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With this thought, we hereby present to you

ENSURING JUSTICE FOR THE FORGOTTEN **CHILDREN OF THE STREETS**

AUTHORED BY: RUDRANSH SINGH RAJPUT¹

Abstract

In India, Public Interest Litigation (PIL) is a revolutionary judicial invention that has eliminated procedural obstacles to justice, particularly for underprivileged groups. By easing the locus standi norm, PIL, which emerged in the post-Emergency era, reinterpreted the Anglo-Saxon adversarial model and allowed people and social activists to speak up for the disadvantaged. Based on the legal framework of human rights and constitutional principles, PIL was essential for tackling issues such as bonded labour, the right to schooling and healthcare, and custodial abuse. Notably, it advanced socioeconomic rights in *PUCL v. Union of India* and obtained relief for blinded victims and undertrial inmates in *Anil Yadav v. State of Bihar*. For invisible groups like street children, particularly individuals born into prostitution, trafficking, or abandonment, who are shut out of administrative systems because they lack identification and paperwork, PIL continues to be the only efficient legal remedy. Despite Article 21A of the Constitution's provision of free and obligatory schooling, institutional negligence prevents these children from receiving it. PIL forces state responsibility by bridging the divide between institutional shortcomings and constitutional rights. Nonetheless, citizen involvement and administrative conformity are necessary to back judicial activism. PIL must continue to be an essential instrument for restoring justice and dignity to India's most vulnerable children to fulfil the Constitution's transformational goal.

Keywords: Public Interest Litigation (PIL), Street children, Article 21A, Judicial activism, Constitution's transformational goal.

Introduction and Jurisprudential Basis of PIL

The Indian Supreme Court has permitted citizens and social justice groups to speak up for the rights of those who suffer discrimination and have been harmed since the start of the 1980s. However, the wealthy and powerful had fewer avenues to the courts due to the Anglo-Saxon

¹ Rudransh Singh Rajput, BBA LLB, 9th Semester, Amity University Chhattisgarh.

paradigm of determination, which depended on procedural formalities and hostile litigation. The Indian judicial system's colonial character was further aggravated during the emergency era (1975–77), which resulted in severe state persecution and administrative unlawful conduct. Following the emergency, several Supreme Court justices defied Anglo-Saxon protocol, enabling the underprivileged to obtain justice. The panel of judges also sought to restore the judiciary's reputation, which had been damaged by a ruling rendered during the emergency that had implicitly backed the oppressive government. The locus standi rule, which restricted the impoverished and oppressed's right to justice, gave rise to public interest proceedings, or PIL. Investigative media and social activists who revealed oppression, insurrection, and brutality in detention by the state had an impact on this uprising. PIL sought to give the poor, disenfranchised, and uneducated access to justice since they lacked the means and expertise to seek a remedy. By easing the locus standi rule, courts made it possible for civic-minded individuals to petition the judiciary on behalf of underrepresented groups, democratizing access to justice. Using the writ jurisdiction, judges also established new forms of remedies, such as providing temporary financial aid to perpetrators of state lawlessness or rehabilitative services to victims who suffered child labour, servitude, or police brutality. PIL strategy created a people-oriented social movement advocating for the emancipation of the poor and oppressed, primarily focusing on the failure of the criminal justice system. In the first reported case of PIL,² seeking relief for the under-trial prisoners languishing in jails, wherein the PIL proceedings resulted in the release of nearly 40,000 under-trial prisoners. *Anil Yadav v. State of Bihar*³ depicted the police brutalities. Cops at Bhagalpur prison in Bihar used acid to burn the eyes of around thirty-three alleged offenders, blinding them in the process. The state's government was ordered to transport the blind individuals to Delhi for medical care after the Supreme Court declared the trial to be invalid and denounced police brutality. The court addressed human rights concerns such as sexual assault, forced labour by children, psychiatric asylums, police abuses, protection homes, and torture when it ruled that free legal assistance is a basic right.

