

Socio-Legal Profile of Working Girl Child in Odisha

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Introduction

Child is the father of man. A child in this sense is an important living component of the human society. Children are like mirrors of the society. They are the future custodians of the sovereignty of the nation. They are the potential embodiment of the ideals, aspirations and ambitions of the nation. They are the messengers of our ideologies, philosophies and cultural heritage. Children are the future leaders of the nation.

Hence, children are considered as the most important assets of our nation. The future of our nation is largely determined by how its children grow and develop themselves in the society. It is shameful to note that today millions of children are forced to work in dirty spheres for nominal wages to support the income of their families. They also work in non-domestic areas for very small wages, exposed to myriad risks in their lives. Sometimes they work as bonded laborers because of the follies of their parents. Such practices are mostly prevalent in rural areas.

BORN INEQUALITIES

The expression 'children' here includes both male and girl children. Girl children are exposed to more horrendous exploitations than their male counterparts in our society. In many cases, such things happen with the knowledge of their parents in Adivashi and Harijan dominated

areas. India has a male dominated population. A male child is considered as an asset of the family whereas his girl counterpart is despised as an unwanted member of the society. Girls suffer gender inequality in every sphere of life. Our experience shows that girl children in India emerge and grow from a scenario of discrimination, negligence and all types of social torture. In matters of education, they are shorn-of proper attention. They are also less cared for by their parents in this regard. In matters of general upbringing, they are awfully discriminated, abused and exploited and even get much less from their parents in their food requirements compared to the male children in the family. This, for them, gives rise to a state of low self-esteem and for this reason; they opt for submissiveness and live a life of differential treatment. The life of a girl child is thus one of morbid exploitation and acute oppression. This situation is very common to every state in our country. We have the practice of girl child workers in our society despite stringent laws in this regard.

Multi abuses and multi neglect of girl child

Thus, exploitation is the way of life of almost all girl children in our society. Most girls in urban areas work as domestic servants and in that way, they are subjected to different forms of abuse in their normal living conditions. Their sufferings in general may be summarized as below in the order of general social exploitation as prevalent in our country.

TABLE 1

- **Years- Before birth and upto 1 year**

Problems Faced

1. Foeticide and infanticide
2. Infant mortality
3. Discrimination in breast feeding and infant food
4. Neglect of health (immunization)

- **In the age group of 1 to 11 years**

Problems faced

1. Discrimination in access to health care
2. Malnutrition and anemia
3. Health problems like Polio and Diarrhoea
4. Iodine, vitamin A and micronutrient deficiency
5. Low school enrolment and school drop outs
6. Vulnerable to child labour and child marriage
7. Abuse, exploitation and violence
8. Domestic chores
9. Looking after siblings
10. Restriction on mobility and play
11. Discrimination in overall treatment and care

- **11 to 18 years old (Adolescent)**

Problems faced

1. Poor health

2. Low literacy level
3. Restriction on mobility and play
4. Frequent illness due to malnutrition, anemia and micronutrient
5. Child marriage
6. Early child bearing mobility and mortality
7. Poor access/Denial to information services
8. Early and frequent pregnancy coupled with abortion
9. Marital and domestic violence
10. Dowry harassment, desertion, polygamy, divorce
11. Child labours, trafficking
12. STD and HIV/AIDS
13. Heavy domestic work including community long destination to collect fire wood/drinking water
14. Unpaid and unrecognized work and drudgery
15. No violence either in home or society

Source: *Working Group on Development of children for the Eleventh Plan (2007-12) A Report.*

All these are, in general the problems of girl children in India. These conditions are mostly common to all impoverished families both in the urban and the rural areas. During the last two years, things have however improved to some extent after introduction of Right to Education Act. The various social educational programmes given to students have in general improved the ratio of

admission in primary and upper primary schools checking the unhealthy practice of child labour to a large extent. However the quality of elementary education is still far behind as the schools do not have the required number of teachers.

As per a mapping of the progress under the RTE Act, it is revealed that over 81.5 lakh of children of our country including mostly girl children are still out of school verandah. A massive enrollment has still got to be made to bring them under the educational programme of the nation. The situation is however better in Odisha although we have not reached the desired goal on this score. It is quite heartening to know that Odisha is the second state in our country to implement the RTE Act having the state rules in this behalf. Recently, the National Review Mission Team of Government of India has observed that the innovative interventions initiated by our State Government in the primary education wing are quite commendable after introduction of the RTE Act in the state. Around 95% of the total children in the age group of 6-14 years have been enrolled in the state. But the state has performed a low gender parity index in the process of overall admission. In Malkangiri district, the index of 'out of school children' rate is 21.9% against the state average on this is 7.2%. What is driven out in this connection is that although over the period of time, we have made great achievements in this regard; we are still far away from our target in the matter of female education.

