

Child Rights and Situation of Children in Odisha

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Introduction:-

Children are the hands by which we take hold of heaven. But instead of using these hands to hold the heaven, we are engaging them to toil at hell. In the name of learning the family craft in our occupation-based caste system, we are taking away their childhood, happiness, joy, play, education, affection, independence, emotion and most important is their child rights. It is the first and foremost duty of welfare state like India to look after the interests of different segments of populations like, geriatric people, women, children, physically challenged etc. They have got every right to lead a decent life. Since independence, India through different constitutional provisions and statutory enactments protecting its children against exploitation, providing welfare, education and assuring their child rights. Children's rights are the perceived human rights of children with particular attention to the rights of special protection and care afforded to the young.

UN Convention on the Rights of the Child:-

The UN Convention on the Rights of the Child (UNCRC) 1989 is one of the historical declarations made by the international community

to best protect the rights of the child. The convention document urges the state/parties to think for comprehensive legal intervention strategies to fulfill the provisions of UNCRC in the system of governance, i.e. legislative, judiciary and executive. The fourth pillar of democracy, i.e. press must act as a watchdog on the activities of legislative, judiciary and executive. It is the duty of civil society to sensitize public so that, rights concerning the basic needs of children could be asserted for protection as and when required. UNCRC encourages and provides opportunity to the civil society organization to submit an alternative report in every five years revealing the status of the rights of the children in their respective state/countries. UNCRC set forth international standards of child rights and cast an obligation on the nations/states/parties to make laws/legislations as per the social and economic conditions prevailing in their countries.

Survival, protection, development and participation are the four columns of child rights which need to be strengthened by enacting appropriate laws as deemed suitable. Countries which have ratified UNCRC are required to report periodically on the progress of its implementation to United Nations and so as states to nations at country level.

Government of India has ratified the UNCRC in 1992 and thereby obliged to follow this international mandate. Earlier the World Summit for Children at New York in 1990 was the platform for India and many other countries who took a pledge to accord priority to the needs of children. At the UN General Assembly Special Session (UNGASS) on children on 08-10, May, 2002, this commitment was reaffirmed when India ratified the agenda titled '*World Fit for Children*'. The Millennium Development Goals (MDGs) too have been adopted by India, which sets goals for the development of children. All children under the age of 18 are entitled to the standards and rights guaranteed by the Indian laws and the international legal instruments, we have accepted by ratifying them. United Nation International Children's Emergency Funds (UNICEF) also advocates for the protection of children's rights to help to meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided in doing this by the provisions and principles of the Convention on the Rights of the Child (CRC). Its main objectives are:

- (a) To promote compulsory primary education as the fundamental strategies for the elimination and prevention of child labour.
- (b) To advocate revision and enforcement of child labour legislations and to strengthen monitoring system.
- (c) To assist central and state governments to develop and implement programmes and an action plan for the withdrawal and rehabilitation of child labour.
- (d) To promote convergence of all the developmental programme on '*at risk*' families.

Institutions for Protections of Child Rights:-

To act in accordance with the CRC, Indian government has enacted Commission for Protection of Child Right Act, 2005 on 20/01/2006, which was again amended on 02/01/2007. This Act empowers government to constitute National Commission for Protection of Child Right (NCPCR), thus in March 2007, NCPCR was set up to protect, promote and defend child rights in the country. States are also advised to constitute State Commission for Protection of Child Right in their respective sphere. Thus on 25/11/2009, Government of Odisha enacted Orissa State Commissions for Protection of Child Right Rule, 2009, which has facilitated the formation of State Commission for Protection of Child Right, which will meet at least once in each four month to address the child right issue in the state. The Commission will observe eradication of child labour, juvenile justice act and child rights in the state. However, this state commission is ill equipped and poorly staffed to provide infrastructural support for different child protection and welfare schemes as evident from the answer of Smt. Saraswati Hembram, Chairman of the commission on 12/06/2011, telecast by Odisha Television (OTV). However, in a workshop on '*Role of Civil Society in the Implementation and Monitoring of Integrated Child Protection Scheme (ICPS)*' organized by Orissa Alliance on Convention on Rights of the Child, she is hopeful that above scheme can minimize the abuse of child right in Odisha.

