



RIGHTS OF TRIBAL CHILDREN : HUMAN RIGHTS ISSUE



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ABSTRACT

The essence of justice lies on the principle of equality. It is unfortunate that some sections of the society specially, tribal children are deprived of the benefits of basic rights at par with others, due to lack of education and ignorance that ultimately results into violation of their human rights. Poverty is the basic reason, which compels parents of the tribal child, despite of their unwillingness, to get it employed; hence instead of taking education tribal children are engaged in different types of work. Migration to urban areas for earning bread makes the tribal children vulnerable and are exploited as cheap labour. Their inability to understand the nature and consequences of their act they are easily exploited by the anti-socials. All human rights are useless unless the right to education is not given, because until a person becomes literate he can't understand what right he possesses. To create an interest of tribal children in education, use of tribal languages in primary education is essential. The major determinant of violation of the human rights of the tribal children is poverty. Hence, the eradication of poverty will be the final solution of protection of human rights of tribal children.

Keywords : Tribal, Human Rights, Poverty, Malnutrition, Migration, Education.

RESEARCH PAPER

“The principle of ‘all children, all rights’ is still much too far from being reality”.

.... Ex. Secretary General (UNO), Kofi Annan.

Introduction :

The essence of justice lies on the principle of equality. It is unfortunate that some sections of the society specially, tribal children are deprived of the benefits of basic rights at par with others, due to lack of education and ignorance that ultimately results into violation of their human rights. Human right is an old concept. They reside inherently in the individual human beings independent of and even prior to his participation in the society (Dr. V. K. Anand 2001). There are the rights, which entitled mankind a decent, civilized life in which inherent dignity of each human being will receive respect and protection (A. N. Sen 2002).

Child is a nation's asset and future resource of manpower to a nation. Children need special protection because of their tender age and physique, mental immaturity and incapacity to look after themselves. Various Laws have been made for the protection and welfare of the children. It seems that poverty is the basic reason, which compels parents of the child, despite of their unwillingness, to get it employed; hence instead of taking education children are engaged in different types of work. Migration to urban areas for earning bread makes the children vulnerable and are exploited as cheap labour. Their inability to understand the nature and consequences of their act they are easily exploited by the anti-socials. All human rights are useless unless the right to education is not given, because until a person becomes literate he can't understand what right he possesses. The right to education is not exercised by downtrodden people because they are unaware of the importance of education. The schools are running on papers without giving effects to given purposes. As rightly observed by John Adams, “The preservation of means of knowledge among the lowest rank is of more importance to the public than all the property of all rich men in the country”. Though Constitution of India has been amended for giving educational right of children as a fundamental right it's not truly working in remote and tribal areas.

Among the tribals, due to their poverty every member of family has to work and hence children instead of taking education are engaged in different types of work. In tribal area, it is a practice that for becoming an agricultural labourer one must have the experience of work from his childhood, so they think they will not be given the work in future if they remain busy in schools. The literacy ratio among the tribals is very poor. Due to poverty, people treat education as unnecessary and remain illiterate. This illiteracy results into their unawareness

about the human rights they possess. Again, because of the illiteracy they cannot understand the schemes, policies, which have been sponsored for them by Government or by some Non Government Organizations.

Tribals are illiterate from generation to generation hence Government is implementing number of schemes for educating the tribal children; still there is no forcible improvement in the literacy rate among the tribals. When we talk with these people, they claimed that, sending the children in the schools is necessary and important. But there is considerable difference in the attitude, the tribals have and what is told to us. The life style of tribals is such that these people get easily satisfied. They are not very ambitious kind of people. They are not much interested in planning for their future. They have a very casual attitude about their life. They believe in today; they don't rather believe in getting their children educated and ripe the benefits at a later date, but they want them to earn as early as possible. This is one of the contributing factors to the child labour in India.

Many educational institutions have been established specially in urban areas for the educating the tribal children. The schooling not only introduces academics but also opens up the door to the modern social life. The tribal children compare themselves with their urban counterparts and want to enjoy similar facilities as available to their colleagues. The institutions provide monetary aid for educational purposes but not to meet their entertainment needs. Even their parents don't afford to pay them for their newly acquired lifestyle. So to fulfill their needs these children search out for work during their spare time. Generally, their parents are unaware of their activities. The people in urban society take undue advantage of this and exploit them compelling to work at minimal returns. This is turning out to be yet another important reason for tribal child labour.