PIL movements also advocated for socioeconomic rights. In *People's Union for Civil Liberties v. Union of India*,⁴ the Supreme Court acknowledged the right to food as a basic right and formed a panel of experts to oversee the execution of a government-funded initiative to reduce

² *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81.

³ (1981) 1 SCC 622.

⁴ WP (C) No. 196 of 2001, order dated 17-9-2001.

poverty. Despite an abundance of food, the court voiced alarm over the growing number of fatalities from malnutrition and the collapse of nutritional safety measures. The court's order made the food distribution scheme into entitlement without accepting the plea of lack of resources.⁵ The Supreme Court has underlined that a court of law has the authority to decide and decide social rights. The state is required to provide emergency medical treatment and foster healthy circumstances, including basic therapeutic and preventative health services, after the court, in several judgments, declared health care to be a fundamental right. The court has supported state policy principles under the Constitution, rejecting arguments based on lack of financial resources, stating that even negative rights require economic resources. In *Paschim Banga*,⁶ the court held: “In the context of the constitutional obligation to provide free legal aid to a poor accused, this court has held that the State cannot avoid its constitutional obligation in that regard on account of financial constraints. The said observation would apply with equal, if not greater, force in the matter of discharge of constitutional obligation of the State to provide medical aid to preserve human life.” Judicial activism in the phase of the PIL movement also recognised the right to primary education as an aspect of the right to life.⁷ After a protracted battle by child rights activists, educationists, and social activists who supported the equality of access to schooling, the directive principle pertaining to the right to receive a good education in Article 45 has now been established as a fundamental right.

In 2002, the Constitution was amended to include Article 21A, which declared the right to elementary school for kids up to the age of 14 to be an essential right. The right to elementary education has become a reality through the Right to Free and Compulsory Education Act, 2009.⁸ The provision of obligatory and free schooling to children aged 6 to 14 is now a legally binding obligation of the federal government and state governments. The Act allows underprivileged neighbourhood students to have a 25% reservation in private schools.⁹ No donation or capitation fee will be required for entrance, and no parent or kid will be interviewed as part of the assessment procedure. However, it should be made clear that even while the judiciary has acknowledged a number of social liberties by interpreting directive principles into

⁵ The proposed Food Security Bill 2009 seeks to provide a statutory basis of right to food as it creates special entitlements of food grains up to 25 kg at a subsidized rate of Rs. 3.50 per kg.

⁶ *Paschim Banga Khet Majoor Samity v. State of W.B.*, (1996) 4 SCC 37 at 48; also see *Vincent Panikurlangara v. Union of India*, (1987) 2 SCC 165; *Murli S. Deora v. Union of India*, (2001) 8 SCC 765; *X v. Z*, (2003) 1 SCC 500; *Parmanand Katara v. Union of India*, (1989) 4 SCC 286.

⁷ *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

⁸ The Act came into force from April 1, 2010.

⁹ PRS Legislative Research, <https://prsindia.org/theprsblog/supreme-court-upholds-25-reservation-in-private-schools> (Last visited on 2 July 2025).

the basic right to life, the state is still ultimately responsible for putting these principles into practice. Judges cannot compel legislatures to build more homes, educational institutions, or medical centres.¹⁰ However, they bridge the gap between economic and social liberty and political and civic liberties by acknowledging social rights, including living conditions, health, housing, and schooling. They uphold the idea that human rights are inseparable. PIL advocacy encourages public discussion of power dynamics and tackles dominance in civil society. It establishes standards for an equitable and just society, allowing public servants to right wrongs and informing the executive of its failings. PIL action fosters a culture that is considerate of human rights and values while also developing a new body of precedence about accountability for the state.¹¹ However, as judicial intervention has restrictions in bringing about change in society, anticipating PIL to bring about constitutional and social reform is an illusion.

