Chapter 7

Major Findings And Suggestions

The faster growth in urbanisation and industrialisation process in India would accelerate the process of migration from rural to urban areas. Consequently, that would result in faster growth of families living on the streets in urban cities. It is unfortunate that in this phase of upward growth of urban population, the government has not yet come up with a comprehensive strategy to absorb the steady inflation of poor families in urban pockets. Thus, it is implied that vulnerability of children living on the streets would continue to be a significant issue in the near future unless an integrated strategy is adopted.

The Government of India vowed to ensure rights to all children without discrimination and recognizes the right to minimum standards of living and a favourable environment for the physical, mental, spiritual, moral and social development. Though the primary responsibility of the children lies with the parents to provide adequate support for holistic development but still the State has the responsibility to oversee and ensure that such duties by the parents are fulfilled. But, unfortunately, our society is unable to reciprocate uniform level of care and protection to its every young citizen. It was observed during the study that children who are living in poverty are excluded from their basic rights to survival, protection, care and opportunities to develop, and participate in the affairs of mainstream society. Furthermore, the situation of children living on street gets worse by illegitimacy of stay, miserable environmental conditions and lack of protection mechanism. Children are exposed to abuse and exploitatations within their families, peer groups and within their immediate community. A wide gap is perceptible between the law enforcement authorities and street living families because of unauthorized status of settlements, lack of coordination among the agencies and lack of understanding of the poor families about their own rights. Therefore, children adopt different survival tricks to deal with their "life stressors" and expose themselves to further vulnerabilities.
For the purpose of the study, 200 children, of both genders, of the age group 12-16 years, who lived on the streets, were purposively selected from 5 administrative Zones of Kolkata. The socio-economic and legal status of these children was analyzed to understand various risk factors of children living on the streets with families. Among the whole gamete of Juvenile Justice System, interface between police and street living families were analyzed to identify the gaps in Juvenile Justice Administration. Further the newly amended Police Act was also reviewed to understand the newly framed role of police with special reference of Juvenile Justice (Care and Protection Act) 2000. Moreover, the outlook of children and their parents was also assessed to voice their opinion for a child friendly police system and its procedure.

Following are the major findings of the study:

- Of the total 200 children living on the street selected for this study, 40 percent migrated from various parts of the West Bengal, 37.5 percent migrated from Bihar and remaining 22.5 percent came from Jharkhand, the neighbouring state of West Bengal.
- The most common push factor among the migrant families was the lack of livelihood options in their native village.
- Out of 200 street living families studied, 30 percent have migrated more than 20 years before and 48 percent 10 years before. Similarly, another 23 percent families were found to have migrated within last 5 years to search for employment in Kolkata.
- The families belonging to the same caste prefer to stay together in a cluster.
- Because of illegitimacy of stay, families cannot provide minimum shelter to their children and are forced to stay in open spaces without any permanent or temporary shelter and are denied of basic amenities of life.
- Male members of the families are commonly engaged in low wage sectors like labourers, rickshaw pullers, artisans, loaders, hawkers and rag pickers, whereas the females generally worked as domestic helps, vegetable sellers, unskilled labourers, rag pickers and beggars. It was identified that 57 percent male and 88 percent female earning members of the family received pay below the minimum wages fixed by the government.
• Families cannot meet daily requirements due to their irregular earning and hence they are forced to borrow money from money lenders or from employers to meet their daily needs as well as for dealing with emergencies. The data revealed that about 90 percent of the families had to take loans for each hospitalisation episode and this pushes them into a vicious cycle of poverty and disease.

• Families were found to be without the basic entitlements. There were more than 88 percent families, who did not possess voter identification card. Among the respondents, only 5 percent of the families had the Below Poverty Line (BPL) cards. Thus, over 95 percent of the families were denied of facilities meant for the people living below the poverty line.

• It was found that only 33 percent children were enrolled in the formal education system at the time of data collection. Of the total children respondents, there were 12 percent who never got enrolled in the formal schools, whereas 55 percent children were the drop outs. It was also interesting to observe that the participation of girls in the formal education system was comparatively higher than the boys.

