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PROTECTION OF CHILDREN - ROLE OF PANCHAYATS IN INDIA

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ABSTRACT

Children below 15 years constitute about 40% of the total population in India. If all of them are happy and healthy, they can make a positive contribution to the progress and development of our country. However, the reality is disturbing when we see and hear about so many children who do not have access to health services, care, protection and education. The girl children are not allowed to be born and if they are born, they are not given the same treatment and opportunities as boys. Children are exploited, abused, sold, punished or are made to work in hazardous industries. In other words, millions of children in India and across the nations do not enjoy their childhood. Many efforts are being made at international, national and grass root level. Gram Panchayats have an important role to play in the protection of children's rights in the country. They are ideally suited for this task because Gram Panchayats have direct access to children. At the level of Gram Panchayats, children are not numbers and statistics, but real names and faces in the knowledge of all in the neighborhood. They are to be equipped to monitor all the public institutions such as schools, Anganwadi Centers, Sub-centers of Health Departments and the Primary Health Centers. They have the authority to engage with officials of all the concerned Departments and hold them accountable to the Gram Panchayat and the constituency, in the best interests of children.

KEYWORDS

child protection, role of panchayats in India.

INTRODUCTION

ndia is having a larger number of child populations. It possesses almost 19 percent of the world's children. The total children population may be approximately 440 million of the age group of below 18 years, which is one third of Indian population (UNICEF). According to one assumption, around 40 percent of these children are in need of care and protection in one way or other, which indicate magnitude of the problem. India has heterogeneity culture, ethnicity and different religion population; in this society, problems of socially marginalized and economically backward groups are immense. Within such groups the most vulnerable section is always the children. Independent India has taken large strides in addressing issues like child education, health and development. However, child protection has remained largely unaddressed. There is now a realization that if issues of child abuse and neglect like female feticide and infanticide, girl child discrimination, child marriage, trafficking of children and so on are not addressed, it will affect the overall progress of the country. The following quote reflects the plight of our development efforts of child exclusive in nature of process of children protection strategies.

"While taking decisions about any adult group, decisions are taken with the participation of those directly concerned. But when it comes to taking decisions about children's lives, adults consider themselves most eligible to make the decisions. All the mistakes in the world are a result of the decisions made by adults. When adults hand over this world to children, I hope that they will be modest enough to ask us about what kind of a world we would like to live in." ('Our Story Our Dreams' by Nagaraja Kolkere, President, Namma Sabha, Kundapur, India).

CHILD PROBLEMS RELATED VITAL STATISTICS

The following some of the statistics will show the magnitude of the problem, which needs special attention from all dimensions.

- 1. India is home to the largest child labour force: 12.59 million children according to official Indian statistics, and 35 million according to UNICEF, accounting for about 14% of children in 5 14 years age group.
- 2. 11 million children are on the streets in India without adequate parental support, 2 out of 3 children are physically abused, 53.2% children reported having faced one or more forms of sexual abuse as per the findings of a recent study on Child Abuse conducted by Ministry of Women and Child Development, Government of India, Save the Children and UNICEF,
- 3. 65% of school going children reported facing corporal punishment and 50.2% children worked 7 days a week.
- 4. In the last 10 years, 40% increase in intra state migration (India Statistics report, 2004). The migrant workers and their children mostly work in the unorganized sector and thus remain outside the formal delivery of public services. Therefore, these children are often un-counted, have little or no access to basic services, falling through any existing safety nets and are at high risk of exploitation and abuse.

INDIA'S COMMITMENT TOWARDS CHILDREN'S RIGHTS

The Constitution of India, the National Policy for Children, many other policies and legislation accord priority to children's needs. The Government of India ratified the Convention on the Rights of the Child on 2nd December, 1992. Accordingly, the government is taking action to review the national and state legislation and bring it in line with the provisions of the Convention. In pursuance of the commitment made at the World Summit, the Department of Women and Child Development under the Ministry of Human Resource Development has formulated a National Plan of Action for Children. Most of the recommendations of the World Summit Action Plan are reflected in India's National Plan of Action.

The National Plan of Action has been formulated keeping in mind the needs, rights and aspirations of children in the country. The priority areas in the Plan are health, nutrition, education, water, sanitation and environment.