However, PIL continues to be the only effective legal tool that may end institutional silence and demand governmental action when it comes to street children, especially those who are born into profound discrimination, such as young ones of prostitutes or those who are exploited and pushed into begging. These kids live in a statutory void, frequently unrecognised by laws and regulations, undocumented, and abandoned. For them, standard legal procedures or governmental grievance channels do not provide access to the protection of Part III of the Constitution, particularly Articles 14, 21, and 21A. Their fundamental liberties can only be restored by means of the adaptable administrative advances of PIL and the imaginative interpretative instruments of judicial activism.¹² The Indian judiciary has recognised a street kid as a complete constitutional subject by extending the definition of constitutional liberties beyond those with advantages and established via Public Interest Litigation (PILs). By doing this, it has strengthened the notion that one's parentage, financial situation, or social standing should not be grounds for denying someone their right to respect, learning, or reconciliation. Therefore, the issue is not whether PILs are legitimate as a means of enforcing the law, but rather whether organisational intent, legal safety, and public participation are behind them.¹³

¹⁰ Janhit Abhiyan vs Union Of India, WRIT PETITION (CIVIL) NO. 55 OF 2019

¹¹ Monika Sangeeta Ahuja, PUBLIC INTEREST LITIGATION IN INDIA: A SOCIO-LEGAL STUDY, <https://etheses.lse.ac.uk/1417/1/U084680.pdf> (Last visited on 2 July 2025).

¹² Miloon Kothari, The Human Right to Adequate Housing and Land, <https://nhrc.nic.in/sites/default/files/Housing.pdf> (Last visited on 2 July 2025).

¹³ Mahadeb Arya, Public Interest Litigation And The Role Of The Indian Supreme Court As An Instrument Of Social Justice, <https://ir.nbu.ac.in/server/api/core/bitstreams/39c06446-6592-472b-bdfa-7a6eab7477be/content> (Last visited on 2 July 2025).

Need for Literacy in Grey Areas

In India, education is acknowledged as a transforming force that is essential to attaining social justice, empowering individuals, and promoting national advancement, rather than only as a personal benefit. The Indian Constitution requires consideration for marginalised populations and forbids inequality in the allocation of educational resources. Judicial activism, particularly the interpretation of the Supreme Court in *Unni Krishnan, J.P. v. State of A.P.*,¹⁴ which resulted in the passage of the 86th Constitutional Amendment in 2002, is largely responsible for the promotion of the right to education to the level of a basic right. This strengthened the State's obligation to provide early childhood care under Article 45 and established Article 21A, which guarantees an obligatory education for children ages 6 to 14. Since it is the foundation for the power to enforce all other rights, education, which is now guaranteed by the constitution, has been called the most crucial right. To further strengthen this commitment, the 93rd Amendment to the Constitution included Article 15(5), which gives the State the authority to require socially and educationally backwards groups, Scheduled Castes, and Scheduled Tribes to have reserved seats in educational facilities, even in private institutions.¹⁵ In India, education is still frequently seen as a privilege rather than a fundamental right, even though Article 21A of the constitution guarantees free and obligatory schooling, especially for children from deprived communities, like kids on the streets.¹⁶ Because of their impoverished circumstances, lack of paperwork, societal stigma, and systematic abandonment, these kids are unfairly left out of the educational system. India's average literacy rate is 77.70%, based on statistics collected by the National Statistical Office (NSO); nevertheless, this number conceals huge differences in educational opportunities.¹⁷ Child labor, which flourishes in environments of severe destitution, joblessness, racial prejudice, and deficient governmental action, is still significantly influenced by a lack of education. Street kids, many of whom are compelled to work informally, beg, or be trafficked, are locked in a vicious cycle where education is both a victim and a solution. These kids are denied the opportunity to grow as individuals, advance in their careers, and become part of the mainstream economy if they are unable to attend formal schools.¹⁸ In

¹⁴ Supra 7.