• More than 45 percent children attended more than one type of schooling system as parents felt it to be safe to send their younger children to school instead of letting them to roam and play on the streets.

• Study found that children were much more sensitive towards the emotional abuse as over 98% children recalled the occurrence of the same in the recent past. Girls have identified sexual abuse as the most devastating forms of abuse on the streets because of the unsafe and exposed environment. Whereas, there were more than 85% of the boys, who have reported of harassment by the legal and administrative authorities as their key problem.

• Children perceived unknown people passing on the streets as the most common abusers, while they lived on the streets. Besides, they also perceived threat from the government authorities like police, municipal corporation officials, and traffic controllers. Children also identified local youths, political party members, employers and in few cases the parents themselves as the perpetrators of child abuse.
- Violence against children occurs in different settings were within family, at schools, at work and in the community.
- More than 49% children reported of family violence almost every alternate day. Besides, there were more than 88% cases children reported to have faced severe forms of physical punishment from father. About 69% boys and 78% girls reported to have faced aggressive verbal assault from their parents. It was observed that in most of the cases, father adopted physical abuse as a means to release their own frustration on children. Similarly verbal assault and aggressions are most commonly adopted by mothers. For boys’ cause of aggression were related to lack of sufficient monetary contribution to the family. Aggressive behaviour for girls was related with their inattentiveness in domestic work or sibling care. About 74% boys perceived physical punishment from their family members as abuse but others perceived it as a means of parental control for their wellbeing. Girls perceived their family members as the only support system they have in the society. Thus, only 12% of the girls perceived family members as abusers.
- And, there were also 81% of children who felt uncomfortable to live on the streets as their deprivation was exposed to outsiders.
- Children are forced to remain hungry throughout the day as the families living on the streets are not allowed to cook food during day time. Thus, 59% boys and 62% girls opted for mid-day meal programme at the school. Children complained of getting humiliated by their teachers for belonging to the families living on the streets.
- In spite of the international and national promises, there were some children who were actively involved in economic activities. Of the total, 82% boys and 100% girls were found to be engaged in occupations or processes which are prohibited by the Indian Labour Laws and / or under The Child Labour (Prohibition and Regulation) Act, 1986.
- Children usually got involved in unskilled work and they were forced to change their jobs frequently. Being vulnerable and having no experience of the market tactics, children were not able to negotiate better wages while accepting labour jobs. Besides, they were forced to work for long hours and were exposed to hazardous conditions or chemicals without any protective gears.
• The incidence of physical abuse was higher (75%) among children working in some establishments than the self-employed children (62%). Of the children getting physically abused in their job at the establishment, more than 88% cases were the victims of grievous hurt causing swelling, leading to bleeding, burns & scalds.

• Because of immense exploitations by the employers, 58% of the children preferred to be engaged in self-employed professions such as rag picker, venders, rickshaw pullers and vegetable sellers. According to these children, most profitable self-employed occupation is rag picking as it can fetch more money than others.

• Of the total 100 girls included for this study, 74% responded that they do not have any faith on the adult members of their surrounding community.

• Children reported that in most cases the perpetrators of sexual abuse were the known adults.

• Sexual abuse against street living boys was also familiar phenomenon. About 11% of girls disclosed incidences of sexual abuse by known adults living in their locality. Another 58% girls reported that they were aware of such abuse occurring by the known people.

• 23% of girls identified some adults within their community who are exhibitionist.

• 63% of boys disclosed that their peer group members have faced sexual abuse. Most common forms of abuse were masturbation, oral sex and anal sex.

• Common perpetrators of abuse were the vendors (21%), leader among the street children (24%) and other influential people (12%) in the community.

• It was observed that children adopt various forms of deviant behaviors to cope and adjust with the street environment. Some of the practices adopted by these children are getting involved in gang cultures, abusing intoxicating substances, indulged in deviant sexual practices for survival, watching of pornographic films, gambling and living in a world of fantasies.

