

Issues of Child Rights: A Case Study

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Abstract: Children are the building blocks of a nation. If they are provided the appropriate kind of development, they contribute to the nation's growth in a big way, when they grow old. However, today the violation of child rights is widely rampant and it is a crucial issues overall the world. They are child, therefore, they cannot protest against it. They are not able to demand, they have no capacity to form a union, and probably incapable of seeking, and therefore public opinion about the rights of the child is not supposed to be claimed by the child itself. It is necessary to be done by those who are responsible for taking care of the child. The children have no right to demand in the sense they have not the capacity to demand but the child has accepted rights as given in the convention. In this context, the present study has been done on the child workers in Balasan River Basin of Darjeeling district, West Bengal, India, where most of the people are engaged in stone based economy and earned very little, which is not sufficient for maintaining their daily livelihood. Most in cases, the parents of these children are unable to provide the necessary requirements to their children; and thus, from the very beginning, most of the children are bound to engage in this work to support their families. Due to this fact, most of the child workers are deprived of their basic rights like food, shelter, proper education, health; and leisure and recreation, intellectual development, growth, freedom and so on. There are so many factors responsible for it. In this concern, in the light of child rights violation- how the children are being exploited in the economic field; and how their education, health, and development as well are being affected have been discussed in this article.

Introduction

The children have the rights as human beings and need special care and protection. It is said that, "child is a father of man and citizen of tomorrow". In all societies irrespective of caste, race or area children occupy a very important position. They are considered as extremely valuable asset for society. Civilization demands that the society in which a life is

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born would be provided with food and security until he or she attends youth. The fundamental rights of the children are:

- (i) The right to survival, which includes the right to life, the highest attainable standard of health, nutrition and standard of living adequate for their physical, mental, spiritual, moral and social development.
- (ii) The right to protection, which includes freedom from all forms of exploitation, abuse, inhuman or degrading treatment and negligence.
- (iii) The right to development, which includes the right to education, support for early childhood development and care, social security and the right to leisure, recreation and cultural activities; and
- (iv) The right to participation, which includes respect for the views of child's freedom of expression, access to appropriate information and freedom of thought, conscience and religion.

However, today the child rights are being violated in many ways and child worker is one of them. Today India is facing various complicated problems and child worker is one of such problem. Child worker is significant problem in India. The prevalence of child work participation rates which are higher in India than in other developing countries. The world population of child labour was 250 million in 1996 as per I.L.O., out of which nearly 153 million are found in Asia, 80 million in Africa and 17 million in Latin America. The incident of child labour in India is one of the highest in the world (Lal 1997, 57). According to Census of India, 2001, there were 1.26 crores of working children in the 5-14 age groups as compared to 1.13 crores in 1991. Child worker remains a major cause of child exploitation and abuse in the world, depriving millions of children world wide of adequate education and good health (Tiwari 2004, 15). They are the child therefore they cannot protest against it and have no capacity to form a union; they cannot go to law or court and cannot go to strikes and fight for their rights. It is said that children are the building block of a nation. If they are provided the appropriate kind of development, they contribute to the nation in a big way, when they grow old. Therefore, the child worker and child rights have become a key important issue in the present day.

In this context, the present study has been done on the child workers of stone crushing families at Balasan river basin of Darjeeling district, West Bengal. The studied area is adjacent to Siliguri town. The Balasan River comes down from Himalaya with natural resources like sand, stone, boulder etc, which passes in this district. The various Hindu castes like - Rajbanshi, Namasudra, Jugi (Debnath) and Muslims were living in this area and they were engaged in stone-based work for earning. They all were migrant people and they came from various adjacent countries and states of India. However, the study has been done on the child workers those who were involved in stone-based work and in different

types of related activities like stone collection and crushing, sand gathering, loading and so on. The present study has been conducted on the 40 child workers' families. The total population of the studied families were 201 out of which 93(46.27%) and 108 (53.73%) were male and female respectively. For identifying the child worker 5-14 years age group was considered where as 64 child workers were noticed from the said families who were engaged in stone-based work. Out of 64 child workers, the male child workers were 28 (43.75%) and female child workers were 36 (56.25%).