¹⁵ The Constitution (Ninety-Third Amendment) Act, 2005

¹⁶ Department of School Education & Literacy, Ministry of Education, Government of India, <https://dse.education.gov.in/rte> (Last visited on 2 July 2025).

¹⁷ HT Digital Streams Limited, <https://www.hindustantimes.com/sports/us-sports/thunder-f-jalen-williams-undergoes-wrist-surgery-nov-return-expected-101751397250879.html> (Last visited on 2 July 2025).

¹⁸ United Nations Office on Drugs and Crime Vienna, An Introduction to Human Trafficking: Vulnerability, Impact and Action, https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf (Last visited on 2 July 2025).

this situation, child labor is not only a violation of human rights but also a major barrier to the development of the country and its human capital. Even if they are progressive, laws like the Right of Children to Free and Compulsory Education Act, 2009, do not reach these kids unless they are supported by deliberate attempts at diversity, rehabilitation efforts, and identification. Therefore, education must be viewed as a constitutional requirement rather than a luxury, and it must be delivered by swift, comprehensive, and ongoing governmental action in order to end child labor and preserve the dignity of street children.¹⁹

While the Right of Children to Free and Compulsory Education Act in India requires all children aged 6 to 14 to receive obligatory schooling for free, it also aims to promote inclusivity by allocating 25% of private school seats to students from lower socioeconomic groups. In addition, India's National Policy on Child Labour, which was first implemented in 1987, takes a progressive and restorative stance in its efforts to eradicate child labor, especially in dangerous professions. It places a strong emphasis on upholding the law as it is and on implementing initiatives that target underlying issues like poverty.²⁰

With the support of more than ₹5 billion in central financing, the National Child Labour Project (NCLP) was established in 1988 with the goal of removing children from exploitative labor and reintegrating them via education and rehabilitation. But even with these efforts, street kids are still mostly unprotected and frequently labor in unofficial or exploitative jobs without identity, oversight by adults, or access to education.²¹ The difference between legislative purpose and ground reality is highlighted by their continued exclusion, which calls for immediate, focused changes to include street children in these national institutions' safeguarding fold.

Constitutional Provisions for The Advancement of Children

Children living on street corners are frequently turned aside from classrooms due to not having birth records, evidence of address, Identification numbers, or parental oversight, even though

¹⁹ Right of Children to Free and Compulsory Education Act, 2009, <https://nluo.ac.in/storage/2025/04/3.-The-Right-of-Children-to-Free-and-Compulsory-Education-Act-2009-A-Critical-Analysis.pdf> (Last visited on 2 July 2025).

²⁰ Government of India, Children and Work, https://labour.gov.in/sites/default/files/updated_status_on_child_labour.pdf, (Last visited on 2 July 2025).

²¹ National Child Labour Project SCHEME, Ministry of Labour & Employment, Government of India, <https://labour.gov.in/childlabour/nclp> (Last visited on 2 July 2025).

the law stipulates that no child may be denied enrollment for lack of documents.²² The guarantee of Article 21A does not apply to infants born into situations of poverty, prostitution, trafficking, or abandonment. Although the courts have been authorised to take proactive stances due to the legal understanding of the right to education as a component of Article 21's right to life and human dignity, these rights are ineffectual for the most disadvantaged when institutional and administrative compliance is lacking. The RTE Act, in principle, also forbids retention and expulsion in early grades and offers remedial education to dropouts.²³ However, these regulations are useless when it comes to street children, the majority of whom have never been in a classroom in the first place, unless they are combined with a framework for social reconstruction, health intervention, counseling, and identification. It is unreasonable and structurally blind to expect street children to enroll or stay in formal school without first addressing their trauma, addiction, starvation, and lack of housing.