WHY CHILDREN NEED SPECIAL ATTENTION

- 1. Children are more vulnerable than adults, to the conditions under which they live.
- 2. They are more affected than any other age group by the actions and inaction of governments and society.
- 3. In most societies, including ours, views persist that children are their parents' property, or are adults in the making, or are not yet ready to contribute to society.
- 4. Children have no votes or political influence and little economic power. Too often, their voices are not heard.
- 5. Children are particularly vulnerable to exploitation and abuse.

CONSTITUTIONAL PROVISIONS AND CHILD RIGHTS

Indian Constitution provides some guarantees to protect the children rights with special treatment. These include:

- 1. Article 21 A Right to free and compulsory elementary education for all children in the 6-14 year age group.
- 2. Article 24 Right to be protected from any hazardous employment till the age of 14 years.
- 3. Article 39(e) Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength.

4. Article 39 (f) - Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment.

Besides these they also have rights as equal citizens of India, just as child, these provisions are mentioned under:

- 1. Article 14 Right to equality.
- 2. Article 15 Right against discrimination.
- 3. Article 21- Right to personal liberty and due process of law.
- 4. Article 23 Right to being protected from being trafficked and forced into bonded labour.
- 5. Article 46 Right of weaker sections of the people to be protected from social injustice and all forms of exploitation.

The above constitutional provisions are effective, because government or any other agencies are not taking much effort to enforce the legal sanctions and there is no specific monitoring bodies to make follow up actions against the violators of these rights. The central and state governments should come forward with adequate support to implement the legal provisions with appropriate strategies.

Government protection is the most vulnerable to crisis and conflict, with its disruption hindering both enforcement law and provision of services. This failure almost immediately increases the protection burden on communities. Initiatives to train teachers and offer reporting mechanisms for violation can extend the government's influence in protecting children. Disintegration of governmental systems places an increasing burden upon the community to provide services and protection. While communities do have traditional ways of protecting their children, during emergencies these structures often breakdown.

Competition for limited resources forces families to concentrate on their own needs rather than those of the larger community. In many cases, children take on a substantial role raising their siblings, contributing economically to the family, and in the case of child-headed households, overseeing the family's well-being. Offering a range of education alternatives linked with protection measures is essential in reaching many children not able to attend traditionally structured formal schooling.

AREAS OF CHILD PROBLEMS AND ROLE OF PANCHAYATS

Children are in general facing problems in the forms of

- Exploitation.
- Abuse.
- Inhuman or degrading treatment.
- Neglect
- Some children are more vulnerable than others. They need special attention. These children are:
- Homeless children (pavement dwellers, displaced/evicted, refugees).
- Migrant children.
- Street children.
- Orphaned or abandoned children.
- Working children.
- Children of prostitutes.
- · Child prostitutes.
- Trafficked children.
- Children affected by conflict.
- Children affected by natural disasters.
- Children affected by HIV/AIDS and Children suffering from Terminal Diseases.
- Disabled children.
- Children belonging to the Scheduled Castes & Scheduled Tribes.

Major problems are discussed in detail in the following sections and suggestive measures to be carried out by the Local Panchayats are follows. These suggestions are drawn from the book titled "Child Protection- a hand book" by the Ministry of Women and Child Welfare, Government of India.

CHILD SEXUAL ABUSE

Child abuse is a state of emotional, physical, economic and sexual maltreatment meted out to a person below the age of eighteen and is a globally prevalent phenomenon. However, in India, as in many other countries, there has been no understanding of the extent, magnitude and trends of the problem. The growing complexities of life and the dramatic changes brought about by socio-economic transitions in India have played a major role in increasing the vulnerability of children to various and newer forms of abuse. Child abuse has serious physical and psycho-social consequences which adversely affect the health and overall well-being of a child. According to WHO: "Child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power." Child abuse is a violation of the basic human rights of a child and is an outcome of a set of interrelated familial, social, psychological and economic factors.

PANCHAYAT INTERVENTION

- 1. The first step towards dealing with the problem of child sexual abuse is recognition and acceptance that boys and girls are abused and need assistance and support.
- 2. Create awareness about the problem. This will help in prevention as well as encourage victims to come forward.
- Create forums where children can be given information and support within the village with the help of the school teacher, the anganwadi worker and the ANM.
- Listen to the child.
- Maintain confidentiality of the child.
- Ensure that a complaint and FIR is filed in the nearest police station. Seek legal advice.