In the studied area, it was observed that due to poor socio-economic condition many children were forced to involve in stone-based work to assist their parents financially. As a result, they were being debarred from their fundamental rights in various ways and these issues have been discussed below one after another.

Child in Economic Sector

Economy performs a valuable role in human life. It consists of the ordering and organization of human effort in order to produce as many of the necessities of day-to-day life as possible with the expenditure of minimum effort. It is the attempt to secure the maximum satisfaction possible through adapting limited means to unlimited ends in an organized manner (Jha 1994, 120). Economic consideration by the household may be accepted as the major contributing factors to the supply of child worker. The economic exploitation of children in India has always been area of concern. There are so many children are being exploited due to their working engagement. In most of the cases due to poor socio-economic condition of the families whereby parents were not financially stable either to educate their children or cater for their needs, hence the children had to work hard to assist their parents to retain their standards. According to Article 32 (1), children have rights to be protected from economic exploitation and from performing any work that is likely to be hazardous (Saksena 1999, 290). Every child have rights to get the basic needs, to enjoy free life and liberty, freedom from exploitation to get love, care, protection and supports from their parents.

In the present study, it was observed that almost all of the parents were engaged in stone-based work because they had no other better options. Most of the parents were in poor economic condition. They all were displaced and most of them came from Bangladesh and very few from adjoining districts and states of the country. Due to their displacement, they became landless, resource less, shelter less and as a result, they were forced to shift new places to survive. They had no money to invest in business that is why some of them were forced to come here and they got involved in the stone-based work. It was true that any one could do this job without any investment as because only manual labour was needed for that. The sufficient remuneration was not paid to them; therefore, they could not provide

the basic necessary requirements like- adequate food, clothing, proper shelter, medicine and education to their children as well as family members. They were never free from struggling with poverty for survival and it was the common feature in their daily life. Thus from the very beginning most of the children had to engage in this work to help their parents financially. Considering the monthly income of child workers' families, it was found that 60 per cent families had monthly income up to Rs. 2000 only followed by 30 per cent families had Rs. 2001 - 3000 while the rest had the above Rs. 3000 only. They had to face many problems to maintain their daily livelihood with the little amount of income. It was noticed that majority of the child workers came from very poor economic background. Most of their parents had not the capacity to fulfill the necessary requirements of their children. Thus, the familial as well as economic situation forced the children to do this work. It was known, that in spite of their unwillingness most of the working children used to do this work for prolong hours a day because parents forced them. They were child, therefore they had no capacity to protest against it and ultimately their parents exploited them. Most of the parents desired to give birth more children as they had the conception that child work is the only way to get rid of financial constraints quickly. In economic field most of the parents behaved like master to their children. Therefore the relationships among father, mother and their children were based on economic performance where humanity, kindness, human values were worthless. In spite of their little income, most of the fathers spent some money for their drinking purpose daily. It was known that sometimes the child workers were scolded and even in some cases, their parents beat them due to deceitfulness or absence in work. In most cases, parents used their children as earning hand for augmentation their income because they realized that without money they could not survive. Ultimately, the violation of child rights reached to extreme phases.

Most of the working children were not interested to do this work because according to them the remuneration was very poor as compared to unit of work. They also opined that, if they get suitable opportunity they would leave this work. They were more interested to continue education, to play games and to watch television or cinema but due to involvement in work, they did not get adequate time to enjoy it. They supported their family by applying physical labour in the working field. The precarious economic condition forced the parents to send their children in work. Ultimately most of the working children were being deprived from all the facilities like opportunities from education, leisure and recreation, intellectual development, freedom from exploitation and so on.

Education of the Child Workers

“Education is the right of every child and Education for all”

(Biswas 2006, 34)

Education plays an important role for the development of a society. Children are known as the future of the society. They need proper education and guidance from the family because at this stage they can be compared with clay pot, which can be given shape as we like. School has an important role to play in helping children who will become citizens of the future to develop awareness of world issues, in particular peace and human rights issues, and to develop appropriate attitudes from primary school onwards. All children have the right of studies, culture, health and leisure for their overall development. In developing countries, large part of such children is deprived of their rights of education and the rights of childhood. Education is a fundamental right under Indian law. According to Article 45, “Every child has right to get free and compulsory education until they complete the age of 14 years” (Saksena 1999, 59). Every child needs proper education because education teaches them what their basic rights are and responsible to develop the knowledge, awareness, judgment and values that helps to realize their potential.

