

The Morass of Street Children in India Challenges and Solutions

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1. Abstract

In India, which has an estimated population of 18 million street children, 11 million of whom live in urban centres, there is a growing human rights and legal crisis. These are kids, mostly between 5-14 years, and they survive on the periphery of society, facing issues of poverty, abuse, lack of access to education, health, and other institutional support. This paper discusses the jurisprudential mandate or requirements of the Indian constitutional and statutory law, the judicial authors, and international conventions to secure the protection of street children. It involves a comparative secondary-data-based state-wise analysis of child welfare initiatives, identifies enforcement vacuums, and proposes practical solutions based on statutory accountability and socio-economic reform. The results reveal a broad gap in the coverage of institutional care and open shelters across states, which means that a coordinated data-informed approach to interventions is currently urgently required.

Keywords: Street children, Juvenile justice, Child Protection law, Human Rights, Legal implementation in India.

2. INTRODUCTION

Street children constitute one of the most marginalised groups in Indian Society and are one of the last visible sections of Indian Society. These children often lose parental love and protection as well as access to formal education, healthcare, and legal services. According to the National Commission for Protection of Child Rights (NCPCR), there are about 18 million street children in India; the highest street child population in any other country in the world, with 11 million of them being in cities such as Delhi, Mumbai, Bangalore, Kolkata, and Hyderabad¹. These are children, mainly between the ages of 5-14 years, who have to endure daily a message of abuse, neglect, exploitation, and institutional exclusion as part of state public welfare systems.

Indian street children are not a homogeneous group of children, and they normally consist of runaways, abandoned, trafficked kids, as well as children whose family also works and lives on the streets. The factors that contribute to their vulnerable nature include extreme poverty, domestic violence, loss of a parent, natural calamities, and rural-urban migration, among others. They have most of them working in black jobs or even illegal occupations like rag-picking, street selling, begging, and exploitative child labour in most instances, guided by coercive conditions. They also fail to give any form of documentation, even in terms of documents like these birth certificate or identity cards, and thus they

¹Times Now Digital, *Estimated 18 Million Children Live on Streets in India, Home to One of the Largest Child Populations on Earth*, **Times Now** (Feb. 1, 2021), <https://www.timesnownews.com/india/article/estimated-18-million-children-live-on-streets-in-india-home-to-one-of-the-largest-child-populations-on-earth/744047>.

lack the opportunity of offering themselves to any of the programs in the government, or even adopting children to schools or hospitals.

Indian state not only possesses the constitutional necessities but also the legally necessary provisions to assist in guarding all children, particularly the underprivileged children, such as the street children. The entitlement to life, education, and safeguard of childhood is consolidated in the following articles of the Constitution of India: 21, 21A, and in articles 39(e) and (f)². Secondly, several legislations including Juvenile Justice (Care and Protection of Children) Act, 2015, Right of Children to Free and Compulsory Education Act, 2009 and Protection of Children from Sexual Offences Act, 2012 (POCSO), among others contain various provisions to describe what children have and how their care, protection, rehabilitation and reintegration will take place³.

However, the application of such security has not proved too helpful to the children on the street since, on most occasions, they have eluded government control, welfare systems, and even the law. There exists poor funding, poor coordination, and minimal outreach on the ground level, especially in areas of the Open Street and informal settlements, of the institutional forms established in these laws.

The proposed research paper shall be an attempt to look into the legal quagmire of street children in India, and shall be put into both doctrinal and empirical use, with the help of secondary data, statistical trends drawn across 29 states of India, landmark judicial verdicts, and other such statutory instruments of relevance. The paper aims to conduct complete legal research, identify the gaps in implementation, and recommend possible legal and policy reforms to enhance the current child protection regime for the most neglected children in India.

3. Literature Review: Legal and Policy Framework

International Framework

India is committed to the street children not only under domestic law, but also under international human rights law. The United Nations Convention on the Rights of the Child (UNCRC), which was ratified in India in 1992, was one of the landmarks in this aspect because it states that a child has the right to survive, develop, be protected, and to take part in decision-making procedures that may affect them⁴. Article 19 stipulated in the UNCRC, states are placed under the obligation of legislating, administering, and educating to ensure that children are not subjected to any form of physical or mental violence, injury, abuse, neglect, and exploitation. These promises are urgent, particularly in the scenario of the street children⁵.