Furthermore, constitutional provisions beyond Article 21A reinforce the State's duties:

- Article 24²⁴ prohibits the employment of children under 14 in hazardous occupations.
- Article 39(e)²⁵ and 39(f)²⁶ direct the State to ensure that children are not abused or forced into labour due to economic necessity and are given opportunities to develop with dignity.
- Article 15(3)²⁷ permits the State to make special provisions for the welfare of children.
- Article 45²⁸ Though now replaced by Article 21A, it still serves as a constitutional directive to provide early childhood care and education.

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986²⁹, as revised in 2016 and 2017, is one of the laws in India that forbids the hiring of minors in certain dangerous jobs. Street children, the same youngsters these laws are intended to protect, are not visible to law enforcement and are thus not covered by labour or literacy requirements. Street children,

²² United Nations International Children's Emergency Fund, Study Of Children In Street Situations In India, <https://www.unicef.org/india/media/13451/file/Study%20of%20Children%20in%20Street%20Situation%20in%20India.pdf.pdf> (Last visited on 3 July 2025).

²³ PRS Legislative Research, The Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017, <https://prsindia.org/billtrack/prs-products/prs-legislative-brief-2940> (Last visited on 3 July 2025).

²⁴ Constitution of India, art. 24

²⁵ Constitution of India, Art. 39(e).

²⁶ Constitution of India, Art. 39(f).

²⁷ Constitution of India, Art. 15(3).

²⁸ Constitution of India, Art. 21a And Art. 45.

²⁹ The Child And Adolescent Labour (Prohibition And Regulation) Act, 1986, [https://The.Nic.In/Central%20governmental%20acts/Child%20and%20adolescent%20labour%20\(Prohibition%20and%20regulation\)%20act,%201986.Pdf](https://The.Nic.In/Central%20governmental%20acts/Child%20and%20adolescent%20labour%20(Prohibition%20and%20regulation)%20act,%201986.Pdf) (Last Visited On 3 July 2025).

particularly people who have been trafficked or raised in prostitution, are frequently compelled to engage in begging, scavenging, or drug sales. Even though these actions are illegal under the Bharitya Nyaya Sanhita³⁰The Juvenile Justice (Care and Protection of Children) Act of 2015,³¹ and the Immoral Traffic (Prevention) Act of 1956³² Law enforcement hardly ever starts rescue or rehabilitation efforts until they are ordered to by a judge. As a result, particularly in metropolitan areas, child safety is still mostly reactive rather than preventative.

These duties are reinforced by international law. India must provide all children with the entitlement to schooling, safeguarding against abuse, and rehabilitation and reintegration, by Article 39 of the UN Convention on the Rights of the Child (UNCRC).³³ Similar to this, India is a party to ILO Conventions No. 138 and 182, which call for the abolition of child labour and the safeguarding of children from its most severe manifestations, such as slavery and human trafficking.³⁴ However, because they are not included in the structures that are supposed to uphold these rights, street children seldom see them put into practice. Street children are further alienated by bureaucratic obstacles, social shame, and monetary difficulties. The RTE Act's strong anti-child work stance unintentionally penalises low-income families, who may falsify documents proving identity or attend school to evade fines or charges of crime, as noted in critical research. In this contradiction, families that are already marginalised suffer punishment as a result of the law's protective objective.³⁵ Access to education must be combined with complete support, including adequate nutrition, medical care, lodging, guidance, and personal identity, as UNICEF and other international organisations have long stressed.³⁶ When youngsters on the sidewalks, train stations, and red-light districts do not receive any educational assistance, the Indian government's claims of universal education seem meaningless. By doing this, judicial activism becomes not only required but also crucial for granting the most disadvantaged people their constitutional rights. However, the fact that India's street education system for kids continues to be a catastrophic failure of both law and administration despite court rulings, fundamental promises, and global ratifications is extremely troubling. The lives

³⁰ The Bhartiya Nyaya Sanhita, 2023 No. 45 Of 2023.

³¹ The Juvenile Justice (Care and Protection of Children) Act Of 2015.

³² The Immoral Traffic (Prevention) Act, 1956.