Situation of Children in Odisha:-

More than one third of the state population, around one crore is below 18 years. Therefore, the future and strength of the state lies in a healthy, protected, educated and well developed child population. To neglect of child

protection issues not only violates the rights of the children but also increases their vulnerability to abuse, neglect and exploitation. Government of Odisha is allocating 91% of child budgetary resource to children's education and only 9% to child development, child health and child in difficult circumstances all combined. Moreover, it has a greater tilt towards non-plan expenditure. The state spends on an average 16% of their total plan budget and 8% of non-plan budget on children. The need of the hour is to change the direction of the child budgetary resource allocation towards development to see a better future for the children in the state.

Children of Odisha work in different occupations such as agriculture and allied works, collection and processing of minor forest produce, domestic work/help, hotels/motels/road side Dhabas etc. Apart from these occupations, children are also engaged as apprentice, which is taken as '*normal process of growing*' by their parents and communities. Mute acceptance towards this '*normal process of growing*' in the name of child-help has encouraged child labour in our society, which needs to be discouraged.

In 2009, state has approved a 'State Plan of Action for Children (SPAC: 2009-2012)', which commits to ensure all right to children up to the age of 18, as per article-1 of the CRC. It is in accordance with the National Plan of Action for Children-2005. Study by different NGOs claims that 15% of Odisha's child population within the age group of 5-14, works as child labours including those who work on their family's farm. In Odisha, there is a preference among employers for girl child as part-time domestic workers, as studied by Department of Applied Economics, Utkal University in 1997. The study found that nearly 90% of girl children started work before they completed 12 years of age. More

than 75% belonged to the age group of 12-14 years. In addition, a study carried out by Campaign Against Child Labour (CACL) in 2001 on child domestic workers of Odisha, reveals that lack of regular income by the head of the family (mostly daily-wage earners or small cultivators and fathers addicted to liquor) was a major reason for the incidence of child domestic labour. Intense poverty in backward areas where alternative avenues for earning are non-existent is responsible for the practice of child domestic workers.

However, the status of primary education in Odisha is at alarming situation as per the Annual Status of Education Report-2008 (ASER-2008) published by a prominent NGO of India, named *Pratham*. The report says in Odisha approximately 25% children (06-14) are out of school, 32% children in class one cannot identify letters, 32% children in class five able to do division, 56% children in class five are able to read text book of class two and 66% children in class five able to tell time from clock. Only 4.5% students going to private schools are doing better from those in state government schools. This research conducted from 2005-2006 to 2007-2008 in 30 districts, 883 villages, 17588 houses and 30,996 children of 03-16 years. School dropout percentage in Malkanagiri is 21.9 %, Rayagada is 17.7%, Koraput is 17%, Nabrangpur is 16.3% and Mayurbhanj is 14.9%.

Following instances put a light on situation of children in Odisha and violation of their rights:-

1. **Incidence of Kalinganagar:** - During the last one decade the state has witnessed a massive protest against displacement due to industrialization. Development of major industrial corridors like *Rourkela-Sundergarh, Sambalpur-Jharsuguda, Angul-Dhenkanal-Talcher, Keonjhar-*

Barbil-Jajpur have displaced the people and taken their livelihoods. The children are the worst victims of such displacement. The death of 12 tribal people in protest against displacement in Kalinga Nagar had put an adverse implication on the minds of their children. The children who lost their father suffered in many ways i.e, livelihood, health, education and social security. It is reported that a boy was also shot dead while coming back home from the school.