The Committee on the Rights of the Child also published General Comment No. 21 (2017), outlining the special needs of children in street situations. It promotes a comprehensive and rights-based oriented approach, more than addressing urgent needs of street children, to addressing structural mechanisms that drive children to the street, such as poverty, inequality, and displacement among State Parties. It

²Ministry of Law & Justice, *The Constitution of India*, **India Code** (2021), https://www.indiacode.nic.in/bitstream/123456789/16124/1/the_constitution_of_india.pdf.

³Ministry of Law & Justice, *The Protection of Children from Sexual Offences Act, 2012*, **India Code** (2012), <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>.

⁴UNICEF, *Convention on the Rights of the Child*, UNICEF, <https://www.unicef.org/child-rights-convention> (last visited June 25, 2025).

⁵Child Rights Information Network, *Convention on the Rights of the Child: Article 19 – Protection from Abuse and Neglect*, CRIN (archived), <https://archive.crin.org/en/home/rights/convention/articles/article-19-protection-abuse-and-neglect.html> (last visited June 25, 2025).

highlights the issue of legal identity, access to justice, making decisions, and social inclusion as the major contributing factors in the development of an enabling environment among children. The Indian legal system is therefore not able to remain in its cocoon but must align its policies and laws with such international norms so that substantive justice can be meted out.

Constitutional Provisions

The Indian Constitution has outlined a very powerful formulation in terms of child welfare, and in particular, the State's responsibility has been highlighted in terms of providing special arrangements as pertain to their protection and further development. Under article 15(3), the State could make special provision about children based on the fact that children are a vulnerable group and require affirmative action⁶. The 86th Constitutional Amendment Act has provided in Article 21A stating that all the ages of age between 6-14 years will be provided with free education⁷. This is particularly significant to the street children who, on most occasions, have no access to basic education due to a lack of documentation or even the inability to have a permanent address. This is the right stipulated worldwide, yet in reality, this right is scarcely enforceable when it comes to children who do not have any guardians.

Further, the Directive Principles of State Policy provide an interpretation guideline and a moral direction to the legislative and executive actions. Article 39(e) points out that children should not be engaged in working in areas that does not suit their age and powers, and Article 39(f) provides that childhood and youth should be kept free from exploitation and moral and material abandonment⁸. Although the stipulations of these provisions are not justifiable, the Indian courts have always interpreted them in harmony with the fundamental rights with the intention of realizing the socio-economic rights of children. When applied in this these directives become directive forms of governance which necessitate particular policy formulation and provision of resources with regard to the street children.

Legislative Framework

India has developed other legislations that are geared towards addressing child welfare in all aspects, but the performance of these legislations in most instances is bound to be influenced by the truthfulness of execution and coherence of various agencies. The Juvenile Justice (Care and Protection of Children) Act, 2015, is considered the most important law for street children. It has also provided an inclusive definition of children in need of care and protection in Section 2 (14), which lists out children who are without home/ parental care, children at risk of getting abused, and children subjected to labor or begging⁹. In this act, Child Welfare Committees (CWCs) are developed at district levels, which are quasi-judicial authorities that possess the power to take custody, inquiry, and rehabilitation, including shelter, education, and adoption. But the CWCs are over-pumped and the child care institutions are under-financed, hence, the area of the Act is highly trimmed.

The Protection of Children against Sexual Offences Act, 2012 (POCSO) has gone to the extent of criminalising the penetrative and non-penetrative forms of sexual abuse and the establishment of special courts that would sensitively give time-bound justice to the children. This is of special interest to the

⁶Anairudh S., *Reimagining Juvenile Justice in India: A Path Forward*, National Law School of India University Repository, at 12–13 (2023), <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1086&context=nlsir>.

⁷Ministry of Education, *Right to Education, Department of School Education & Literacy* (India), <http://dsel.education.gov.in/rte> (last visited June 25, 2025).

⁸National Human Rights Commission (India), *United Nations Convention on the Rights of the Child* (2020), https://nhrc.nic.in/sites/default/files/UNCRC_2020.pdf (last visited June 25, 2025).

⁹Meghalaya Department of Social Welfare, *The Juvenile Justice (Care and Protection of Children) Act, 2015*, Meghalaya Social Welfare Dept. (2015), https://www.megsocialwelfare.gov.in/acts/JJ_care_protection_children_act_2015.pdf.

children of the street, who are more likely to be statistically prone to sexual exploitation due to the lack of both adult protection and economic independence. Still, under this Act, the mechanisms of awareness and legal support of children who are not institutionalized do not feel strong.

