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CONDITION OF DESTITUTE CHILDREN IN KERALA: STUDY FROM A SOCIAL JUSTICE PERSPECTIVE

Dr. Priyesh C.U.

Assistant Professor

Department of Political Science

Maharaja's College, Ernakulam

ABSTRACT

India is a party to the International Convention on the Rights of the Child of 1989. All human rights except perhaps the political rights that apply to an adult human must apply to a child as well, as they are essential for the development of all human beings. The unique feature of the rights of the child is that a child may not necessarily understand the meaning and importance of his/her rights, hence he/she depends entirely on his family and society for the enjoyment of all the benefits in society. Ensuring justice and rights of the child is thus the special responsibility of the family, the society and the state. In the case of destitute children they don't have family support to uphold their human rights; hence it is the responsibility of the society, non-governmental organizations and state to ensure juvenile justice of destitute children.

This study is focused on the destitute children in the state of Kerala. The study investigates the types of Human Rights violations against orphan children in the state. The study probes role of governmental and non-governmental organizations in ensuring bare minimum rights such as food, clothing, shelter, education and healthcare to the destitute children in the state.

The state of Kerala has highest Human Development Index in India according to the Human Development Report in 2011. The state is known for achievement such as near 100% literacy rate, among the highest in the country. In Kerala a number of non-governmental organizations have been working for the protection and

rehabilitation of destitute children. According to the notion of social justice, society should ensure that children including the destitute children have access to primary goods and resources such as privileges, opportunities, self-respect and all essential conditions that would make them capable to take autonomous decisions in future.

INTRODUCTION

The United Nations Convention on the Rights of the Child [1989] advocated measures for the protection of children all over the world. The UN convention deals with provisions for the natural development of children, their survival and participation but that is only a few nations have achieved so far.

The Government of India had realised the pitiable condition of the child much earlier and had enacted various laws for the protection of the child, it is rather painful to know that more than seventeen million children in independent India under the age of 14 are working in inhuman conditions (Mishra, L, 2000). They have no proper food, no sanitation, no aid and no education. The laws are there, but they are not implemented or misused. These children do not entitle to any of the child rights. They do not even know the enjoyment of playing games in the open air. Increasing number of child beggars found in large cities is the outcome of abandonment of children. The number of child beggars is increasing every day in all the major cities in the country. Figures show that among the destitute children nearly half beg for a living.

Children become destitute due to many factors. Sometimes their parents are forced to give up them, Sometimes children become orphan due to the death of their parents in wars or natural calamities. Today the term orphanage has given a way to some soft linguistic terms like children's home and rehabilitation center.

Social justice means that there should be no discrimination towards any individual on social grounds. Social justice refers to the concept of a society in which justice is achieved in every layer of it. Social justice implies a society in which every individual and group of people get impartial share of the benefits in the society. It realizes a society, which considers all people on equal status especially the marginalized groups such as destitute children. Hence the concept of social justice ensures an egalitarian society devoid of all sorts of exploitations. It facilitates an environment conducive for comprehensive personality development.

Social justice can be regarded as a movement to construct a socially just society all over the world. According to John Rawls, "each person possesses an inviolability founded on justice that even the welfare of the society as a whole cannot override" (Rawls, 1971). Social justice deals with the distribution of benefits and burdens all over the society.

The just society should ensure that children have access to primary goods and resources such as privileges, opportunities, self-respect and all essential conditions that would make them capable to take autonomous decisions. In the words of Rawls, the state must ensure that all children are getting equality of chances for accessing educational opportunities; it is more and more widely recognized.

According to Rawls the modern civilized society has the duty to ensure access to education up to the university level to all children, who are willing and able to benefit from the system. The state has the obligation to oversee that, children receive adequate nourishment and medical care, however poor their parents may be, or even they are destitute in the society.

Destitution of children is a universal phenomenon. Orphan children can be seen in almost all societies. This study is focused on the destitute children in the state of Kerala. The study investigates the denial of social justice to orphan children in the state. The study probes role of governmental and non-governmental organizations in ensuring bare minimum rights such as food, clothing, shelter, education and healthcare to ensure social justice to abandoned children in Kerala.

Kerala has highest Human Development Index in India according to the Human Development Report in 2011. The state is known for achievement such as near 100% literacy rate, among the highest in the country. It also has the highest life expectancy, highest sex ratio and lowest infant mortality rate among all Indian state. In Kerala a number of Non-governmental organizations has been working for the protection and rehabilitation of destitute children.

There is a close association between poverty and child labour in Kerala. Child labour is as much as a cause of poverty. “Child labour will damage the bodies and mind of the destitute children. In most cases the children growing without schooling results in to unskilled labour and social powerlessness. It leads to child labour.” Child labourers grow up to be the poor who are forced to have their children work. Poverty and lack of social security are the main causes of child labour in Kerala. The child labour racket can be seen in Kerala especially in Kochi and suburban areas. In Kerala the reason for selling the children for labour is to accumulate wealth.