• Interaction of children with Police and legal administration:

• The illegitimacy of the residence of families living on the street was the main stumbling block to access the required support from the law enforcement agencies. Even the police had a negative perception about the
children living on the streets and viewed them as drifter and criminals. Children reported to have face surprise raids at night, sudden eviction, harsh behaviors, physical assault and detention in the police station for no reason.

- It was observed that children and their families looked for the assistance of police administration to trace missing children and to lodge complains against sexual abuses. Children were widely used for anti-social activities and were victimized by the adult offenders as well as the law enforcement bodies. It was observed that children did not get fair chance from the justice authorities to safeguard their rights. The guidelines of the Juvenile Justice Administrations were grossly violated by the law administration while dealing with children and juvenile offenders. Though the Juvenile Justice Act, 2000 provided a greater significance on participation of children for the prevention, adjudication, and disposition of the matters for the best interest of the children, but children’s opinion are not recognized by the law administration. Moreover, police officials were not equipped enough to deal with child related issues. More so, it is wearisome to observe that the Police Act drafted in the year 2006 did not make any effort to converge the role of police with the Juvenile Justice (Care and protection) 2000 Act, though it was amended long after the amendment of Juvenile Justice Act.

- Denied by the legal administration, children and their family members resort to various group based protection mechanism. Affiliation to local political groups, settlement in clusters, and children’s affiliation to powerful local groups were few examples of self-protection mechanisms. Besides, family members also tried to sleep in groups, tie their children with rope and engage their adolescent girls in full time domestic help to protect their children from abduction and abuse. Girls were also oriented to take safety measures while interacting with strangers.

- While interacting with children regarding child friendly police system, they voiced their opinion about ensuring their right to lodge complains in the police system without any adult. Children and their parents opined to make the use of audio recording systems as an official protocol along with the written First Information Report (FIR) to facilitate children and illiterate adults to lodge complain in the police system. They emphasized that police should not be biased, listen to them, and give them enough protection, so
that they can disclose the truth and participate in the process. They also viewed that the legal proceedings should not be complicated and prolonged and they should have the access to free legal system to safeguard their rights.

- To sum up, the study was an effort of raising voice of the children of these street living families, who are still invisible in policy papers and hope to bring about a long term change in the protection and overall development process though a synchronized effort.

**Suggestions:**

Pavements are one of the main components of road transportation and infrastructure systems. By daily expansion of our ground transportation systems and higher costs of construction, maintenance and rehabilitations of pavements, highway agencies are facing challenges to keep serviceability of their pavements to an acceptable level. Congested and over crowded pavements lead to safety problems of pedestrians and vehicle users. Thus, settlements on the pavements will not only cause problems in road transportation but will also deny people's right to safety as a whole. Unplanned urbanization has accompanied by dramatic increase in urban poverty. As discussed in the earlier sections that families migrate to the cities in search of alternative livelihood options. A large number of families settled on the pavements and other unauthorized areas because of lack of means to rent a place to stay in the city. Indeed, they are forced to live in with no shelter and suffer from absolute poverty. Thus, this unplanned urbanization and settlements not only cause problems to the pavement dwellers but also affects the rights of other city dwellers.

The study was an endeavor to understand different forms of violence children of street living families face in different settings and also attempts to understand role of Justice System for the protection of children of street living families. Among the gamete of whole juvenile justice system, the study sought to deal with police system which is one of the important agencies of Juvenile Justice Administration. The study has followed a holistic approach to understand the causal factors of child abuse of street living families and their coping strategies. Qualitative and quantitative techniques such as survey, focus
group discussions, key person interviews, physical observation and secondary data analysis have been conducted to capture opinion and experiences. Based on these primary and secondary analyses of data, observations and the understanding of Social Work theories, the suggestions of the researcher have been summarized below;

