

EXPLOITATION OF STREET CHILDREN : AN INDIAN SCENARIO

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Abstract

It is repeatedly said and written everywhere that children are the future of a nation. But how can a child roaming and begging all day long on the open street become future of the nation? All over the world, in almost every country, a large number of children are seen on the streets struggling for survival on their own. These children are specifically known as street children. These are the most unfortunate category of children as they do not have anybody to take care and supervise. Even most of them do not have a roof over them to protect themselves. Herein, the author makes an attempt to present a sketch of the status of street children in India. Various problems faced by these children, how they have been exploited at every walk of their lives have been discussed in this article/paper. The main aim of this article/paper is to find out the degree of exploitation and violence against street children in India and, to awake at least a few sensitive and kind hearted mass of people towards this issue so that these precious little angels can be saved from being destroyed on the streets.

Introduction:

The plight of street children all over the world has been analyzed from different points of view in different studies by various researchers and social scientists. The overall situation of street children living in developing and least developed countries is obviously much grimmer and unsatisfactory than that of socio – economically many well – off countries. India, as a developing country, is no better at all with regard to the status of street children.

India is the seventh largest country in the world, with religious, cultural, linguistic and geographical diversities. An average of 50% of the urban population live in conditions of extreme deprivation, compounded by lack of access to basic services and legal housing and poor urban governance¹. The problem of street children in India has been recognized quite late, yet it is felt that this problem assumes serious proportion in major urban centres in India. We find them almost everywhere – in crowded cities, in bus stops, at the railway stations, at the market places, footpaths, near temples and other religious institutions, under the over bridges etc.

Extent of the problem :

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¹ .http://hdr.undp.org/hdr_2006/statistics/countries/data-sheets/cty-ds-IND.html, visited on Jan 25th, 2016 at 9.05 a.m.

The number of street children in India is quite high. Proportion of these children is increasing rapidly in all the metropolitan cities bearing a history of illegitimate extra marital sexual affair , vagrant parents , maltreatment , family violence , breakdown of rural economy and urbanization² . These children are deprived of the basic minimal facilities of life. Besides they are exploited by the society both physically and emotionally. They are alienated from the mainstream of the society . As a result , for survival, they involve in different social and economic activities from the very beginning of their life³ .

Although the number of street children are increasing speedily in India, yet it is not easy to count the number because of their floating nature. No reliable statistics is available to know the exact number of these children in this country⁴.Of the fifty thousand people in India that are officially reported as leaving home annually , forty five percent are under sixteen⁵.

Most of these people under sixteen ultimately end up on the streets as they have no other option. United Nations Children's Fund's (UNICEF) estimate of eleven million street children in India is considered to be a conservative figure⁶.The Indian Embassy has estimated that there are three lakhs fourteen thousand seven hundred street children in metros such as Bombay, Calcutta, Madras, Kanpur, Bengal and Hyderabad and around one lakh in Delhi alone⁷.

Although as compared to the problem of child labour , the street children phenomenon is recent and only a few studies have been so far conducted on this subject , yet the presence of these children in urban India is not a new scene. They have been a part of the urban life mainly due to unabated migration from villages to cities in search of livelihood. A non – supportive social, economic and administrative structure does not provide them with opportunities for growth and development and a normal childhood and has pushed them to the street life⁸. Most of the families of street children are migrants. The socio-economic conditions of these families are very pathetic .

² Sibnath Deb, *Children in Agony*, Concept publishing Company ,New Delhi 2006,at page – 131

³ .ibid

⁴ <http://www.statistics UNICEF 2005>, visited on July 17, 2015

⁵ Sheela Patil , *Street Children, Hotel Boys and Children of Pavement Dwellers and Construction Workers in Bombay* , October 1992, at p-9

⁶ Salam Balak Trust , Health Program, available at :

<http://www.salambalaktrust.com/health.asp>, visited on September 06 , 2015 at 10.15 a.m

⁷ Ibid

⁸ A. B. Bose , *The State of Children in India* , Manohar Publisher & Distributor, 2003,at p- 267

A vast number of children belong to low income group families with an income of less than Rs- 600/ a month⁹. Anyone who is familiar with these children knows well that there are problems galore. The brazen and bizarre incidents of exploitation and abuse of street children occur with frightening regularity compelling us to think of our hypocrisy about the nation's commitment to those constitutional commandments which obligate the state to do so many good things for children¹⁰.