The other accompanying law is the Right of Children to Free and Compulsory Education Act, 2009(RTE Act), which has enabled access to education for all children between the ages of 6 to 14 years. Sections 3 and 9(c) of the Act guarantee the right of free attendance and entrance in a local school, yet, practically, the street children are barred by procedural underpinnings, and age, place of residence, and identification by a parent are among them¹⁰. The Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits children under the age of 14 from any kind of labour and takes over the peer labor (age between 14 and 18) in dangerous industries. But poor enforcement and societal attitudes towards these activities keep numerous street children in the sphere of the informal economy as rag pickers, hawkers, or helpers in restaurants.

Landmark Case Laws

The Indian courts have been extremely useful when it comes to interpreting the constitutional objectives as enforceable rights for the street children. The Supreme Court gave significant directions in the case of *Sheela Barse v.s the Union of India* on the safety of children in custody that required the improvement of living conditions, presence of lawful help, access to health and education facilities on regular basis¹¹. The Court defined that not only should the child rights protection level remain at the level of statutory language, but also be guaranteed through the living State's responsibility and administrative duties. In the case of *M.C. Mehta v. State of Tamil Nadu*, the Supreme Court took up the cause of the working children and ordered the government to set up rehabilitation schemes in the form of residential and educational centres¹². With the ruling, the National Child Labour Projects (NCLPs) came into existence and would save and restore child labourers into the mainstream education system. This decision was very critical towards transforming the policy agenda in terms of the punitive or rehabilitative approach in handling the children under vulnerable situations found on the streets.

Laxmi Kant Pandey v. Union of India, although primarily centered on inter-country adoption, articulated the broader principle that the best interests of the child must be the paramount consideration in any legal or administrative decision concerning children¹³. However, the general principle emerging on child welfare was that the best interests of the child are the paramount consideration in any legal or administrative decision about children, explicated by the Union of India, despite its leaning toward the inter-country adoption. The court referred to the earlier judgment on the need for openness, security, and following up after adoption, which equally applies to the institutional and foster environments of the street children. These statements of the court are the milestones to the ongoing, persistently evolving story of child protection as a legal aspect in India. They also indicate the loopholes in implementation at

¹⁰Ministry of Education, *Right to Education Act: Section-wise Rationale*, Department of School Education & Literacy (2024), https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf.

¹¹*Strengthening Juvenile Justice: Insights from Sheela Barse v. Union of India*, Casemine (Aug. 6, 2023), <https://www.casemine.com/commentary/in/strengthening-juvenile-justice%3A-insights-from-sheela-barse-v.-union-of-india/view>

¹²*M.C. Mehta v. State of Tamil Nadu & Ors.*, (1996) 6 S.C.C. 756 (India), <https://bba.org.in/wp-content/uploads/pdf/mc-mehta-vs-state-of-tamil-nadu-and-others-on-10-december-1996.pdf>.

¹³*Laxmi Kant Pandey v. Union of India*, (1984) 2 S.C.C. 244 (India), <https://www.lawfinderlive.com/archivesc/88285.htm#:~:text=In%20Laxmikant%20Pandey%20V.,the%20children%20grow%20and%20develop.>

the organizational level, such as a lack of budgetary provisions, a lack of trained manpower, and the inability to introduce child sensitivity in the designs of the urban planning and policing systems.

4. Methodology

The research design adopted by this study is qualitative-descriptive and comparative in the research of the legal and socio-economic issues of the problem of street children in India. The study combines reliance on secondary data to analyse critically the compatibility or incompatibility of the keys of laws and policies in operation with the lived realities of these children. Through a comparative approach, state-wise analysis can be undertaken to determine patterns, gaps, and good practices in the protection and rehabilitation of street children in all 29 states across India.

The literature is mainly received via authoritative and publicly accessible secondary sources. The notable sources are reports released by the Press Information Bureau (PIB), statistics, shelter-based data released by the National Commission for Protection of Child Rights (NCPCR), and the records of the Ministry of Women and Child Development (MWCD). In addition to that, UNICEF India thematic reviews and status reports, as well as state-wise government data on institutional care and child welfare, are also taken into account when formulating a powerful analytical tool.