Children from other states, even those as far away as north- eastern states of India are brought in large number to work as housemaids, hotel suppliers, loaders in plywood factories and quarries and as helpers of construction workers. The new trend has been seen as increasing child labour in the wake of the influx of migrant labourers into the state, in recent years this has become the menace of human trafficking. “Recent intervention of child line officials at different places in the state has revealed that children, particularly from Tamilnadu, are being trafficking into Kerala for labour in unorganized sectors.” Several children working in small scale cottage industries were rescued by the child line officials from different parts of the state. “The child line officials said that they have been brought into the children by their distant relatives who allegedly paid their parents.” They also found that engaging children from other state in various kind of labour had increased with the arrival of migrant labours into the state. Although Kerala does not have major industries with scope for potential child labour, small scale industries particularly based in cottage and quarters, are most of the children engaging.

The major impact of child labour relate to both education and health. Half of the working children never attended in school and more than three fourth of working children in Kerala were not getting any benefits from schemes such as Annapurna, ICDS, Mid day meals etc. These child labours forfeit of their right to schooling and other training whilst they continue to work and are also denied the opportunities to play and rest.

The Kerala Juvenile Justice (Care and Protection of Children) Rules, 2003, deal with the protection of destitute and abundant children in the state. The Department of Social justice has been giving much importance to child related issues. Problems of the various categories of children in difficult circumstances have been addressed by this department. The interest of abandoned, neglected and destitute children is being protected by the department of social justice in the state.

The main features of the new Act are that the Act includes all children below 18 years. The definition of a child in Need of Care and Protection has been expanded to include children who are victims of destitution, civil commotion or natural disaster. Adoption has been brought under the purview of this Act. This Act gave special focus to institutionalization, and setting up of special Juvenile Police Units, Juvenile Justice Boards and Child Welfare Committees. The department of social justice can receive social investigation report from Probation Officers and Non-governmental organizations. The Juvenile Justice Act 2000 gives ample opportunity for civil society groups such as non-governmental organizations to play a more proactive role on behalf of destitute children in the administration and delivery of Juvenile Justice in Kerala.

The new rules gave so much importance to education. The education shall be provided inside and outside the children's homes and if possible it shall be in community schools. The rule says that education shall be imparted by qualified teachers through programmes integrated with the general educational system of the state so that, after they became adult, juveniles may continue their education without difficulty. In each Children's Home it is desirable to have a school to provide education. The non-governmental organizations should take concrete steps to avoid the dropout of the children. Likewise the institution must ensure the timely enrollment of children to schools.

The non-governmental organizations in the state have the responsibility to ensure proper socialization and reintegration of destitute children into the main stream of Kerala society. The programmes under the non-governmental organizations should include the following aspects, the opportunity to continue of education / training with sponsorship support till completion of the course. Facilitating employment generation and physical and psychological reintegration for these abandoned children would be a key programme of the non-governmental organizations. The organization should appoint a permanent qualified full-time Counsellor in the Home under him a peer counsellor would also be desirable for the children at these Homes. Vocational training to the destitute children would enable them to sustain themselves through their own efforts in future.

It is very important to make these children aware of juvenile justice, so that they can speak up whenever there occurs any unpleasant incident. They should be well protected by law as well. Making them aware about the notion of justice give the power to fight against any atrocities and inhuman acts. These non-governmental organizations make sure to safeguard rights. These orphan children need home and family and that is why there are non-governmental organizations which help finding home for these children in the state.

The non-governmental organizations under the purview of this study have able to provide children to take active participation in the day-to-day functioning of the institution. Children's opinion is considered while implementing programs and services in the non-governmental organizations. The programs should be according to the satisfaction of the inmates of the institution. There is governmental monitoring with regard to the health, sanitation, hygiene and self-improvement or personality development opportunities to the destitute children within the non-governmental organizations.

CONCLUSION

The state of Kerala has large number of non-governmental organisation for the protection and rehabilitation of destitute children. It is acknowledged that numerous problems facing the destitute children in Kerala with regard to the denial of social justice could be addressed only with the active cooperation of the non-governmental organizations. It may be said that the number of destitute children without adequate guardianship, needing programme for training and rehabilitation is many times more than the institutional arrangements available in Kerala. Lakhs of children need services provided by non-governmental organizations. There are a few non-governmental organizations in Kerala, where all categories of destitute children are rehabilitated. The work of the existing institutions providing the services to the destitute children be streamlined and strengthened. At the meantime there should be the proper supervision of governmental agencies to ensure the accountability of these institutions.

Destitute children in Kerala are able to access their basic rights like food, shelter and healthcare due to the working of non-governmental organizations in the state. The basic amenities of destitute children are met in rehabilitation centers under certain non-governmental organizations in Kerala. The child needs proper upbringing. The study reveals that the chief needs of the children relate to their physical and mental development have been addressed by non-governmental organizations in the state of Kerala.

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