Categories of street children :

In India, street children can be categorized into three groups, based on the relationship and contact with their families¹¹. Those groups are as follows – Children who live with their families, whether it be on the street, in slums or wasteland or abandoned or derelict buildings etc. but spend a lot of time working or hanging about on the streets. It has been estimated that this group is the largest of the three groups;

Children who live and work on the streets, yet maintains occasional contacts with their families who live either in other cities or more often in rural areas. These children sometimes send money to their near relatives. They consider the street as their home ;

Children who live and work on the street and have no family contact whatsoever. The above mentioned three categories of street children are to be observed in almost all the public places in India. Out of these three groups, the third group of street children, (who live and work on streets without any family contact at all) is the greatest victim of violence, exploitation and abuse.

Exploitation of street children (different dimensions) :

Children are the asset of a nation. But unfortunately, this cannot be said to be completely true so long there remains the phrase 'street children'. Since they are poor, young and ignorant about their rights, they become the easy target of all. Like all the other parts of the world, in India too, these children are exceptionally vulnerable and are often exploited ruthlessly. There are many traumatic incidents which cause children as young as three years old to end up on the streets¹². Once on the streets, they resort to begging, robbery and even prostitution in order to survive. Many join gangs where

⁹ <http://www.indiaNGO's.com>(street children problems and intervention Tata Institute of Social Sciences, Mumbai), visited on June 11, 2016

10. Arunima Baruah, *Child Abuse*, Reference Press, New Delhi. 2003, at p – 70

¹¹ Nab Kishore Behura, Ramesh P. Mohanty, *Urbanization, Street Children and their Problems*, Discovery Publishing House, 2005, at p- 6

¹² <http://www.yapi.org/rpstreetchildren.pdf>, visited on June 22, 2016 at 8.00 p.m.

they are introduced to crime , violence and drugs .They are exposed to various forms of violence exploitation since the early childhood and gradually they become comfortable with those and try to accept those forms of torture and abuse as the part of their lives . The different types of violence and exploitation with which the street children of India have to cohabit can be briefly explained as follows –

Exploitation in the Family :

Street children do not enjoy parental love ,affection, guidance, protection and security . This is common in all parts of the world including India . They are deprived of the basic requirements or needs because of the negligence of the family members at a very tender age . Therefore they are compelled to work outside on streets for collecting these basic needs of life . Some parents and other family members even force their kids to earn for the family .But those family members never think of the suffering , labour and plight of the children on the streets where they use to stay most of the time to earn something. Those children who have lost both of their parents , are exploited most at the hands of the other members and relatives of their family . As a result .they become unable to stay at home and come out on streets to earn their own even by doing exploitative and dangerous works¹³.These children work extremely hard to bring money home to their siblings and parents , but in most of the cases , they are tortured and abused both physically and mentally by their family instead of their great contribution ¹⁴

The negative impact of various incidents within the family ultimately ceases the link of the children with their family members and they finally decide to leave the home forever .But this takes them far away from the umbrella of protection of their parents and they are left alone in an adult world . Constant quarrel between the parents ,desertion of one parent by the other , inability of the single parent to maintain the family , low income , debts , unemployment, starvation of all the members of the family , drunkenness of the father, excessive control over the child etc. are some of the very common incidents that result into the weakening support of the family which is a contributing factor in bringing the child into the street ¹⁵.Thus the weakening emotional and economic support due to the disfunctioning and degradation of the family relationship have a tremendous impact upon the little children and

¹³ http://www.en.kindernotife.org/street_children.html,visited on July 07,2016,at 9.00 a.m.

¹⁴ ibid

¹⁵ Dr.Hannah Anandaraj (editor), *Children at Risk* , Neelkamal publications Pvt.Ltd.Educational Publishers , New Delhi,Hyderabad,2007,at pp – 99-100.

make them leave their home and stay away from the family .In this way , street children become the living and sordid symbol of urban malaise¹⁶.