State-Wise Comparative Statistics

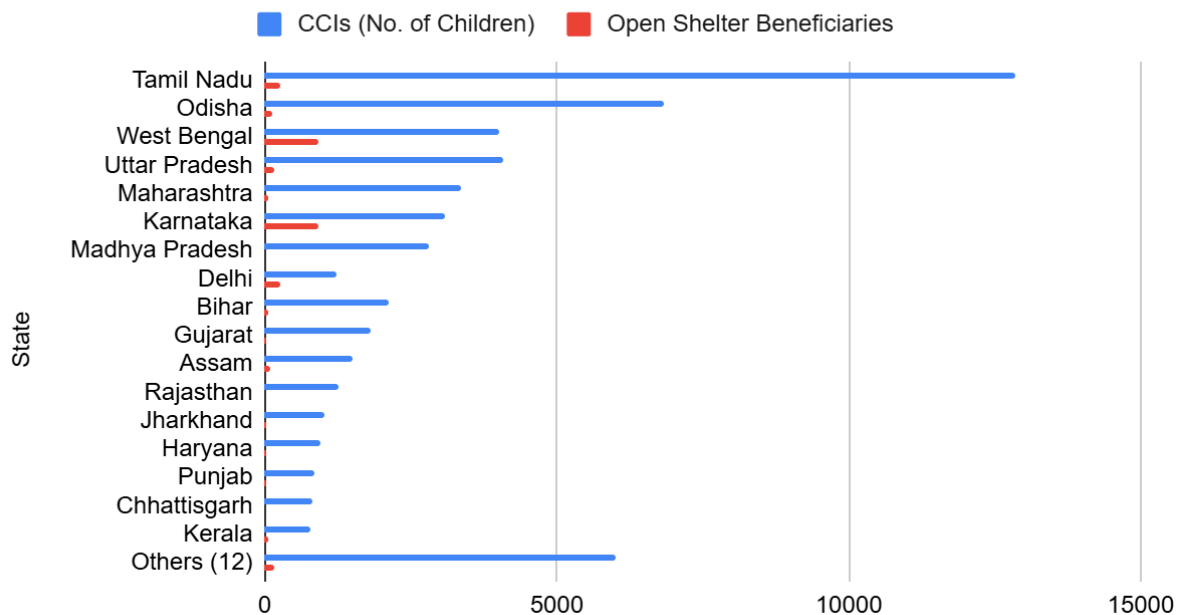
The table below summarizes the number of children living in Child Care Institutions (CCIs) and Open Shelters under the Integrated Child Protection Scheme (ICPS) as per a PIB release (2021)¹⁴.

State	CCIs (No. of Children)	Open Shelter Beneficiaries
Tamil Nadu	12,864	275
Odisha	6,833	118
West Bengal	4,010	925
Uttar Pradesh	4,092	151
Maharashtra	3,361	72
Karnataka	3,076	912
Madhya Pradesh	2,802	0
Delhi	1,235	254
Bihar	2,129	66
Gujarat	1,828	30
Assam	1,510	85
Rajasthan	1,275	0
Jharkhand	1,018	41
Haryana	968	35
Punjab	864	42
Chhattisgarh	803	0
Kerala	782	60
Others (12)	~6,000 (Combined)	~150 (Combined)

Source: Press Information Bureau, GoI (2021).

¹⁴Press Information Bureau, Government of India, 'Street Children Under Child Protection Services', India.gov.in (July 18, 2019), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1486976>.

CCIs (No. of Children) and Open Shelter Beneficiaries



5. Results

Through the analysis, it can be seen that the estimation of the street children in India is said to be approximately 18 million, of which nearly 11 million street children are located in the big cities. Within them, there are 70 percent boys and 40 percent of boys and girls in the range of 5-14 years of age as per the statistics provided by UNICEF. Street children are mostly concentrated in the largest cities such as Mumbai (~125,000), Delhi (~100,000), Bangalore (~110,000), and Kolkata (~85,000). The five largest states that offer institutional care are Tamil Nadu, Odisha, West Bengal, Uttar Pradesh, and Maharashtra, in the shape of shelter homes and child protection centers.

Notably, the southern states, i.e., Tamil Nadu and Karnataka in terms achieved a stronger institutional infrastructure in terms of output of shelter and child welfare. On the other hand, a majority of the northern and central Indian states like Bihar, Madhya Pradesh, and Rajasthan are also lacking shelter homes in regard to their population, thus indicating a systematic under-provisioning. With the comparatively low institutional responsiveness despite the high number of street children and being amongst the most urbanized and industrialized states, Maharashtra is performing rather poorly among the others.