- All the street living families should be acknowledged as proper citizen of the country and they should not be denied of their basic citizen’s right only because of unauthorized land holding status.
- It was observed that because of “illegitimate” status of the street dwellers, their children are exposed to various risk and abuse. At the same time, they do not get fair chance from the justice authorities to protect their interest.
- Voter ID and BPL cards are issued to the families against the residential address. Only because of the illegitimate residential status, these families are denied from their voting rights and also cannot access facilities designed for the below poverty line families. Thus, a centralized ID system should be introduced in the country to protect legal identity and other rights of the citizen.
- It was observed during the process of data collection that 77.5 percent of the families are settled on the streets for more than 10 years on the same pavements. Government has allowed them to settle on the pavements for decades. Thus, steps should be taken to promote the legal identity of the pavement dwellers so that they can access their basic entitlements.
- Over the past decade, the right to adequate housing has been consistently reaffirmed as distinct human rights by various bodies in the UN System. Appropriate plan should be developed in coordination with urban development bodies, Jawaharlal Nehru National Urban Renewal Mission and local NGOs for the proper rehabilitation of street living families with the basic amenities of life.
- There is also a need to look at the various dimensions of poverty that affecting the realization of basic human rights and rights of children at large. Thus, any stand alone project for the children would not yield any sustainable effect on the overall protection of the street living children.
A multi-sectorial effort should be taken for the development of the street living families. An integrated rehabilitation package which will include regular housing, infrastructure, and income generation through micro credit facilities and safe saving and credit facilities will play an important role in protection of pavement dwellers and children in particular.

- Holistic and synergetic efforts among the governmental departments and civil society organizations should be given for proper rehabilitation of street living families and promote equitable condition.
- District authorities of Kolkata should conduct a survey to enumerate total number of street living families and design an empirical map to identify source areas of these migrant populations.
- Coordinated effort should be taken among the authorities of rural and urban administration to design intervention to arrest further emigration of people from villages.
- More than 1000 civil society organizations are working in Kolkata and mobilizing national as well as foreign investment for the development of underprivileged sections of the city. Each agency has different mandates and implements their project according to their own chosen directives. Each agency seeks to demonstrate their own achievements and do not believe in shared process. People affected by poverty have multifaceted needs. Without synergetic efforts among the service providers, several activities are duplicated and other priority needs are neglected.
- Moreover, there is no regulatory body to control over the funding and activities of these civil society organizations. Thus, state as well as the urban local bodies should form a multi-stakeholder committee to design macro plan, its strategies and financial requirements for the integrated development of the disadvantaged section of the respective area. Areas of intervention should be clearly distributed among the implementing bodies to supplement and complement efforts for a holistic and sustainable development of the street families.
- A steering committee should be formed within the urban local bodies for effective coordination, regulation and review of the progress of work within a stipulated time frame.
- People’s representatives should also be oriented about the issue and active participation in the process should be ensured.
Education:

- Due to nuclear nature of family structures and lack of supportive system within the street living families, parents prefer to send their younger children to some institution when they are out for work. Thus, accessibility to ICDS centers, crèches or pre-primary education centers should be promoted to create a safe place for children of working mothers as well as to inculcate the habit of education among young children.

- Adolescent girls can not attend school as they are to take care of their younger siblings at home. So access to crèches/ICDS centers will also reduce drop out rate among adolescent girls.

- Children and their parents can not relate education with their daily life situation. They perceive that education is not meant for street children. One of the reasons of drop out from formal school is that children do not get any supportive environment at home to complete their home task. Thus, complete renovation of the education curriculum is utmost important. Education curriculum should be modified to address the needs of children of different social strata.

- Broadly, the Constitution of India as well as CRC recognizes free and compulsory elementary education for all children up to the age of 14. Hence, it is bitter truth that a greater portion of the children of the country will not continue education further. The present curriculum does not incorporate the prerequisites skills of equipping children as responsible and productive citizen. Thus, the curriculum should incorporate the basic life skills required for the development of their abilities and talents to the fullest potential. The curriculum should equip a child to perceive their rights and responsibilities so that they can participate in any matters or procedure to protect their self interest. The suggested incorporation in curriculum can be basic rights and responsibilities, basic legal literacy, reproductive and child health, basic health and hygiene education, different services of government including saving and credit facilities and different vocational skills.