b) Exploitation at work place : Poverty, migration and homelessness are the prime cause of street children problem in India .A street child , in order to survive will have to sacrifice education and other training which a child of growing age must go through. Because of the harsh reality of life , such a child enters into the economic world very early and without any formal skill and education , such a child remains at the bottom of the economic heap¹⁷. Besides urgency to earn their livelihood ,the desire to live in towns , desire to do things independently , anxiety to earn and spend more are the some of the reasons that lead them leave their homes and work for themselves¹⁸.But the working condition of these children are very poor and unhygienic because they are confined to work in the informal sectors which are not regulated by the government .They continue to work in appalling conditions and are exploited in a number of ways . They are ill-treated, humiliated and even beaten ; while some of them are looked after with parental care which acts as incentives and motivates these young children to undertake orders and hard work beyond their capacity for long duration¹⁹.This adversely affect their health and well being .The work places are mostly unsafe for these little children and they are usually exposed to the vagaries of weather like rain, thunder, scorching sun ,storm etc .In case of the children working in tea stalls, roadside eateries , hotels etc. sometimes the customers hurl abuses which hurts their self respect. Apart from that , in winters , they have to keep their hands and feet continuously in cold water for washing utensil²⁰. Despite their hard work , dehumanizing treatment is meted out to them always . Such children are not only deprived of a carefree childhood , but also of the necessary conditions for their perfect physical and mental health .This is not only an injustice to them as children , but also as adult throughout their whole life .All these different types emotional, physical and psychological exploitation at work place make these children almost lifeless and sometimes , even some serious mental health problem may also arise .

In India , the street children are mostly engaged as rag – pickers, beggars , hotel labourers ,porters , street vendors , cobblers , garage mechanics etc. But among all these , the rag –pickers and the beggars are extremely exploited .In our country , the most common identity of the street children are the rag –

¹⁶ Supra note 8s

¹⁷ supra note 15 ,at p- 100

¹⁸ ibid

¹⁹ Chandragupta S. Sanon , *Working Children : A Sociological Analysis* , Paragon Computers , New Delhi , 1988, at p – 93.

²⁰ Supra note 19, at p – 30

pickers which is familiar sight in many cities where children carry gunny bags on their shoulder , scavenging dust bins, garbage heaps, city dumps to collect waste materials , such as papers , tins , plastics , bottles etc . that have a recycling value²¹. By these types of works , actually the street children are contributing a lot towards cleaning our environment and surroundings . But the people in general consider these children as unwanted dirt of the roads and public places .

c) Exploitation and Abuse by Police : Abuse and exploitation by police is very common in India . Many of the street children are beaten by police in order to coerce them into giving a ‘cut’ for working in certain areas ²².The Indian street children are routinely detained illegally , beaten , tortured and even killed by the police. The factors contributing to this phenomenon are – police perception of street children, widespread corruption and a culture of police violence , the inadequacy and non implementation of legal safeguards and above all, the level of impunity that the law enforcement officials enjoy ²³.police generally consider these

children as vagrant and criminals and they tend to assume that, whenever a crime has been committed on street , these children are either involved themselves or they know the culprit ²⁴.These children are occasionally harassed by police , thrashed, put in the lock-ups for several days and robbed of their money when there is a theft in the area where they use to live or a report of some illegal activity ²⁵.There is common tendency among police to arrest and detain street children without any good reason. Torture, usually in the form of severe beating with fists, lathis or other instruments and kicking is a common feature of police treatment of street children .

These are used extensively as a means of investigation, punishment and retribution ²⁶.Again by showing threats of prosecution and beatings in exchange for hafta ,the police have created profit making enterprise out of the increasing number of street children who come to the railway stations in need of shelter and work to survive ²⁷. This type of violent acts perpetrated by the police arm of the state , whose main function is to protect the citizens and not to commit gruesome offences against anyone , creates

²¹ Supra note 15 , at p – 109

²² .http://www.wikipedia.org/wiki/street_children_in_india , visited on May 11,2016, at 10.05 a.m.

²³ .http://www.childrentrafficking.com/Does/police_abuse_killing_street_child, visited on Ju,at 7.30 p.m.

²⁴ ibid

²⁵ Supra note 2

²⁶ <http://www.unhcr.org/refworld/topic>,visited on March 11,2016,at 8.45 a.m.

²⁷ Supra note 26

threats in the minds of everyone and specially the children without anyone to protect and guide. In India, due to the increasing population of urban children, a large number of them have driven to the streets in order to survive with a brutal police force that view the street children as criminals, and this ultimately leads to a situation, in which detention, torture and extortion have become the norm²⁸.

