable. The issue of street children is largely considered to be a problem which pertains in the urban areas. These children are mostly found in places such as markets, near railway stations or bus stops, near temples/durgahs, etc⁹.

⁵ LIFE ON THE STREET, STREET CHILDREN SURVEY IN 5 CITIES: LUCKNOW, MUGHALSARAI, HYDERABAD, PATNA AND KOLKATA-HOWRAH, p.19, available at <https://www.savethechildren.in/sci-in/media/PDFs/LIFE-ON-THE-STREET-%28Final%29-Rev-4.pdf> (visited on December 25, 2018)

⁶ Mona Srivastava, Nasra Shareef, “*Plight of Street Children: An Explorative Study from Varanasi, India*” 60(4) IJPH (2016), p. 290

⁷Supra 1

⁸Khwaitrakpam Sharmila, Sukhminder Kaur, “*Experiences of Abuse Among Street Children: Nature, Magnitude and Practices*” 2(3) AJADD (2014), p. 388

⁹ Street Children, available at <http://www.childlineindia.org.in/street-children-india.htm> (visited on December 26, 2018)

2.1. Factors responsible for Street Children and abuse faced by them

The reasons behind the children being on streets maybe be poverty, child labour and dysfunctional family environment such as violence and abuse or bad quality of housing. Other factors that may be taken into consideration are growth and expansion of cities, disintegration of families, and the inadequacy in working systems of formal schooling institutions which result in large number of dropouts¹⁰.

Street children are mostly made victim of health abuse, physical abuse, sexual abuse, general abuse and neglect, verbal abuse. Psychological and verbal abuses are the ones that are reported the maximum¹¹. Street children are one of the most venerable groups of humans as they may face problems such as alienation from regular and structured education, living in unsanitary conditions, higher risk of substance abuse and are highly venerable to sexual or reproductive health problems, STDs. Street children are often exploited by police, criminal gangs, drug syndicates, other street children, and those who operate sexual businesses, etc. Since most of the street children have had traumatic past and continuous anxiety/insecurity, they tend to have number of psychological problems.¹²

The phenomenon of “Street Children” is not new nor is limited to few nations. The runaways, the street urchins and stray children formed part of the “urban landscape” in the post-war Europe during the process of Industrialization¹³. As per UNICEF in 1994, the estimate of street children were approximately around 100 million street children in India, which may be grossly underestimated in comparison to actual population, and the percentage of non formal educated children among them was 23 % whereas around the percentage of such children who had received some form of formal education was 20%¹⁴.

As per a baseline survey conducted in the city of Varanasi, Uttar Pradesh, in 2014¹⁵, about half(48.90%) of the street children were between the age of 11-15 years and 75% above of them

¹⁰ Ibid

¹¹ Supra 2, at 291

¹² Supra 1, at 21

¹³ A STUDY ON THE STREET CHILDREN IN ZIMBABWE, p.16, available at https://www.unicef.org/evaldatabase/files/ZIM_01-805.pdf (Visited on December 27, 2018)

¹⁴ Supra 2

¹⁵ Supra 2, at 291

were male children. Most of the children had migrated because of violence faced by them in the families, family discord or were lured through false promises for employment, many children who were brought for domestic use work had after facing abuse or violence, fled from the employer. The illiteracy rate among these children was about 86 % and around 67 % of the children had been involved in some unlawful activity at some time as per their own acceptance. The kinds of abuses endured by them was physical abuse(78%), sexual abuse(15%), child neglect(32%), emotional abuse(66%) and being forced into the network of drugs trafficking etc., it was also found that older street children were also perpetrators of abusing the younger ones¹⁶. Even though majority of the street children are often found to be male children in surveys, still it is important to note that girl street children are not often found easily in open spaces and are hence hard to be traced¹⁷. In 2007, the Ministry of Women and Child Development found that the 65.9 % of the street children lived with their families and from these 51% slept on sidewalks, 17% in shelters whereas 30% slept in other public spaces¹⁸.