2. **Recruitment of Children by Naxals:-** On 28/04/2008, The Samaja, the Odia daily in its Bhubaneswar edition reported recruitment of children (8-10 year old) by the *Naxals* in the Malkangiri district. This has created a great concern among people of Odisha and a gross violation of child right.
3. **Protest against POSCO:-** Domestic and global media reported instances of violations of child rights and mis-use of children in the anti-POSCO movements by the agitators in the project area of Jagatsinghpur district of Odisha. Based on a complaint by Delhi Odia Student Association (DOSA) and All India Student Federation (AISF), a team headed by Dr. Yogesh Dube, Member of NCPCR visited POSCO project area and found that, blockade against land acquisition for POSCO consist of two layer of human shield. In the front layer 70-80 children in between 6-7 to 12-14 years old are sitting. Women constitute second layer are behind the children. Some women appeared to be more than 50 years old. They were sitting in blockade since 10/06/2011 to 05/07/2011 irrespective of heavy rain, followed by some male persons. Children participating in blockade are not attending schools. Their schools are also occupied by 150 armed police personnel,

which have created a sense of fear in the minds of these tender petals. As most of the families are residing in the transit camps opened at village Badagabapur under Dhinkia Panchayat since 2008, study of 35 children including adolescent girls are adversely affected. Some girls even left their study. Facilities under ICDS programme are not available in the transit camp.

4. **Kandhamal Violence of 2008:-** Communal conflict of Kandhamal in 2008 badly affected children. Houses were burnt down, people were killed, women were raped and molested, children were thrown out of the houses, their belongings like dresses, books, toys, school bags etc were burnt. Total 24675 people, including more than 5000 children take shelter in 11 relief camps opened by district administration in nearby schools affecting thereby the course curriculum of children.
5. **Labour Migration of Bolangir:-** Bolangir is the epicenter of Migration. Migration to different brick kilns of Hyderabad, Raipur and Surat from drought-prone Bolangir, Kalahandi, Nuapada districts is a regular and annual phenomenon. The migration process starts with the festival of *Nua-Khai*, the largest mass festival of Western Orissa, when farmers eat the first grain from their newly harvested crops and ends at Durgapuja. Thousand of labourers who were already taken advances from agents/middlemen are found to be travelling along with their families and households to Surat, Hyderabad, Bangalore, Madras and Raipur in search of work. Children are the main victims of migration process. They do not enroll in any school, if enrolled, left their schooling when their families migrates. They work as child labour in the family labour segment at the cost

of schooling. Some parent also migrate after keeping their children in custody of their relatives in the village. Suffering of such children is painful and cannot be tolerated. Once the author has an opportunity to visit a village named 'Kutingpadar' in Narla block of Kalahandi district. All the children in this village used to call their father by a common name that is 'Suratia' means people who live in Surat (Gujarat). People from this village travelled to Surat few years ago and they never came back or come once or twice in a year and they become 'Suratia'

- 6. Children affected by Natural Disaster:** - Natural disaster like flood, tidal waves, cyclone, drought, has become a regular phenomenon in the state. Every year thousands of children continue to suffer from such natural calamities. The children in such circumstances do not get opportunity for education and health care services. The families losing out their livelihoods do not hesitate to engage the children as child labour to substantiate the family income. Following the 1999 super cyclone, Odisha experienced an unprecedented drought in four consecutive years from 2000 to 2004 thereby affecting the people and children.
- 7. Refugee Children:** - Though data on child refugee is not available, but their magnitude in the state is quite visible. Thousands of Bangladeshis/refugees are reported to be settled in the districts of Balasore, Kendrapara, Nuapada, Malkangiri, Jagatsinghpur and Puri and Tibetans in Chandragiri. Most of the children of refugee

are engaged in rag picking in the cities and towns while children in coastal area are engaged in prawn seed collection and allied fishery activities. The children living in the urban slums and working as child labourers are deprived of health, education, good habitat and occupational safety measures. They are living in temporary makeshift rooms and in unhygienic conditions. The girl child suffers the most in terms of reproductive health and sexual abuse. There is no special programme for those children and their families.

There are hundreds of instances of tortures, exploitations and assaults on child labour in the state going unreported. In some parts, it is very painful to watch a small child picking up the used plates in a hotel and then cleaning it, but the government officials and the police officers have not taken any necessary steps to eradicate this heartless practice. None of the government officials dares to take a step forward, then what about the local public. Mass awareness among public along with effective enforcement of different laws for the protection, welfare and care of children must be put in place. Child Labour (Prohibition & Regulation) Act-1986 and Commission for Protection of Child Right Act-2005 are two such laws.

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