d) Sexual Exploitation and Abuse: The World Health Organization defines 'sexual violence' as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work"²⁹. Individuals who are guilty of committing sexual violence against children do so not simply to satisfy their desire to be intimate with their victims, but because they know that children are unable to defend themselves. Sexual abuse of children in India crosses all boundaries of socio-economic classes and is widespread among both rural and urban areas. In such a situation, it is natural that homeless children living in the streets become easy target of sexual abuse. According to a study conducted by the Ministry of Women and Child Development³⁰ in 2010, the overall incidents of physical abuse among street children was 66.8%, the majority of them facing sexual abuse were in the age group of five to twelve, and about 50% of street children reported having undergone sexual abuse. The probability of sexual harassment is higher in case of street children than the other. Even the younger children on the streets are sexually abused by the older boys, either by cajoling or by coercion³¹. Girls are the most vulnerable to physical and sexual abuse. Teenage pregnancy is almost universal among street girls. In India also, a large number of street girls have to face this menace and some of them even have to lose their lives during child birth and those who survive have to suffer from variety of sexually transmitted diseases³².

These variety of sexual exploitation of the street children is a threat to their personal safety, but there are some other considerations too, that take it

²⁸ Rajnish Gugnani, *Crime Against Children*, Cyber Tech Publications, New Delhi, 2008, at p-41

²⁹ http://www.childrenrightsportal.org/focus/sexual_abuse_children, visited on February 19, 2016, at 9.00 a.m.

³⁰ "Majority of Street Children facing Sex abuse in India", The Times of India, January 14, 2010

³¹ Supra note 8, at p- 272

³² S.Nagaseshamma, *Street Children of India: A Socio-legal Study*, Anmol Publications Pvt.Ltd, New Delhi, 2010, at p-64

beyond physical hurt³³. The adverse physical and psychological effects of sexual abuse against these children are the subject of much public and professional discussion. The victims of sexual abuse found themselves isolated and different from the rest. In India, most of the rescued street children in many shelter homes, are found to be indifferent to anyone, any activity, games and isolated from others because of the traumatic sexual episode that took place with them when they were on streets. But despite the lack of extensive inquiry into the matter, it is evident that street children in India are likely at significant risk to sex trafficking and exploitation mostly due to their homelessness, socio-economic status, low education level and family situation.

e) Drug Abuse : Drug abuse is an enormous threat to the street children of India. This leads to serious health hazards like respiratory infections, dental caries and oral health problems etc³⁴. In order to cope with stress, hunger, emotional and physical pain and as a vehicle to become "a part" of a group, street children frequently turn to drug and alcohol³⁵. Drug abuse is one of the most serious problems of street children. In India, drug addiction, among street children is alarmingly high, even no one is sure how big the problem is and what makes it worse. Most of these children use glue, thinners, whiteners, kerosene, petrol, pain balm, diesel etc. Public places, especially the railway stations with its many hideouts and where runaways are most likely to land up, are where most addicted children can be seen³⁶. This problem of drug abuse among street children cannot be viewed in isolation as it is intertwined with other health and social problems, such as those related to discrimination, stigmatization, unprotected and unwanted sexual behavior and violence. The street children take drugs in order to overcome their loneliness and to escape the harsh realities of their lives. Drug abuse among the street children in India cannot be solely treated as a medical problem. While dealing with this problem, an in-depth understanding to deal with its social and economic dimensions is also required³⁷. A study³⁸ conducted by the United Nations International Children's Fund (UNICEF) covering Bombay, Calcutta, Delhi and Hyderabad however reported that drug abuse is widespread and is increasing day by day. Therefore this problem in India needs to be scientifically investigated.

³³ Supra note 15, at p-129

³⁴ Supra note 15, at p-120

³⁵ <http://digitalcommons.unb.edu/cgi/viewcontent.cgi>, visited on February 10, 2016 at 11.00 a.m.

³⁶ The Times of India, December, 22, 2008

³⁷ <http://www.ihsnet.org.in/IHSpresentation/protectingchildrenfromsubstanceabuse08Jan09>, visited on March 25, 2016

³⁸ Supra note 8, at pp-311-312

f) Social Exploitation and Hatred : Street children are mostly subjected to all forms of abuse and maltreatment by the society . People of larger society take the full advantage of their helpless condition . They are abused physically , mentally , commercially and sexually . The consequences of this exploitation by the society is devastating .This may lead to physical damage , ranging from death to brain damage or permanent disabilities to minor bruise and scraps ; and mental damage , ranging from lowered sense of self worth to psychiatric disorders including dissociative status³⁹ .

A large number of children in our country are forced to do begging, street circus, hard work and various other forms of exploitative works . A large portion of the people of our society usually forget the helpless and defenseless pathetic conditions of these children and continue to extract service from them in return of nothing but abuse , exploitation and violence .