3. Child Sexual Abuse and Street Children

The World Health Organization defines, Child Sexual Abuse as, when a child is involved in a sexual activity which is not fully comprehensible by him or her, for which he or she is not able give informed consent, or for which the child is not developmentally prepared and thus cannot give consent or that which violates the laws or social taboos¹⁹. Child Sexual Abuse involves activities such as fondling, intercourse, engaging a child into pornography or prostitution, luring of children through cyber mediums, exhibitionism, etc. Child sexual abuse is a very serious problem worldwide as well as nationally and one of the most heinous crimes. It has profound effects on the child victim, as it may interferes with their growth, may result in poor physical, mental and social health for their lifespan, it can also affect their neuro-biological systems, for example, the cortical representation of the genital relational challenges²⁰. The Protection of Children from Sexual Offences (POCSO) Act was passed in 2012, by the government of India, which deals specifically with the criminalization of various sexual offences concerned with

¹⁶ Supra 2, at 293

¹⁷ Supra 5

¹⁸ Ibid

¹⁹ Supra 3, at 2

²⁰ Ibid

children. According to a survey, street adolescents are one of the groups who face the high numbers of sexual abuse and are hence one of the most vulnerable groups²¹. Half of the homeless children in cities are sexual abused²². According to a study “Street Children” in work and institutional care, were reported to have the highest incidences of Child Sexual Abuse²³. It was found that 25% of the child rapes were committed by their employers or co-workers²⁴.

4. Substance Abuse and Street Children

Substance abuse is the harmful or the hazardous use of psychoactive substances(chemical substances which act mainly on the central nervous system altering brain functions which ultimately results in temporary changes of mood, behavior, consciousness, etc.), which includes illicit drugs and alcohol, which may lead to dependence syndrome²⁵. An average street child has two major categories of expenditures, i.e. food and addiction; however entertainment may also be included in it to some extent. Children may end up using the cheapest available addictive substances in their geographical area, for example chewing tobacco is the most prevalent substance of abuse in the area for the street children²⁶. over 80% of the street children in India are substance abusers²⁷ and the most common substance consumed by them are ‘bidis’ i.e. local cigarettes, nicotine, “guthka” and inhaling mostly in the form of sniffing, substances such as adhesive glue, thinner, gasoline, petrol, etc.²⁸ Apart from these, drugs were also used by the street children, for example cannabis, heroin, alcohol etc. Substance abuse by other members of the family may also increase the chances of the child becoming a substance abuser.

²¹ Supra 3, at 21

²² Ketki Angre, HALF OF HOMELESS CHILDREN IN CITIES SEXUALLY ABUSED: REPORT, available at <https://www.ndtv.com/india-news/half-of-homeless-children-in-cities-sexually-abused-report-782443> (visited on December 28, 2018)

²³ Alok Kumar, Asha Pathak, Sandeep Kumar, Pooja Rastogi, Prateek Rastogi, “The Problem of Child Sexual Abuse in India, Laws, Legal Lacuna and the Bill-PCSOB-2011” 34(2) JIAFM (2012), p. 172

²⁴ RECENT STATISTICS OF CHILD ABUSE, available at <https://www.savethechildren.in/resource-centre/articles/recent-statistics-of-child-abuse> (visited on December 28, 2018)

²⁵ SUBSTANCE ABUSE, available at https://www.who.int/topics/substance_abuse/en/ (visited on December 28, 2018)

²⁶ Supra 2, at 293

²⁷ Narayan Sharma, Suresh Joshi, “Preventing Substance Abuse among Street Children in India: A Literature Review”, 7(2) HSJ (2013), p. 141

²⁸ Ibid

Most of the street children do try to quit substance abuse or have actually made efforts but fail due to associated causes of substance abuse such as peer pressure, boosting of self confidence or experimentation.

Substance Abuse has hazardous effects on the health of children, according to Childline India Foundation even a single session of inhalant abuse repeatedly done by a child may result into disruption in heart rhythms and subsequently death from cardiac arrest or due to suffocation because of reduced oxygen levels²⁹. Substance abuse may cause lung problems, vomiting, heart or kidney problems, death, teeth and facial problems, tuberculosis, etc.