³³ The Convention on The Rights of the Child (CRC), Art. 39.

³⁴ India ratifies both fundamental ILO Conventions on Child Labour, <https://www.ilo.org/resource/news/ilc/106/india-ratifies-both-fundamental-ilo-conventions-child-labour> (Last visited on 3 July 2025).

³⁵ UNICEF, Journal Of Rights Of The Child Of National Law University Odisha <https://nluo.ac.in/storage/2024/05/2.vol-IIIissue1-2017-CR-Journal-2.pdf> (Last visited on 3 July 2025).

³⁶ Id.

of those on the streets, for whom schooling is still a pipe dream rather than a basic right, are the clearest example of the gap between the law as it is written and as it is applied.

Structural Barriers to Street Children

The cornerstone of Indian constitutional and human rights law is Article 21 of the Indian Constitution, which gives everyone the right to life and personal liberty. The Supreme Court expanded the meaning of Article 21 by encompassing the right to education as a necessary part of a decent existence in the seminal decision of *Mohini Jain v. State of Karnataka*³⁷. *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645³⁸, which acknowledged the fundamental connection between education and human growth, further strengthened this idea. Article 28 of the United Nations Convention on the Rights of the Child (UNCRC), which requires signatory States to offer free and obligatory primary education to all children without discrimination, is parallel to these constitutional reforms.³⁹

Expanding around these pillars, the RTE Act was enacted to give Article 21A practical clarity, requiring the State to offer compulsory schooling to children between the ages of 6 and 14. In a separate case, the Supreme Court ruled that children of detained women must have their right to education upheld and supported, even behind closed doors, in accordance with constitutional standards and RD Upadhyay's recommendations. On closer examination, however, significant conceptual errors and execution flaws are found. State governments frequently view the RTE Act's requirement as a voluntary welfare initiative rather than a legally enforceable obligation. This policy gap is further reinforced by the statutory silence about children under six, whether they are on the streets or in red light zones.⁴⁰ However, the status of children born to sex workers, especially those who operate on the streets, is as vulnerable and serious from a constitutional standpoint. These children inherit not only poverty but also state disregard, discrimination, and marginalisation, much like the children of women who are incarcerated. They are frequently trafficked into prostitution or forced labour, left illegally, or utilised as instruments of organised begging.⁴¹ They are denied the right to identity management,

³⁷ *Mohini Jain v. State of Karnataka*, 1992 AIR 1858.

³⁸ *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

³⁹ Art. 38, Convention on the Rights of the Child, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (Last visited on 3 July 2025).

⁴⁰ National Council of Educational Research and Training, Educational Rights of Children with Special Needs, <https://ncert.nic.in/pdf/CWSN-FAQs.pdf> (Last visited on 3 July 2025).

⁴¹ Focal Point on Trafficking & Women's Human Rights, National Human Rights Commission, <https://nhrc.nic.in/sites/default/files/ReportonTrafficking.pdf> (Last visited on 3 July 2025).

schooling, and reintegration even though they are de facto Indian citizens. The only practical legal avenue for these kids to get justice under the constitution is through Public Interest Litigation (PIL). Because they lack documents, parental responsibility, and social recognition, they cannot access regular procedural channels.