CHILD TRAFFICKING

India has been identified as a source, transit and destination point in the international circuit; large numbers of children are also trafficked within the country. According to a study conducted by Shakti Vahini in 2006, "Trafficking in India", 378 of the 593 districts in India are affected by human trafficking. 10% of human trafficking in India is international, while almost 90% is interstate. Andhra Pradesh, Karnataka, West Bengal and Tamil Nadu are the states from where the maximum numbers of people are trafficked to other states. Intra state/inter district trafficking is high in the states of Rajasthan, Assam, Meghalaya, Bihar and Uttar Pradesh, Andhra Pradesh, Karnataka, Tamil Nadu and Maharashtra. States like Delhi and Goa are 'receiver' states. Trafficking of women and children from the North-Eastern states of India and the bordering countries in the north-east is a serious issue but has so far not drawn public attention.

The first step towards dealing with the problem of child trafficking is widespread awareness about the issue. Panchayat members must make themselves and people in their village aware of the dangers of child trafficking and the harm it causes to the child.

PANCHAYAT INTERVENTION

1. Every Panchayat member should ensure that his/her Panchayat maintains records of people migrating out of the village.

- Birth registration and registration of marriages can also go long way in protecting children from being trafficked. All Panchayats must take on the responsibility of keeping such records.
- 3. Ensure that a complaint is filed in the nearest police station if you find a child missing or if a child is kidnapped or you suspect a case of trafficking.
- 4. Strict vigilance by Panchayats can help children from being trafficked and will also deter the traffickers.
- 5. Seek legal advice.
- 6. Build support and a conducive environment for the trafficked victims to ensure that they can be successfully repatriated and reintegrated with their families and community. The decision of the Panchayats is very important in the village. You can take some positive steps and help trafficked children return to their communities. If you stop seeing it as the child's fault, the others in your constituency will follow you.

CHILD LABOUR

The complex issue of child labour is a developmental issue worth investigating. The notion that children are being exploited and forced into labour, while not receiving education crucial to development, concerns many people. India is the largest example of a nation plagued by the problem of child labour. Estimates cite figures of between 60 and 115 million working children in India the problem of child labour continues to pose a challenge before the nation. Government has been taking various pro-active measures to tackle this problem. However, considering the magnitude and extent of the problem and that it is essentially a socio-economic problem inextricably linked to poverty and illiteracy, it requires concerted efforts from all sections of the society to make a dent in the problem. The percentage of the population of India living in poverty is high. In 1990, 37% of the urban population and 39% of the rural population was living in poverty

PANCHAYAT INTERVENTION

- 1. Create awareness about the pitfalls of putting children to work.
- 2. Motivate parents to send their children to school.
- 3. Slowly create an atmosphere where children are pulled out of work and into school.
- 4. Ensure that children are enrolled in school without difficulty
- 5. Ensure that schools are accessible and available and that the infrastructure is adequate.
- 6. Inform employers about labour legislation banning child labour and the consequences of flouting the law; thus discourage them from employing children and encourage them to employ adults.
- 7. Ensure that adults are paid minimum wages.
- 8. Use your official capacity to create infrastructure for day care through government's ongoing programmes such as the Balwadi and Anganwadi programmes, so that mothers can go to work and older children are not forced to drop out of school to take care of younger siblings.
- 9. Unite against touts and middle-men that come looking for child labour in the villages and take them away.
- 10. Activate the Village Education Committee to take up issues of improving access to schools and quality of education, teacher absenteeism, enrolment and drop-out rates, mid-day meals, provision of water and sanitation facilities in schools etc.

SEX SELECTIVE ABORTION AND INFANTICIDE

A classic case of conflicting principles exists in the case of sex-selective abortions. One horn of the dilemma has the "women's movement" enshrining the right to abortion as fundamental. The other horn of this dilemma is the indisputable fact that this "right" is consistently used against women. Women are victimized in many ways because of our societal, cultural and legal treatment of abortion, but most notably in the case of sex-selective abortion. These are abortions in which the fetus is destroyed solely because it is a little boy or a little girl. Females are affected disproportionately worldwide because of sex-selective abortions. The action points are

- 1. Educate people about the law.
- 2. Be alert and use the law to stop feticide and infanticide and ensure registration of cases against the accused.
- 3. Ensure registration of all births and deaths in the village under the supervision of your Panchayat.
- 4. Raise awareness and gender sensitivity through Public Education Programmes.
- 5. Mobilize the community to act against such heinous crimes.
- Liaise with ANMs and dais in the village. They can be your informants.

The Campaign against all quacks and clinics that misuse. The ultra-sound technology to the detriment of the girl child and for their profit.