5. Child Labour and Street Children

Child labour generally means the employment in work, of children which results in the deprivation of their childhood, creates interference in their regular attendance of schools and is physically, morally, socially, mentally harmful or dangerous. “Child labour” is one of the biggest obstacles to social development faced by India and other developing nations in the world. Child laborers often end up missing their childhood or having lack of basic amenities which a child should have had. In 2013, the International Labour Organization, estimated that there were about 215 million children (between the age of 5 – 14 years) who worked as child laborers, worldwide³⁰, these children are mostly mistreated, have rigorous working schedule and work under bad environment and are often deprived of basic rights such as health and education.

There are many kinds of child labour such as bonded labour, working children, children used for sexual exploitation, migrant children, children engaged in household activities and also “Street Children”. The street children often work on and off the streets and generally do works such as shoeshine boys/girls, newspaper vendors, beggars, rag pickers, etc³¹. However unlike other child laborers they don’t have a house or family to go back to at the end of the work, they don’t have any kind of parental protection or supervision making them highly vulnerable to abuse by the employer as they are mostly left on their mercy. Many times due to increasing urbanization and

²⁹ Supra 23

³⁰ Niti Nagar, Bindu Roy, “A Critical Analysis of Child Labour in India”, 1(5) IJCRM (2015), p. 7

³¹ Ibid, at 8

poverty, many families find themselves migrating to urban areas due to the “urban pull and rural push’ factor and end up living on the street followed by their children taking up work on the streets.

According to a survey done in the cities of, Patna, Bihar, Lucknow, Mughalsarai and Hyderabad and the twin cities of Kolkata and Howrah, about half of India’s homeless children are laborers³². According to it the working children are less likely by 70% to complete education till the 10th standard and even though incentives for education such as mid day meal or scholarships do help to encourage children into schooling but since attendance is not compulsory, most children end up working in the school hours. Rag Picking is the biggest occupation among street children, followed by begging³³. Working conditions are often made worse through the behavior of the employers and beating and violence become a way of life for these children.

6. Access to Health and Education of Street Children

The “Street Children” because of their work routine and due to the conditions they work in don’t have adequate access to health or education. Even those who do have some kind of shelter are often not adequately protected from sun, wind or rain. Their homes, playtime or work all are mostly around unhygienic conditions. According to a study based in the cities of Mumbai and Kolkata³⁴ it was found that social interventions by the governmental organization or NGO’s or other social organizations played vital role in encouraging children and their parents towards education. It was found that there was lack of awareness among the street children and their parents regarding educational opportunities, especially in the cases of girl children, as it was found that most girl children were unaware of the educational opportunities in the pre intervention period. Public awareness through social interventions is one area which needs to be given priority for encouraging Street Children towards education, especially regular education. Other modes of awareness also need to continue such as awareness camps, advertisements over radio/television, etc.

The study³⁵ also showed that most of the street children suffered from ailments such as, cold and cough, malaria, water borne diseases, tuberculosis, skin diseases, etc., due to their unhygienic

³² Prachi Salve, Saumya Tewari, HALF OF INDIA’S HOMELESS CHILDREN ARE LABOURERS, <https://scroll.in/article/807385/half-of-indias-homeless-children-are-labourers> (visited on December 30, 2018)

³³Ibid

³⁴ Nilika Dutta, “Street Children in India: A Study on their Access to Health and Education”, 9(1) IJCYFS (2018), p. 74

³⁵ Ibid, at 77

living conditions. Most of the times many street children don't have access to proper toilets as well which again risks their health, sometimes the inadequacy of proper sanitary facilities may also lead to security danger for female children as they may have to go in remote places for the same. Another key observation made through the study was that the street children gain maturity much before its due, because of facing the constant harsh conditions of life, for example a 13 year old boy, said that even though he did not understand why his mother and father separated, he had understood that it was his mother's decision and hence respected it and did not bother her with questions related to it, similarly another girl child who was abandoned by her parents and now was living with her grandparents stated that even though it hurt her still she has accepted that she was the unlucky child of her family, since they kept with them her other siblings³⁶.