A LIGHT SKETCH ON SUPREME COURT JUDGEMENTS :

The Supreme Court of India have made a few important judgements regarding the upliftment and development of a large number of children who are the object of exploitation of any form . The observations made by the Supreme Court in the *Bandhua Mukti Morcha - vs – Union of India*⁴⁰ are relevant in this context , which read : “The child of today cannot develop to be a responsible and productive member of tomorrow’s society unless an environment which is conducive to his social and physical health is assured to him . Every nation , developed or developing , links its future with the status of the child . . . Neglecting the children means loss to the society as a whole . If children are deprived of their childhood - socially, economically, physically and mentally – the nation gets deprived of the potential human resources for social progress , economical empowerment and peace and order , the social stability and good citizenry . The founding fathers of the Constitution , therefore , have emphasized the importance of the role of the child and the need of its best development .”

In another case , *Rosy Jacob –vs- Jacob A. Chakramakkal*⁴¹ the Supreme Court observed : “The children are not mere chattels ; nor are they mere playthings for their parents . Absolute right of parents over the destinies and the lives of their children has , in the modern changed social conditions , yielded to the considerations of their welfare as human beings so that they may grow up in a normal balanced manner to be useful member of the society .

³⁹ Supra note 2, at pp- 160,166

⁴⁰ .(1997)10 SCC 549

⁴¹ .(1973)1 SCC 840

The observations made in this two cases are highly important and if followed, then not a single child labeled as 'exploited' or 'abandoned' can be found or seen. But, in reality, it appears that in spite of these towering pronouncements and presence of a large number of laws, most of the children have been exploited mercilessly and indiscriminately. Millions of children continue to toil on the streets of different parts of India. Those who come out on streets and engage themselves in any kind of work, are deprived of schooling, better health, nutrition, exposed to occupational hazards at workplace and all other essential requirements of childhood. This ultimately affects the growth and development of the children and limits their full potential to grow into a productive person.

CONCLUSION :

From the foregoing discussion the real picture about the status of the street children in India, becomes crystal clear. It is an irony that at an age when they should go to school and play, a large number of children end up being exploited as street children. No serious steps, so far have been taken towards their protection and safety. Our country has been growing upstairs in the road to success and development in many respects, but in the zest and quest for success, the unlucky little ones – the street kids have been forgotten. It is only on some special days, like World Day Against Child Labour, United Nations Child Rights Day and the Children's Day among others, the rights of the children are deliberated in detail, action plans pronounced. But the assurances are seldom implemented. Besides a large number of schemes, policies and programs have also been adopted. But how far these have become successful in fulfilling their objectives, is a big question as because the sight of the dirty, faded and even disabled children on the streets of our country is a common day to day incident. Our society always looks down upon these children. This is a major social aberration and is totally immoral. Therefore in order to protect these children, some other plausible measures must be taken along with the different existing legal measures. A few of such measures can be listed as below –

- a) Most of the street children are child workers and they are mostly economically exploited. Therefore some rehabilitation and awareness schemes regarding their rights must be taken by the government in collaboration with the non-governmental organizations.
- b) Next essential step is to enroll these children in schools so that their future can be secured.
- c) The parents of these children are mostly uneducated and indifferent towards them. Therefore some voluntary organizations and other concerned people of the society should try to make the parents and guardians of the street children aware of the rights of their children as well as the value of childhood.

d) There is one special category of street children who have nobody in their family. They are the pure or true street children. So for these children government should take immediate steps to identify them and provide special care for them.

e) Although there are a large number of shelter homes for the street children , yet some such shelter homes are not in a favourable position to respond properly to the reported abuse and exploitation against the street children .Therefore the appropriate authority should be entrusted to make an enquiry into the matter so that a child friendly child protection procedure shall be introduced within these care centres.

Above all , the social attitude towards the street children must be changed , because if it continues in this way ,we will become the reason of a collapsed nation within a short span of time. It is essential to create awareness about the basic human rights at all levels in order to solve the problem of street children and to promote their living conditions . But this kind of awareness cannot be created only by simply going through the written documents and other write – ups. A real feeling should come from the hearts of every individual member of the society , particularly those who are at a better position of life compared to the street children. Only then the different laws , policies , projects and suggestions will bring fruitful result . Thus it can be concluded with the valuable words of Pandit Jawaharlal Nehru as he asked almost seventy five years ago : “ Who lives if India dies? Who dies if India lives? If India is to live, children are to live well “.