Origin and growth of child labour in Odisha

The origin of child labour in Odisha dates back to the period of Company Rule as it existed prior to 1st April 1936 when it was formed as a separate state. As the situation prevailed then, portions of Odisha had been tagged to the erstwhile Indian provinces of Madras, Central

Provinces Bengal and Bihar according to the administrative convenience of the East India Company and the Crown. A number of princely states had merged with the newly created Odisha in 1948. The origin of child labour problem was deep rooted in the socio-economic and the historical factors that prevailed during the 19th century and the early part of 20th century Odisha. The exploitative land revenue policy of the British government, inter alia caused untold sufferings to the poor peasants of Odisha under the princely states. The exploitation of the Zamindars and the autocratic system of the Zamindari system led to a system of steady impoverishment in the socio-economic fabric of the state. The cultivators sank deeper and deeper into debts in the hands of money lenders, merchants, rich peasants and the other moneyed class people. It was but natural that, following this awful situation, the tenants were losing their tenancy rights and were being ejected from their lands on flimsy grounds. They were thus becoming sub tenants under their money lenders. During the period of drought and famine the Odia peasants had hardly any savings for their rainy days. Whenever crops failed, they fell back upon money lenders not only to pay the land revenue but also to feed their families. Under this exploitative background the problem of child labour including that of girl children became a sequel to this socio-economic scenario infested with poverty, and indebtedness. This situation reached its climax during the period from 1866 to 1947.

This situation had become very acute during the British rule in Odisha. It was actually this inchoate economic situation in the rural areas that had intensified perpetration of agricultural labourers and child labourers. The male children under these forced circumstances had no other go than to be engaged as farm labourers under

the rich landlords. Their sole purpose was to add to the income of their respective families. The girl children for the same reason were also forced to work as domestic servants in the houses of big landlords and moneylenders. The parents were even selling their girl children to old widowers in the name of marriage for paltry sums of money. Thus the order of the socio-economic situation as it had prevailed then had a terrible economic impact on the living conditions of the poor people. This has also led to the growth of Dadan Labourers. During non-agricultural seasons, the farm labourers were moving out from their villages to distant places and even abroad to work as daily labourers to supplement their family income. We have many instances to show that they were being engaged in difficult jobs under the most unhealthy conditions to which they had no previous access. These are the several factors that had led to the origin and growth of child labour including girl child labour in our country. This is also the reason why the tenants in Odisha were going outside to work as Dadan labourers under hazardous working conditions while girl children were working in other places to supplement the family income. This situation is massively rampant in the rural areas of Odisha even today. The central and the state governments have introduced several employment programmes to provide employment to jobless people during the non agricultural seasons. Even then migration of tenants to other places as Dadan labourers has not been checked.

FATE OF GIRL CHILD LABOUR IN ODISHA

Girl child labour in Odisha is a socio - economic problem. This has accrued due to the attitudinal make-up of the parents. Actually the parents are responsible for this social anomaly. In the rural areas, a good number of girl children are engaged in contributing to the family purse by

selling their labour. This feature is very common among the girl children of the migrant indebted families in big towns of Odisha. In rural areas, the schooling of the girl children is impeded by some intricate factors like caste, religion, early marriage, size of the families and such other factors.. Thus girls are the worst victims of both class and caste hierarchies and gender discrimination. There is a strong belief even today that a girl child however qualified she is, has to finally compromise with the pots and pans of the kitchen in her mother-in-law's house and therefore her education is ultimately a great waste. At present, the problem of girl child labour has become the burning issue of the society. There are extreme forms of girl child labour like slavery, compulsory labour due to debt bondage, prostitution and such other social evils.

In Odisha, a thorough survey was made on the score in different districts in 2007. The table below lists out this alarming situation.

TABLE-II

Position of Male and Female child labour in Odisha.