This data emphasizes the dramatic points vary in different areas regarding the institutional aid and the legal implementation, despite the national laws on child protection having equal priority. These figures indicate to the fact that the acute need for regional legal intervention and resource allocation to address the problem of the street children crisis in India is present.

6. Discussion

6.1 Gaps in Legal Implementation

India has probably one of the most elaborate legislative environments to guard children in the Global South. However, the disparity between law articulation and realization is a burning problem. The

Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) establishment the Child Welfare Committees (CWCs) in every district; however, in most states, these committees just do not work, or they are currently significantly under-staffed. According to an audit of the National Commission for Protection of Child Rights (NCPCR) in 2022, more than 30 percent of CWCs in India lacked permanent members, as well as had poor infrastructure.

The street children are also limited in access to justice by the issue of a lack of legal literacy. Few street children are aware of their rights as stated in the POCSO Act or the JJ Act, or the Right to Education (RTE) Act. Such financial needs are also accompanied by a lot of judicial delay, particularly in the cases of abuse under the POCSO Act, the victims are often not provided with quality legal assistance and psychological support. The data integration is also not integrated- there is no centralized database that would interlink all the shelter homes, CWCs, and child helpline at the district, state, and national level, which is a setback to coordination measures.

6.2 Exploitation and Child Labor

Economic exploitation of the children on the streets is also a significant problem in India, and this occurs to be the case since the Child Labour (Prohibition and Regulation) Amendment Act, 2016, is not properly implemented. Although the Act prohibited the employment of underage children below 14 years, there are still thousands of street children engaged in the informal and unregulated sectors. These kids are then placed in restaurants, building sites, auto shops, and roadside stalls and made to work against labor standards. In the city of Mumbai, the number of street children is estimated to be 50,000; they are believed to work in eating establishments and smaller business units.

Moreover, the majority of the children in the street fall victim to well-established rackets which deal in the trafficking and prostitution of the children. Girls, particularly, are mostly vulnerable since they are regularly trafficked in the guise of either domestic labour or sexual exploitation. Such children also fail to enjoy government programs such as the Integrated Child Protection Scheme (ICPS), which strives to rehabilitate and mainstream children who are in vulnerable situations without certain identification and residence records.

This exploitation is classified as criminal under the Indian Penal Code and the POCSO Act, but impunity prevails because of poor detection and follow-up by law enforcers. The majority of the crimes against children that are reported under the JJ Act or POCSO Act never proceed further than First Information Reports (FIRs), or the case is withdrawn without further carrying out any legal proceedings or evidence.

6.3 Educational Exclusion

One of the oldest structural problems that face street children is their exclusion due to a lack of registration in formal education. Although Article 21A of the Indian Constitution and the RTE Act have provided a liaison to free and mandatory education to the children aged between 6 and 14 years, the liaison has remained a majorly out-of-school population among the street children. According to UNICEF, it has been estimated that about 40 per cent of the street children are in this age bracket, and less than 20 per cent of the children are still in school. The daily migration, lack of documentation, or discrimination by the school authorities and other school kids results in the dropping out of the majority of them.

Part of the models of reintegration that some of the states like Kerala and Tamil Nadu have employed have been rather effective and have given the child protection system a connection to education. As an illustration of the same, the Special Training Centers of Tamil Nadu under the Sarva Shiksha Abhiyan (SSA) offer bridge courses to street children along with providing psychosocial support to the children,

in anticipation of their being reintegrated into the larger education system. On the other hand, the other states like Uttar Pradesh, Bihar, and Rajasthan are way behind because of the lack of infrastructure and political will to bring the out-of-school children to the mainstream.

Language barrier, discrimination on grounds of caste system, and inadequate sanitation standards in the state schools sentence also compound the accessibility barrier against the children who are marginalized in the society. As such, the law on the right to education dies on paper, as, until there are systematic reforms to the framework of education governance and the inclusive and capacious instructional processes, millions of street children will not reap the benefits of the proclamation.