7. Policy and laws for care and protection of Street Children

Two agencies play the primary role in the care and protection of Street Children, the state and the society or social organizations (for example, guiding street children towards education through social interventions, as is discussed earlier). The convention on the rights of child was ratified by India on 12th November, 1992. Subsequently, the government took various measures in order review legislations nationally or at the state level in order to make them compatible with the provisions of the conventions, and also initiated development of adequate programmers in order to assess the progress in the implementation of the convention. The more rigid and central authority though remains state, just as it is for majority of the criminal and social problems. The government in India tries to work for the care, protection and development of the street children through few laws, policy and programs.

7.1. The Juvenile Justice Act, 2000

The Juvenile Justice (Care and Protection of Children) Act, 2000, categorizes Street Children under the category of "Children in need of care and protection". A 'child in need of care and protections' as per Section-2, of the Act, means a child who has been found to be without a settled place or a home or abode and is without ostensible medium of subsistence. Through its various provisions it also includes under 'children in need of care and protection':

³⁶ Supra 30, at 80

- A child who resides with a person who threatened to injure or kill the child, with a reasonable likelihood of it being carried out or has killed, neglected or abused a child and there is possibility of the concerned child also being killed, neglected or abused.
- The children who are physically challenged or mentally challenged or ill or suffering from incurable or terminal diseases and have no support.
- Whose parent or guardian is unfit or incapacitated to govern over the child
- Children who are without a parent and without anyone having the willingness to take care of them or children who have been abandoned by their parents.
- Children who have been or are likely or are vulnerable, to sexual abuse, torture, drug abuse, trafficking, etc.

Juvenile Justice Boards are established by the Act at the district levels, since it is observed that the crime rate of Street Children is greater in urban areas, the existence of juvenile justice boards in urban centers will be more efficient in helping these children for obtaining rehabilitation services.

7.2. The Protection of Children from Sexual Offences Act, 2012

The Protection of Children from Sexual Offences Act (POCSO) Act, 2012 is a special legislation brought forward to deal with the problem of Child Sexual Abuse specifically, and even though it is not made for only Street Children, its general provision are beneficial for protection of Street Children from sexual abuse to some extent. The offence of “penetrative sexual assault” under its Section-3, in addition to penetrative sex includes oral sex or insertion of any object into the mouth, vagina or anus. POCSO also criminalizes other kinds of activities as well which are sexual assaults, but don’t involve penetration, mostly under its Section-7. “Aggravated penetrative and non penetrative sexual assault” is punished more harshly under the Act and includes sexual assault committed by a person having authority over the child, which could be more deterrent for sexual abuse of street children who are under employment. It also deals with various other ranges of offences that are committed against children such as holding or making of child pornography, infecting child with HIV, etc. The Act is very distinctive and modern legal tool for ensuring that child sexual abuse is dealt with a comprehensive statute. It also puts mandatory obligation on people who work with children or young people in the sectors of religion, education and health to

report any incidence of Child Sexual Abuse which maybe in their knowledge (Section-6), failure of which may be punishable with imprisonment upto 6 months.

7.3. The Integrated Child Protection Scheme

The Ministry of Women and Child development, proposed in 2003, for the adoption of the integrated child protection scheme (ICPS). The central government gave the scheme its approval in 2009 and thus began the extensive work of providing protection and safety to children for them to grow and succeed. Its main purpose is to provide for the children who are facing difficult circumstances and also to reduce their vulnerability. Its main aims are to institutionalize service systems for children, to enhance the concerned systems, to create a knowledge base or data base for child protection services, to strengthen protection of children at the community and family level and to facilitate the coordination of governmental institutions and non governmental institutions for the implementation of the scheme. As per the ICPS, there has to be “Child welfare committee” in every district of the country, the main task of this committee is to make crucial decisions in respect of rehabilitation and rescue of “children in need of care and protection”.