Courts have taken on the role of constitutional guardians through PILs, frequently using Articles 14, 15(3), 21, and 21A to compel the State to take action.⁴² The judiciary has mandated national rescue efforts, school admissions, and the establishment of rehabilitation homes for these children, as noted in *Bachpan Bachao Andolan v. Union of India*⁴³ and other instances of a similar kind. Infants born into situations like brothel operations, red-light districts, or street children are not considered second-class citizens, and this must be acknowledged by the legislation and judicial system. They are constitutionally entitled individuals whose rights cannot be compromised. For a child's cerebral, social, and psychological growth, the formative years between ages 0 and 6 are essential. The right to education must be viewed as a comprehensive developmental right that includes the freedom to play, express creativity, interact with others, and understand the world in a meaningful way. It is not just about learning to read and write. Without a proactive, restorative state reaction, it is impractical and unlawful to anticipate such thorough maturation from children reared in an environment of misconduct, abuse, or neglect. These children, whether born in red-light districts or captivity, are moulded by circumstances that essentially limit their ability to engage with society. Without specialised rehabilitative institutions, typical educational models become meaningless since they frequently lack even a fundamental grasp of the family, school, or society. Accordingly, a purposeful reading of the Constitution requires the State to take an active, centered around rights stance in addition to formal conformity. In addition to interpreting the law, the judiciary's involvement through PIL becomes essential in filling in structural gaps and ensuring that constitutional rights are not violated because of a child's parentage, position, or birth circumstances.

Conclusion: Ensuring Justice for the Forgotten Children of the Streets

The recommendations originally intended for children of incarcerated mothers, ranging from regular visitations and better educational infrastructure to psychological support and legal

⁴² The International Journal of Indian Psychology, The Role of Judiciary in Enforcing the Right to Education in India, <https://ijip.in/wp-content/uploads/2025/06/18.01.463.20231103.pdf> (Last visited on 3 July 2025).

⁴³ *Bachpan Bachao Andolan v. Union of India*, AIR 2011 SUPREME COURT 3361.

reform, are equally, if not more, applicable to street children, especially those born to sex workers or trafficked into forced labour. These children, like those in prisons, live on the fringes of legality and recognition. They do not possess the identification documents needed for school enrollment, nor are they consistently acknowledged in national education or child protection schemes. Yet their need for rehabilitation, emotional care, and formal education is urgent and non-negotiable.

The infant is collaterally punished for the mother's situation in both the red-light area and the jail wing. Whether in prison or on a sidewalk, the trauma of being born into violence, isolation, or exploitation has a lasting impact on one's development and mental health. The rights outlined in Articles 14, 21, and 21A apply to all children, regardless of whether they were born in a hospital or a brothel. But these rights are frequently not operationalised by the means of implementation, state agencies, educational institutions, and law enforcement, leaving these children vulnerable and unseen.

Improving the environment for learning, strengthening Child Welfare Committees, encouraging equitable schooling, and providing psychological services are some of the policy recommendations that need to be immediately extended to street children, especially those who are born to sex workers. Along with poverty and abandonment, these kids also have to deal with a distinct and debilitating stigma. The effort to place them in schools will fail if they do not have access to trauma therapy, nourishment, housing, paperwork, and holistic rehabilitation programs. They require a whole ecosystem of care, not just schooling.

PILs are the only effective legal means of expressing these children's rights in such an operationally disjointed and fundamentally unfair system. Street children lack the documents, legal guardianship, and evidence of capacity necessary for ordinary legal recourse. PIL enables the judiciary to actively intervene, reveal systemic flaws, and force the State to uphold its constitutional duties because of its adaptable procedural rules and rights-based emphasis. PIL has changed over the years from being an administrative novelty to being a jurisprudence of duty of care, particularly for people who have been ignored or abandoned by the state.

Together with Article 21A's need for free and compulsory education, the court's agreement to recognise the right to schooling as a component of the right to life under Article 21 gives courts the authority to make binding, structural directives. However, the rights of street children will

remain only fundamental promises unless these are combined with administrative intent, parliamentary detail, and executive compliance. Although the legal system cannot save every child on its own, these kids could not even be noticed if it didn't actively intervene through PIL.

India must cease viewing these kids as liabilities or the results of social dysfunction if it is to genuinely uphold the Constitution's revolutionary mandate. They have rights as citizens and are entitled to dignity, advancement, and aspirations in addition to survival. PIL must keep taking the initiative in rehabilitating the invisible, amplifying the voiceless, and making sure that no kid is left behind, irrespective of birth or background, if the Constitution is successful in reaching the last child.