In the present study, it was noticed that most of the working children had to do work for prolong hours a day, so they were unable to get adequate time to go to school or to study at home. Their parents had no capacity to spend adequate money for their educational purpose. Majority of the parents did not like to send their children to school rather involved them in work. Therefore, poverty was an important responsible factor for their educational backwardness. Even sometimes, it was observed that few children often went out from the class to join their parents in the stone field. Among the studied child workers, 49.09 per cent dropped out and it was more in primary level (62.96%). Most of the working children told that, their parents scolded them and even in some cases, they were beaten for absent in work or deceitfulness. Therefore, they had to do work against their will. A large number of working children were interested to continue their education. Some of them would know that education is the only way to get better opportunity in future. In spite of awareness, they were feeling helplessness but every child has the right to secure and fulfilling life, free from fear and ignorance. A large number of working children realized that if they don't work they have no value in the family even their parents believed that more children means more earning. Majority of their parents were illiterate or could sign only. Due to illiteracy, they could not understand the significance of education in their child's life. They would never think about future of their children. They had to struggle always with poverty, so, they were always in a thought that how they could earn more money. Thus, child work was the best solution to them because they had no other options to augment their income. Besides this job, most of the working children had to perform

domestic work like- cooking, cleaning the house and washing utensils, taking care of younger siblings etc.

The family atmosphere and social environment was not in favour of them. Most of the fathers used to take drink every day in the evening after returning home from the stone field, which was responsible for the disturbance of family peace. Besides these, the inter-familial and intra-familial conflicts were also noticed among the adults and it was the common feature in their daily life. As a whole, their educational environment was being seriously affected even it was observed that the children could not concentrate in their study. Ultimately, they were being deprived of their educational rights, which was the main obstacle for their development.

Health Issues of the Child Workers

Health is a fundamental right of human being. Every person has right to get the proper health care facilities and healthy environment and specially the health of child is necessary for the wellbeing of a community because an unhealthy child will grow into an unhealthy adult. So, every child has right to survive in a healthy way which includes the right of life, the highest attainable standard of health, nutrition and standard of living adequate for their physical, mental, spiritual, moral and social development. However, today children are being exploited from their rights. In this context, child worker is the worst form of exploitation and violation of child rights and it leads to physiological and psychological deformities. Premature entry into work affects their health badly. Further, the hazardous occupation is responsible for ill health and it might have permanent effects on the long-term development of the working children. Therefore, the effect of work on health of working children is a very important issue at the present day.

In the studied area, the scenario of health profile of working children revealed an unpleasant condition. All of the studied families engaged in stone-based economy indeed paid them very little remuneration with which they could provide minimum basic requirements hardly to their children. Due to poor economic condition they had to work for prolong hours a day along with their children in stone field that was very much hazardous. Most of the children had to do the work 6-7 hours in a day and sometimes even more than that. Due to this reason, a large number of working children were unable to get adequate rest and sleep. During stone crushing work often, they were injured with stone chips or iron implements. The working atmosphere of Balasan River bed was very much unhygienic and polluted one. They had to work in all seasons like biting cold of winter, scorching heat of summer and under heavy shower. Due to hard manual work and hazardous working situation, they were suffering from ill health that was more or less chronic such as skin disease, allergy, cold, fever, physical injuries, chest pain, and