- Teacher's attitude towards the people live on the streets is also a hindering factor in children's education. Thus, parents also do not get
the confidence to interact with teachers regarding their child’s problems. In most of the formal schools parent teachers meeting or mothers meeting is one of the important component. The main objective of this system is to ensure parents’ participation in the education process of their children:

- During the focus group discussion and data collection process it was found out that rarely parents get time to attend the meetings. Many a times they are not informed about the date as it is not conducted on a fixed date. Moreover, they do not feel comfortable to attend these meetings as they know that their children can not perform better in school education. Thus, they feel inferior in front of other parents attend the meetings. Thus, teacher’s attitude towards deprived children should be changed. Thus, this forum should not only be used for sharing student’s performance in the education system.

- Issues related to child rights, protection and laws related to children should be discussed so that parents are aware on those issues and can take legal measures to protect their own and children's interests.

- Basics of child rights and child protection issues should be incorporated in teachers training courses so that teachers can facilitate children and their parents in their all round development process through education.

- As one of the care givers, teachers should be equipped to identify and handle child abuse cases. Training should be imparted to formal school teachers as well as non formal teachers on child rights, abuse, protection issues, Juvenile Justice System so that they can also play an effective role in basic management and referral of child abuse cases.

- In their capacity as “front-line workers”, teachers often come into contact with children and families experiencing violence. Often, the only known signs of abuse and neglect are detectable by teachers. Fortunately, they can intervene effectively to diminish many of the potential adverse consequences of child maltreatment and refer the case to the concerned authorities.

- Teachers should be oriented about situations and other problems of
street and deprived children so they can deal with the children and their parents more empathetically.

**Juvenile Justice System**

- "Illegitimate" status of street living families is the main hindering factor in accessing justice system. Thus, an identity no or card should be issued to the families who have already settled on the streets.
- As per the juvenile justice system of the country children can produce themselves in front of Child Welfare Committee (CWC) for their own protection. But in India CWC is not physically accessible. Thus, children should also have the right to produce themselves before police station and lodge complain to protect their interest.
- The awareness levels among the common mass abut juvenile justice systems and CWC is also very low. Still, police are the first line of contact for the general population because of their administrative reach. Also, people have much more access and faith in police rather than other juvenile justice system. Thus, people expect support from police for any legal and protection issues. On that other hand there has been a widely held perception among police officials that child protection work is something that sits out beyond the fringes of "Real Police Work". Thus, police system should be redesigned to deal with juvenile justice issues.
- Police are more concern about punitive aspect of crime rather than protective part. Juvenile Justice Act 2000 has provided significance on treatment, care, protection and developmental needs of children by adopting a child friendly approach in the adjudication and disposition of the matters for the best interest of the children. Most of the police have their own perception towards the child friendly approach which is largely predisposed by their own socio cultural environment. More over, no standard operating procedure has been designed to deal with children. Thus, standard operation protocol should be designed to deal with child related cases.
- During the interaction with the police officials it was observed that police officials are over burdened with different acts and its amendments. No official trainings are organized for these officials to
update their knowledge about the recent amendments. Thus, most of the officials are not well aware about the special features of this acts and their role in implementation. Still the officials are not aware about the definition of child that India government has amended. Thus, most of the measures they take while interacting with children do not match with the standards set in Juvenile Justice Act 2000. Thus, regular training courses should be mandatory as per the service rule of police personnel.

- The Juvenile Justice (Care and Protection) 2000 Act is a significant piece of legislation that set the tone for the India’s juvenile justice system's approach. This act is an enormous improvement over the previous treatment of children and adolescents. It has also described the role and responsibilities of juvenile justice administration to deal with child related cases. It is surprising to observe that the Police Act 2006, which has amended after the ratification of The Juvenile Justice (Care and Protection) Act 2000, didn’t give any emphasis on juvenile justice. The Police Act 2006 has not incorporated the roles and responsibilities of police that has been mentioned in the Juvenile Justice (Care and Protection) Act 2000. Thus, no effort has still been made by the government to orient the police administration to implement juvenile justice system in the country. It reflects government’s lack of commitment to deal with child protection issues. Thus, gaps in implementation of Juvenile Justice Administration will remain until Government made any effort to combine these two acts.