Sl No.	District	Male	Female	Total
1	ANGUL	3641	3472	7113
2	BALANGIR	8153	6697	14850
3	BALASORE	9873	7664	17537
4	BHADRAK	3603	3842	7445
5	BOUDH	2887	3055	5942
6	BARGARH	10947	9075	20022
7	CUTTACK	7798	6711	14509
8	DEOGARH	4915	5026	9941

9	DHENKANAL	5327	4960	10287
10	GAJAPATI	11327	12336	23663
11	GANJAM	33463	25498	58961
12	JAGATSINGPUR	2453	453	2906
13	JAJPUR	5755	4395	10150
14	JHARSUGUDA	4110	3935	8045
15	KALAHANDI	20093	21558	41651
16	KANDHAMAL	1020	520	1540
17	KENDRAPADA	5678	3015	8693
18	KEONJHAR	6155	2487	8642
19	KHURDHA	5772	2925	8697
20	KORAPUT	16789	15002	31791
21	MALKANGIRI	8810	9587	18397
22	MAYURBHANJ	16849	15905	32754
23	NAYAGARH	5076	3327	8403
24	NOWRANGPUR	8873	8221	17094
25	NUAPADA	8239	8781	17020
26	PURI	3163	1524	4687
27	RAYAGADA	18730	17792	36522
28	SAMBALPUR	8560	8811	17371
29	SONEPUR	6521	5777	12298
30	SUNDERGARH	5825	2845	8670
TOTAL		260405	225196	485601

Source: Labour Statistics in Orissa (2010)

Why Girl Child labour is preferred?

Various attempts have been made from time to time to identify the volume of girl child labour in our state. Despite all efforts, it has become very difficult to be accurate in regard to detailed statistics about perpetration of girl child labour in different sectors. Our experience shows that we have one great hazard on this score. This is mainly the non-cooperation of our own people. However as things stand now, there are some common factors that have encouraged this problem in our society. These common factors may be summed up as below.

In the first place girl children by nature are very calm and docile and they do not mind accepting lower wages compared to their male counterparts. In some occupations like Bidi rolling, Agarbati rolling, Papad rolling etc., girl children are found more suitable than male children workers. Generally they have a knack to receive their training in their professions more seriously and more carefully than the male children workers. Girl child workers are very serious to their professional activities as domestic helps. They render better services than male child workers as they are considered more stable, disciplined and obedient in their behavioural dispensation. In addition to this, the employers also prefer girl child labour as girl children are not associated with Trade Union activities like strikes and so on.

The above facts are neither comprehensive nor universal. They only sell out the general idea that female child labour is more in demand in certain industries due to the disciplined behaviour of the girl child labourers.

THE WOES OF GIRL CHILD LABOUR

The woes of a girl child worker belonging to a low caste family are best known to one and

all in the society. In low class families a girl child is considered as a great liability. She is considered as a bad omen soon after her birth in the family. In that way she is associated with myriad social problems. In the first place she is considered a liability as she is tethered to the problem of dowry. This is a problem which generally gives a lot of headache to the parents before the marriage of their daughter.

Even after marriage, the problem of the girl child is not actually over for the parents. The parents pass through sleepless nights in musing over the post- marriage conditions of their daughter in her mother-in-law's house. Most unfortunately a girl child after she comes up to age is exposed to the cornel's eyes of their own kith and kin in her family. From her very birth, in some families, she is subjected to domestic violence as if she is an unwanted member of the family. For any offence befalling her before and after her marriage, the girl child alone is held responsible for all subsequent eventualities although she is innocent of the happenings.

Terms of employment:

In case of her employment, the terms and conditions of the employment are most excruciating in a lot many cases. The terms and conditions of her employment are settled between

her parents and their employer not to the knowledge of the girl child labourer. Peculiarity enough, her wages go to the pecuniary benefit of the parents, Her wages are also settled by her parents. The parents do not bother about her working conditions and other factors leading to her safety. After marriage she is unfortunately exposed to the erratic control of her husband and other members of her husband's family. In either case, she has no independence in her life.

Working Conditions:

Girl child workers are not given proper facilities at their workplace. They work under hazardous conditions. As stated above, they are underpaid as they generally get low wages in their profession. Most girl child workers do not get extra payment for any extra work they do at their workplace. Despite stringent labour laws, they are mostly bereft of weekly holidays, shorn of general medical and health facilities. Sexual abuses are very common among their masters. At the parents' level they often suffer beating and starvation. They do not have any sort of freedom. They generally work in adverse surroundings sprawled over ill-ventilated premises exposed to occupational risks. The table below would reveal an account of most pathetic general health hazards in different sectors of their service.