headache and these were the common health problem of them. Their living condition was not well. Almost all of them were living in *kachha* (muddy) houses which was made by wattle walls with corrugated tin roofs and devoid of proper ventilation and contained one to three rooms of smaller size with *kachha* floors. There was no drainage system and most of the families had no sanitation facility. All of them either depended on uncovered well or on the river directly for the purpose of drinking and house hold work. Most of the families did not take any precautionary measures like filtering, boiling etc. As a result, water-borne diseases were very common and most of the working children were suffering from dysentery through out the year. Due to the financial constraints, a large number of working children were unable to get the proper nutritious food. Mainly they took rice, pulses and little amount of vegetables in their daily diet. The local doctors also opined that most of them were suffering from protein and vitamin deficiencies, which caused malnutrition. However, the children are needed proper nutritious food for their physical and psychological development. Thus, premature entry into work and malnutrition might have prevented their normal growth. Personal hygiene was also quite poor among the working children. Due to their involvement in work for prolong hours and improper care of parents it was difficult for them to maintain good standard of personal hygiene. There was no health centre in the studied area therefore incase of treatment they had to depend on both *kabiraj* (medicine man) and quacks or local medicine shop owners but most in cases they were unable to provide adequate medicines and necessary treatment. Incase of serious condition they were referred to the Matigara Primary Health Centre or North Bengal Medical College, which was near about 3 and 6 kilometers away from the village respectively. A large number of parents of working children complained that the government doctors did not use to pay proper attention and they did not get necessary medicines from the health centre and hospital, so they had to purchase it from the market. Thus, due to lack of proper infrastructure and financial constraints the working children and their families were deprived of getting better medical treatment. The health profile of working children was in alarming condition. It is said that child is a future wealth of a nation. Therefore, it should not be forgotten that the children have the right to get proper health care facilities and hazardous free life that are responsible for their overall development and for growing up in a healthy way.

Violation of Child Rights and its Impact on their Development

Human rights necessarily signify human values in an absolute sense. It also involves the promotion of the establishment of human living condition and overall development of the human personality. Personality as the more or less integrated body of habits, attitudes, ideas, traits of an individual as these are organised externally into specific and general

roles and statuses, and internally around self-consciousness and the concept of self, ideas, values and purposes which are related to motives, roles and statuses. Personality is observed and influenced by social interaction. The culture and society, in which an individual is born, influence his or her own personality through tradition, customs, mores, values, art, literature and language (Upadhyay and Pandey 1993, 301-302). Thus, personality is an expression of culture of society. As culture is acquired, imitated and learnt, it gives rise to character or development of personality traits before the period of adolescence. In all societies, the personalities are involved in family situations. Family is a primary institution from where a child learns behaviour, attitudes, norms, values and customs, which continues generation after generation. A child needs love and understanding for the full and harmonious development of his family. It is accepted generally that the first few years of the individual's life are crucial for the establishment of the highly generalized value attitudes systems, which form the deeper levels of personality content. The future of a nation depends on the quality of socio-economic environment and education that we provide to the children. The children have rights as human beings and need special care and protection and it is essential for the adequate development of their personality and for happiness and progress. However, today, the child rights are being violated in many ways, which influence on their social, physical and psychological development. A child below 14 years is not physically and emotionally matures and fit to enter the work. Child worker is, when a child is forced to do dangerous job that can harm mentally, emotionally and physically. Premature entry into work is bound to result in retardation and impoverishment of their evolution and growth and they will be too bereft of physical strength and energy to be productive and responsive adult members of society, when they cross the threshold of child hood.

However, in the present study it was observed that most of the working children came from very economically and educationally backward families. Their parents were engaged in stone based work from where they earned a very little which was not sufficient for maintaining their livelihood. Due to poor economic condition, they were unable to provide the adequate basic needs like- food, cloth, proper shelter, medicine and education to their children. Therefore, from the very beginning, the children had to involve in this work for supporting their family income. The relation between parents and children was no strong and based on economic performance mainly. Parents were almost aggressive in character. Majority of parents forced their children to involve in stone-based work for getting economic support. They were not so interested to send them school. They gave more importance on earning to run their family properly rather showing sympathy to their children. Therefore, in spite of unwillingness, the children had to work which might have an adverse impact on their mental as well as physical health. Besides this money making

job, they had to perform domestic work also. Their family was maintaining as if meat comes mustered. Most of them used to take rice twice in a day with little amount of vegetables. Hence, the sufficient nutritious food was a mere dream to them. In spite of this situation, a large number of fathers used to drink alcohol daily after returning home from the working place in the evening. Their mothers always protested against it because their husbands spent some money daily from their little amount of income for their drinking purpose. Due to this protest, some times mothers were beaten by their husbands. Owing to such aggressiveness of fathers, their family peace affected badly and the children became the worst sufferers. A child losses childhood when he/she lives with his/her alcohol addicted father. Besides these, the intra-familial and inter-familial conflict used to take place daily that influenced on the emotional health of working children badly. So, from an early childhood their psychological feelings also turned into the way of serious complexities.