Childline services, open shelters in semi-urban and urban areas for children in need, adoption, foster care, family based solutions and the general grant for the need based innovative interventions come within the ambit of care, support and rehabilitations services under the scheme³⁷. Apart from this, it also emphasizes on the need for proper and strong counseling services, training and capacity building, child tracking systems, etc,. The scheme also provides for establishing of various bodies at the district, state and national level to carry out its aims and objectives. At the national level there is Childline India Foundation, Central Adoption Agency, Child Protection Institute of Public Cooperation and Child development. This scheme is also directed towards providing safe and secure environment to children, including prevention of substance abuse among children³⁸, India has taken up Modified Social Stress Model for the purpose of prevention of substance abuse among street children and its various institutions as well as programs follow the WHO guidelines in order to prevent substance abuse among street children.

³⁷INTEGRATED CHILD PROTECTION SCHEME (ICPS), available at <http://childlineindia.org.in/Integrated-Child-Protection-Scheme-ICPS.htm> (visited on January 2, 2019)

³⁸ Supra 4, at 140

Furthermore the ICPS provides for establishing of city and district level advisory boards which are made up of the senior most functionaries of the city or district's government departments, these department includes, department of railways, telecom, social welfare and woman and child development, information and broadcasting as well as the chairpersons of the Juvenile Justice Boards and the Child Welfare Committees. One of the key functions of these boards is to assess the functionality of the city's "Childline" and to ensure that it is child friendly.

In order to provide safer environment to the street children and to protect them from venerable situations, or to reintegrate the children in families or other care communities, ICPS recommends for establishment of open shelters for the "children in need of care and protection". It also recommend for open shelters near railway premises considering that many of the street or missing children often end up near such areas and thus also makes provisions for inclusion of railway authorities in the monitoring meetings³⁹. In 2015, the 'Standard Procedure Operations' for working with the children was revised in order to provide for the establishment of Child Protection Committees and a 24x7 Child Assistance Centre, which would help prevent the children from taking up streets as their home by providing immediate assistance to children who may arrive on the railway premises⁴⁰.

7.4. The Integrated Program for Street Children

This program was created in order to help the children living on the streets access their rights, it intended to provide the "street children" with nutrition, education, shelter, health care and to protect them from abuse or from being exploited. It aimed at building large scale awareness in the country for the rights of Children. However the target group remained Street Children or the children without homes, and it did not include children who lived with their families or in slum areas. Voluntary organizations, educational institutions, state governments, local bodies were eligible for upto 90% of financial assistance under this scheme from the government of India, upto 1.5 million rupees, for activities such as documenting of existing facilities, creation of city level plans, city level surveys, or programs for guidance, counseling, 24 hours drop-in shelters,

³⁹ Supra 1, at 89

⁴⁰ Supra 1, at 90

enrollment in schools, occupational placement, providing health care services, etc⁴¹. However from 2010, this scheme has been brought within the umbrella of the “Integrated Child Protection Scheme”⁴².

Therefore through a system of parts of legislations, policies, programs, standard operating procedures, life skills, education, rescue and rehabilitation services, follow up services, the protection and care of street children is tried to be implemented.

8. Recommendations

There are many problems and difficulties that are present in our system which should be solved in order to make sure that we are able to give adequate and immediate protection to street children from the abuse and exploitation.

- According to a survey⁴³ done in the cities of, Patna, Bihar, Lucknow, Mughalsarai and Hyderabad and the twin cities of Kolkata and Howrah, Street children wanted homes the most (58%), followed by toilets, education, work, money etc... We should strive to provide them with atleast homes, toilets and education to the maximum level we could.
- We should ensure that there are efficient systems across the country through which immediate rescue and rehabilitation of street children is possible, so that they are prevented from making streets their homes and should also keep on reviewing and updating the systems for rescue and rehabilitation for the children who have made streets their homes already.
- Many times the children who end up on the streets, belong to a family, who don't want to take them back because they cannot cure the problems that the child may be having (financially expensive medical conditions) or due to general expenses for raising a child, in such cases long term institutionalization of children in shelters is preventable if their families are given access to social protection schemes or the sponsorships available under

⁴¹ INTEGRATED PROGRAMME FOR STREET CHILDREN, available at <http://childlineindia.org.in/Integrated-Programme-for-Street-Children-IPSC.htm> (visited on January 3, 2019)

⁴² INTEGRATED CHILD PROTECTION SCHEME (ICPS), available at <http://pib.nic.in/newsite/PrintRelease.aspx?relid=67659> (visited on January 3, 2018)

⁴³ Supra 1, at 88

ICPS, therefore we should pay adequate attention to such ways of ensuring that children don't end up on the streets.