- The Police Act does talks about forming Women and Child Protection Desk staffed by women personnel in each police station. No specific roles and responsibilities of the Women and Child Protection Desk have been designed. The following responsibilities of the Women and Child Protection desk should include:

  - Provide required assistance to children and other illiterate people to lodge complain.
  - Maintain regular contact with the Child Welfare Committee and Juvenile Justice Board to take up the child related cases.
  - Maintain liaison with free legal aid services.
  - Provide referral services to the deprived families to access legal aid services.
- Maintain regular contact with civil society organization running child protection services in their administrative zone and supervise their activities.
- Facilitate NGOs to register all the child protection related cases, take legal action against the perpetrators.
- Maintain records of referral services including children's homes run by NGOs and check their legal status.
- Maintain data base of child related cases including rescue, referral and repatriation cases.
- A number of agencies implement child protection projects and rescue children in distress. Though it is mandatory to produce children before Child Welfare Committee within 24 hours, but most of the NGOs do not adhere that. Also they do not register those cases at the local police station. One of the roles of this desk should be to facilitate or force NGOs to adhere the legal guidelines.
- Update child related information to the centralized data base

- Recognizing the Right to Information Act, The New Police Act 2006 emphasizes that all the information required to be made public. As per the Supreme Court guidelines, details regarding persons arrested and held in lock-ups should be displayed. As per the suggestion of street living parents, list of all the missing and rescued children with their photographs should be displayed in police station so that people can trace their children.
- The Juvenile Justice (Care and Protection) 2000 Act emphasizes to constitute two separate boards to deal with children:
  - Child Welfare Committee to deal with children in need of care and protection.
  - Juvenile Justice Board to deal with children in conflict with law.
  - The Offence against children bill emphasizes to constitute Children's Court under Commissions for Protection of Child Rights to deal with offences against children.
  - Instead of separate boards for children, an independent
justice board should be constituted to deal all the cases related to children. The committee should have the legal knowledge, power and authority to give punishment to the perpetrator of child abuse.

- A free legal cell should be constituted to protect the interest of children.
- All the pedophilic cases should be registered in the police station and police should restrain them to deal with children.
- Commission for child protection/child protection cell should be constituted under State police board in each state to monitor and supervise effective delivery of Juvenile Justice System of the state. Child protection cell should register, collate and monitor child related cases of the State.
- The police force is also accountable for their deeds/misdeeds. A grievance redress mechanism should be designed to deal with grievances against police and justice system.
- The child line service was found to be very effective to reach the children in distress. The CHILDLINE service should be acknowledged as official body and should be incorporated with the law and order system.
- The calls to CHILDLINE should be acknowledged as official report.
- Like other countries a child protection worker would receive and record the calls. The child protection worker will decide if an investigation is required and will refer the case to the concerned police station and other allied services as per the requirement.
- State Child Protection Cell in collaboration with NGOs can design child protection strategy for the state and city and distribute the work among NGOs.
- Responsibility of managing Women and Child Help Desk in police station can also be provided to the selected civil society organizations.
- Government should design micro level plan on child protection and sensitize funding agencies to provide funds to complement the effort of government.
- Government should restrain civil society organization to implement child protection services without any coordination with law and order systems. Many agencies, under the name of Non Government Organization, rescue children, provide shelter and also run illegitimate activities.
- Thus, activities of the civil society organizations should also be strictly
monitored. A regulatory body should be constituted under the chairmanship of state and district social welfare officer to monitor the activities of civil society organizations working with children. All the civil society organizations should be forced to work under the preview of legal system of the country. So, the adherence of the civil society organizations should be monitored and regulated strictly.

- Moreover, the opinion and suggestions of children should be considered while designing child friendly operation protocol.