Their traditional values faded away because they had to struggle always against poverty for survival. As a result, the jealousy, inhumanity, unkindness, conflict and competition were more acute in their life. It was observed that the children were debarred from love, affection and guidance from their parents. Parents always provoked their children to do the work; as a result, education of the children was hampered seriously. Further, due to prolong working hours, they were unable to spend sufficient time to enjoy free life, to play games and to watch television or cinema etc. Ultimately, due to working involvement, children were debarred from enjoying their childhood completely even they felt themselves helpless and powerless. They were growing up without learning the proper value system of the life as well as the society. A large number of working children faced major constraints in their daily life. They were facing acute poverty, improper care of their parents and hard struggle for survival; and under these circumstances, they were growing up. Thus, whole situation influenced the socio-emotional environment of the home in a way, which affected children's psychological well-being, behaviour as well as personality formation. However, children need love, care and affection, which depend on their parents as well as society. However, the socio-economic constraints affected the children, which were primarily mediated by parents and socio-political systems of society and will be continuing day by day. As a result, in future we may see same behaviour and attitudes from the children that can again be continued generation after generation through enculturation process.

Observation and Remarks

“Peace can only last where human rights are respected”

- Dalai Lama (cited in Kaarthikeyan 2005, 101)

Human right is an important issue in perspective of human civilization at the present day. Rights and peace are the twin concept related to one another. A society can sleep peacefully if its members maintain the rights properly. The violation of child rights was more serious in condition in the studied area. Most of the parents of working children got a little remuneration from stone-based work; therefore they were not in a position to provide the necessary basic requirements to their children. Due to poor economic condition, children were forced to involve in stone-based work as a result they were deprived of all the rights. They had to work for prolong hours in a day and due to the fact they did not get adequate time to go to school or to study at home. Majority of the parents had no capacity to spend money for their education. Even, many of them did not like to send their children to school, rather thought that involvement of their children in work was very much necessary for augmentation of family income. The family atmosphere and social environment was not in favour of them that is why they could not concentrate in their study. As a result, their educational right as well as development was being seriously affected. Premature entry into work affected their physical and psychological development. In spite of unwillingness, they had to work to assist their parents as well as family financially. Drinking habit of fathers was an important factor, which created stress on their mind. They did not get proper love, care, affection and guidance from their parents and the relation between parents and children was developed on the basis of economic performances. Due to longer hours of work, a large number of children did not get enough time to spend for their recreational purpose. In most of the cases, parents provoked them to involve in stone-based work that was very much hazardous. Majority of the working children had to work 6-7 hours in a day and even sometimes more than that. Due to this fact, they did not get adequate rest and sleep which caused their ill health. The working and living atmosphere were very much unhygienic and polluted one. Owing to hard manual work and hazardous working condition, they were suffering from various diseases and ailments and sometimes it became chronic in condition. For the economic constraints, a large number of working children were unable to get proper nutritious food. Due to involvement in work and improper care of parents, it was difficult for them to maintain minimum standard of personal hygiene. Ultimately, the violation of child rights is a misuse of power by adults over children that endanger a child's psychological, physical, social and emotional development.

From the overall discussion it can be concluded that the child rights were being violated awfully that seriously affected their social, physical, mental development as well as personality formation. It is postulated that every parents love their children deeply and heartily. However, here they failed to fulfill minimum basic requirements for leading their healthy life, as because poverty was becoming a part in their daily life. Most of the parents

forced their children to engage in work because they had no other way to augment their income. They all were displaced and were forced to leave from their own houses, land and property. Therefore, they were completely resource less people and their identity was in a serious challenge. They were struggling against poverty continuously for taking a fold of rice for their survival only. Who will understand their horrible situation? Who will take share their burden of agony? We observe their external situation only. Have we ever thought why the parents behaved like that with their children? Who will responsible for that? Our present socio-political system and the unequal distribution of nation as well as society are responsible for it. It will be possible to make a healthy society only when the equality of this distribution will be maintained at minimum level. Is it possible to solve the problem within this present socio-political system? How long we have to be waited?

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