CHILD MARRIAGE

Child marriage is a harmful traditional practice that weds young people, almost exclusively girls to men who are usually significantly older than their new bride. Prevalent in many developing countries, child marriage puts girls, some as young as 7 or 8, at risk for detrimental economic, health and educational consequences.

- Create awareness about the violation of rights of children, and the health hazards arising out of early marriage.
- Encourage people to wait for their children to reach the age of maturity before they are married.
- Be alert and use the law to stop marriages. You must give proper details to the police and get them to believe you.
- If the marriage cannot be stopped, negotiate with the parents of the bride and the groom to postpone it till the girl and the boy reach the legal age of marriage and encourage the parents to send them to school till then.

HIV/AIDS

Everybody has a part to play: local and national governments, communities, businessmen, universities, foundations, individuals - people like you. As with all other issues, HIV/AIDS too calls for recognition of the problem and a political will to fight it. The Panchayats are the most basic unit of decentralized form of governance in our country. As an elected representative every Panchayat member counts in forming the political will.

Discriminating against HIV positive persons or those affected by it will not solve the problem but only let it spread. So act right now! Work in your constituencies to help dispel the myths and propagate the reality about HIV/AIDS. Spread awareness and information, mobilize community action and build an environment conducive for ensuring people's human rights. Help prevent the spread of HIV/AIDS. It is true that when we talk about prevention, we raise very sensitive

STREET AND RUNAWAY CHILDREN

The first step is to inform police because if Police and information gathered from her/him. NGO workers at different places identify your child; they will inform your local Police Station on the basis of Inform Child line, a helpline for children, nearest to your village by calling them up on 1098. Watch television and read newspapers, especially missing columns continuously for three, four months. When a runaway child is restored to her/his family by Police, NGOs or other sources or when such a child returns on her/his own Talk to the child and parent(s) and try to identify the child's problems within the family. Support the family in taking care of the child by linking them with required services. Ensure a conducive environment at home so that she/he does not runaway again. Thank the agency that brings the child back. To prevent every child in your Panchayat from running away Establish a missing child information system at the panchayat level just as you establish a birth registration system or maintain population records. Children can be the best source for procuring such information, so give them the leadership role. Mobilise other Panchayats in your district to lobby with your State Government for establishment of a Child Welfare Committee and a Juvenile Justice Board in your district. Make more and more people aware of child line. Create neighborhood watch dog bodies or vigilance committees to

address the issues of domestic violence, alcoholism, corporal punishment, sexual abuse, discrimination based on gender, caste and disability and other factors that force children to run away from home.

THE DISABLED CHILD

- The first activity that is required is for members to get to know more about disabilities, physical as well as mental. Only then will they be able to help others because different types of disabilities may need special and specific interventions.
- Establish contact with organizations providing services for the disabled and connect them with disabled children and their families.
- Create awareness in the community in order to disassociate the stigma associated with disability. They can play an important role in ensuring that the peer group as well as the community understand the challenges which the child is already facing and help him or her to overcome the difficulties and the barriers which otherwise may hamper the development of the child.
- Sensitize parents, families, and caregivers about the special needs of children with disabilities. Speak to parents in meetings as well as on a one-to-one basis. Actively involve parents of young children with disabilities as full team members in planning school and after school activities.
- Sensitize anganwadi workers and teachers about the special needs for disabled children and create awareness and sensitivity about their rights.
- Monitor schools and other service providing institutions to ensure that children with disabilities are not discriminated against and their special needs are addressed.

CONCLUSION

Child Protection sensitization and training for partners. Follow-up trainings and on the field support would be very important. Consult community and children to list their viewpoints on Child Protection and if possible a definition as understood by them. This is very important Child Protection should be understood in their perspective. It does not mean that families are the safest place for Children's wellbeing. Because many a times it happens that the perpetuator of violence/abuse is known person to the child. It would be important to look at all the programs and events from 'child safety' angles for partners and communities based on the definition agreed by them to keep the dialogue going on Child Protection regularly rather than "waiting" for some incidence of violence, abuse or manipulation to take place. The role of the Children's groups would play an important part in mitigation of Child Protection issues in the long run too since Child Protection participation with a view to empower children to 'question', 'say no' and understand their 'responsibility' would yield positive results. This does not mean taking away the responsibility from the adults.

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- 1. National Plan of Action for Children 2005, Department of Women and Child Development, Government of India.
- 2. Training Module for Panchayat Members for Child Rights



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With sincere regards

Thanking you profoundly

Academically yours

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