7. Recommendations

Category	Reform/Initiative	Purpose
1. Legal Reforms	Amend the JJ Act to mandate yearly enumeration of street children by state authorities.	To maintain updated data for policy planning and implementation
	Fast-track POCSO and CWC processes with e-filing and legal aid desks	To reduce the case backlog and ensure swift justice for affected children
2. Infrastructure Expansion	Double the number of open shelters and halfway homes in states with large urban homeless populations.	To increase immediate support and safe housing options
3. Education & Vocational Training	Bridge schooling via NGOs with state funding support	To facilitate school readiness for out-of-school street children
	Incentivized skill development programs	To improve employability and reduce economic vulnerability
4. Tech-Enabled Monitoring	Aadhaar-linked rehabilitation tracking	To ensure continuity of support and prevent re-trafficking
	Real-time GIS mapping of vulnerable children	For immediate response and better area-wise resource allocation
5. Community Mobilization	Panchayat-level Child Protection Committees	To promote grassroots surveillance and intervention
	Awareness campaigns in slum clusters	To educate communities about child rights and government schemes

8. Conclusion

The case of street children in India is a testimony to systematic carelessness in the presence of an all-pervading legal and regulatory system. The constitutional provision, landmark Supreme Court decisions, and welfare programs are theoretically able to provide them with the rights they deserve, but the ground situation is not equal, and does not have enough resources. This model of Child protection in India portrays the fragmented version of child protection in India that exists in the shaft as well as rehabilitative machineries by the states. The integrated, legally binding approach ought to be adopted, focusing on legal literacy, regular data collection, bottom-up activities, and inter-agency coordination.

These are not victims of circumstances; these are the future of our society, these are the future of our nation. Not only is it a legal responsibility, but it is also a moral obligation to guarantee their safety. They must not be utilized, ignored, or left unattended. Millions of the weakest people in our society cannot be abandoned in a society that talks about justice and equality. It is high time that their dignity, safety, and access to such should be restored to enable us to create an inclusive and robust India.

References

1. Anairudh S., Reimagining Juvenile Justice in India: A Path Forward, National Law School of India University Repository, at 12–13 (2023), <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1086&context=nlsir>.
2. Child Rights Information Network, Convention on the Rights of the Child: Article 19 – Protection from Abuse and Neglect, CRIN (archived), <https://archive.crin.org/en/home/rights/convention/articles/article-19-protection-abuse-and-neglect.html> (last visited June 25, 2025).
3. Laxmi Kant Pandey v. Union of India, (1984) 2 S.C.C. 244 (India), <https://www.lawfinderlive.com/archivesc/88285.htm#:~:text=In%20Laxmikant%20Pandey%20V.,the%20children%20grow%20and%20develop>.
4. M.C. Mehta v. State of Tamil Nadu & Ors., (1996) 6 S.C.C. 756 (India), <https://bba.org.in/wp-content/uploads/pdf/mc-mehta-vs-state-of-tamil-nadu-and-others-on-10-december-1996.pdf>.
5. Meghalaya Department of Social Welfare, The Juvenile Justice (Care and Protection of Children) Act, 2015, Meghalaya Social Welfare Dept. (2015), https://www.megsocialwelfare.gov.in/acts/JJ_care_protection_children_act_2015.pdf.
6. Ministry of Education, Right to Education Act: Section-wise Rationale, Department of School Education & Literacy (2024), https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf.
7. Ministry of Education, Right to Education, Department of School Education & Literacy (India), <http://dsel.education.gov.in/rte> (last visited June 25, 2025).
8. Ministry of Law & Justice, The Constitution of India, India Code (2021), https://www.indiacode.nic.in/bitstream/123456789/16124/1/the_constitution_of_india.pdf.
9. Ministry of Law & Justice, The Protection of Children from Sexual Offences Act, 2012, India Code (2012), <https://www.indiacode.nic.in/bitstream/123456789/2079/1/AA2012-32.pdf>.
10. National Human Rights Commission (India), United Nations Convention on the Rights of the Child (2020), https://nhrc.nic.in/sites/default/files/UNCRC_2020.pdf (last visited June 25, 2025).
11. Press Information Bureau, Government of India, ‘Street Children Under Child Protection Services’, India.gov.in (July 18, 2019), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1486976>.
12. Strengthening Juvenile Justice: Insights from Sheela Barse v. Union of India, Casemine (Aug. 6, 2023), <https://www.casemine.com/commentary/in/strengthening-juvenile-justice%3A-insights-from-sheela-barse-v.-union-of-india/view>.
13. Times Now Digital, Estimated 18 Million Children Live on Streets in India, Home to One of the Largest Child Populations on Earth, Times Now (Feb. 1, 2021), <https://www.timesnownews.com/india/article/estimated-18-million-children-live-on-streets-in-india-home-to-one-of-the-largest-child-populations-on-earth/744047>.

14. UNICEF, Convention on the Rights of the Child, UNICEF, <https://www.unicef.org/child-rights-convention> (last visited June 25, 2025).