- Once the children end up on the streets, and they get familiar with the lifestyle of substance abuse and indiscipline life, it is very difficult to rehabilitate them therefore through foster care, sponsorships and providing access to families with venerable children to government scheme we must emphasize on the prevention of children migrating to street life in the first place.
- Special problems call for special solution and even though problems related to the street children are also part of the problems faced by all children, the conditions of street children are still very peculiar and more serious, thus more laws and policies need to be reviewed and be shaped with the sole focus on them.
- In practicality, coordination with many agencies for street children's protection is found very difficult if there is no explicit order and time dedicated solely for child protection duties. For example according to a survey⁴⁴ done in the cities of, Patna, Bihar, Lucknow, Mughalsarai and Hyderabad and the twin cities of Kolkata and Howrah, the railway officials(TTs and TCs) could not give much attention to street children since they were under mandatory obligations from their seniors to collect minimum amount of fine from people travelling without tickets and hence did not have enough time and focus for looking after child protections duties. RPF and GRP also face difficulty in reaching out or dealing with children in child friendly manners while carrying out their duties of rescue or rehabilitations.
- Shelters should have adequate number of staff and also adequate number of counselors and psychologists for the children who may require such professional services.
- There is not enough allocation of budget for child welfare services⁴⁵. According to a survey⁴⁶ there are many services which impact the protection and care of street children but are not provided with sufficient budget, for example transport for medical checkups of the children, or for immediately providing food and clothing when they are being cared for by RPF or GRP. Many of the times people working under these schemes end up spending

⁴⁴ Supra 1, at 90

⁴⁵ Bharti Ali, "Translating policy commitments into reality: A call for Investing in Juvenile Justice Policy and its Administration", 1(2) NLUALPR (2015), p. 21

⁴⁶ Supra 1, at 91

from their own pockets for many day to day expenses. Share of budget for protection of Children was just 0.05% of the total union budget for Children, which itself has been declining in the last few years.

9. Conclusion

Street children are visible in the day to day life of our society yet their cries for help are not being responded with as much efforts and attention as they should be. The problems related to the street children are a human rights concern and a serious concern for India. Street children are one of the groups who find themselves at the bottom of the social power structure in the societies and are highly vulnerable. They require a lot of help from people and government, to face the active human or circumstantial abuse and exploitation and it is the duty of any civil society to provide them with such help, support, protection and care. We need to not only care and protect for them but also make sure that we prevent as many children as we could from making streets their homes so that they don't get use to the lifestyle of the streets in which case it becomes more difficult to rescue and rehabilitate them. Street Children are one of the biggest victims of sexual abuse, substance abuse, child labour, neglect and lack of health and education and even though the Indian legal system and few policies try to help them in some aspects it is not adequate. Special problems require special solutions, and we should not expect that we can comprehensively deal with the problems of street children with the solutions or laws made for general child protection and services, surely they can help to some extent (for example, POCSO is also helpful for street children who are victim of child sexual abuse) but they cannot deal with the whole issue sufficiently, because the issues and demands related to street children function in peculiar environment and circumstances. Few schemes such as "Integrated Program for Street Children" which is now a part of the "Integrated Child Protection Scheme" do help in dealing with the problems but they are also facing many problems in implementations and shortage of budgets. Non-Governmental Organizations also play a vital role in care and protection of street children, however more laws and policies, specifically dedicated to deal with the problems of Street Children, with adequate funds, coordination and manpower are required.