TABLE –III

OCCUPATIONS	DISEASE/DISABILITY
Pottery	Asthma, Bronchitis, TB,
Bidi Industry	Nicotine poisoning, headache, anemia, bronchitis, nausea, TB,
Zari Industry	Eye disease, Spinal problem
Domestic Workers	Over-work, physical and sexual abuse, drug-addiction

Brick kiln Industrial labour

Polluted environment due to hot ash, physical retardation and deformities, baldness etc.

Construction Workers

Malnutrition and anemia, severe bodyache, physical injuries, TB.

Beggary

Malnutrition, anemia etc

Stone-breaking

Breathing trouble, malnutrition, physical weakness.

Kendu-leaf collection

Frequent attacks of wild animals, stone stokers the edges prick their eyes etc.

Rag picking

Cuts and wounds from metal scraps, sometime even tetanus, diarrhoea.

Agriculture/Cultivation

Malnutrition, various diseases due to pesticides and insecticides

Constitutional Commitment :-

Our Constitution has been conceived with a great vision to avert injurious conditions pertaining to working conditions of women workers in the society. In spirit it also serves as an instrument of emancipation seeking to erase the conditions of socio-economic deprivation that are in general the root cause of child employment in the society. Our Constitution for that purpose provides for the protection of child workers mainly girl child workers by imposing restrictions on the minimum age limit in this behalf so that children including girl children are not exploited at the workplaces by their respective employers with profit motives in view. Article 23 and 24 of the Constitution prohibit exploitation of children in all types of services. Article 23 of the Constitution prohibits forced labour. No person because of this provision can encourage supply of child labour under any sort of forced or compulsory circumstances even due to economic reasons. This provision covertly imposes a ban on deployment of child labour which is a case of forced labour within the meaning of Article 23.

Add to this, Article 24 strictly prohibits employment of children below 14 years in any hazardous service. The provisions contained in Articles 39(e) and (f) of the Constitution provide for strict restrictions on the abuse and exploitation of child labour with a wider impact in their social content. Article 45 of the Constitution has specific relevance in providing protection measures in safeguarding the interests of children in the society. It provides for free and compulsory education for all children up to the age limit of 14 years.

Judicial Ruling

In a landmark judgment on 10th December 1996, the Hon'ble Supreme Court of India has given specific directions regarding the manner in which the children working in hazardous occupations have to be immediately withdrawn and rehabilitated. The Apex court has also given directions to state governments to regulate and improve the working conditions of workers in hazardous occupation. Several measures have been proposed in this verdict to solve the

problems of child labour of this country. Some of these measures include imparting free and compulsory education to children below 14 years of age, followed by payment of compensation of Rs 20,000 per child in case of release from the offending employer along with a matching grant of Rs 5,000 from the state to compensate the family of the child against loss of any sort of income in this behalf. This amount is to be deposited in a Fund named "Child Labour Rehabilitation cum Welfare Fund". As per the direction of the Supreme Court, the Fund they generated shall be utilized only for the welfare of the concerned child.

CONCLUSION AND SUGGESTION

India is a tradition bound society. Here, girl children and women are treated as mere commodities. The girl child labour has come up in the society as a consequence borne out of various causes of poverty. It is most unfortunate that the labour laws of our state that deal with children in general are not stringently followed in our society. In India the major concentration of girl child labour is found in unorganized sectors where the children are exploited in different ways. This leads to mental disorder of innocent children. This also impedes their physical development affecting their education, health and general well-being. We have myriad provisions of law to check this social anomaly. But the problem is that we don't have a many fold approach for implementation of the existing laws, we do not have a positive approach on this score. For this reason we need to have the following positive steps for prevention of the girl child labour in our country.

The first approach is involvement of dedicated officers who can best subserve the interest of the state by implementing the existing laws with utmost sincerity by appreciating the seriousness of the problem. The second approach is effective implementation of employment guarantee schemes in the rural areas so that the poor families instead of migrating to other places can be economically rehabilitated in their own villages. Besides, government should augment proper financial assistance to the poor and needy families during crisis periods like flood, drought, cyclone etc. The right of children to compulsory education should be effectively implemented by proper budget provisions at the levels of Central Government and State Government. The Mid-day Meal scheme which is now implemented in Government schools, Aided schools and schools run by Local Bodies should be extended to all private schools as the later are also coming under the purview of the RTE Act. NGOs and Government mechaneries should initiate projects with proper plans to augment the income of the impoverished rural families by virtue of which child labour including girl child labour can be effectively checked. Parents of the girl children should be covered under various awareness programmes so that they can be motivated to send their children to schools. Education is the main panacea for eradication of all these evils in our society.

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