There is no doubt that without food, no life is possible and therefore right to food is an aspect of right to life and hence right to food was expressly guaranteed as human right under Article 25 of Universal Declaration of Human Rights 1948. It provides that everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food. Article 11 of the International Convention on Economic and Social Rights provides 'the right of everyone to be free from hunger as a fundamental right. Good nutrition is a right guaranteed for children under the Convention on the Rights of the Child. In India also though this right is not expressly provided under the Constitution, but the relevant provisions are given under Article 47 of the Constitution, which provides that it is the duty of the state to raise the level of nutrition. The Supreme Court of India in People's Union for

Civil Liberties vs. Union of India (Supreme Court 2000) has recognized the right to food as right to life.

Malnutrition is menace to the tribal life in India. In all the part of India where the tribal people are living is trapped by this problem of malnutrition. The tribal children after their birth are not getting nutrition and hence the death by malnutrition is rampant among the tribal in India. Here the human rights of these tribal children are getting violated. The Governments are trying to prevent the deaths by malnutrition but all efforts are in vain. The enough food stock with the Government is useless; unless it will reach to the children who are in need in the tribal area and remote areas. Malnutrition is the violation of right to life of the tribal children. Historically tribals are food gatherers and not food producer (R. K. Mutatkar 2005). Tribals have to depend on forest produce for good nutrition and nowadays the forest area in this region has remained up to nothing. Ensuring adequate nutrition for children of the 0 to 5 age group will be done through proper implementation of the programmes like Integrated Child Development Scheme. While children over five years should be enrolled in schools where they will get meals. The mid day meals scheme can be implemented where the schools are running properly, but in tribal areas schools are not functioning properly so how do we expect mid day meals to be provided efficiently. Here proper running of schools must be ensured firstly.

Tribal have to migrate in search of the work. The tribals migrate to a whole range of employment. They cross state borders for employment in paddy fields, for sugarcane harvesting or construction work. The first character of the work is work in brick manufacture and sugarcane harvesting. Whole families migrate as a work unit, reside together at the worksite or close to it, and are away from their villages for periods, stretching as long as eight months for manufacturing bricks and four to five months for harvesting sugarcane. This employment is concentrated in the poorest sections, either the landless or the very marginal land holders. All the members of the family contribute to different aspects of the work. As entire families migrate, they can make little or no investment in the education of the children, improving the productivity of the land or developing other skills. Hence, the cycle of migration continues year after year, generally passing on to the next generation. Migrants, as a rule, work under harsh conditions, often in uninhabitable work sheds, toiling for 12 to 14 hours a day, for wages approximately half the legal minimum wage. Many children are employed in small-scale industries. This practice thrives with the full knowledge and connivance of the factories inspector and labour inspector. For the tribal children, migration results in gravely reduced access to education, foreclosing even the limited opportunities for

improvement of economic conditions through employment. The impact is the disruption of the family, which primarily hurts children. All above conditions of the tribals due to compelled migration shows that how miserable life the children live during their migration. It is the violation of their right to life with dignity.

Conclusion & Suggestions:

The problem of malnutrition is closely related with tribal children. Thousands of tribal children in remote and tribal areas are facing the curse of malnutrition and it is the violation of their human rights. Due to the reasons like poverty, migration, child labour etc. tribal children are not getting the education while majority are out of school and this is massive human right violation. To create an interest of tribal children in education, use of tribal languages in primary education is essential. Preparing Text Books in tribal language at least upto the primary schooling will prevent the dropouts of tribal children. Strict implementation of legal provisions regarding the child labour prevention is essential so that child labour can be reduced. The tribals shall be given employment opportunities at their door step so that the menace of migration can be avoided which usually violated the human rights of children. The major determinant of violation of the human rights of the tribal children is poverty. Hence, the eradication of poverty will be the final solution of protection of human rights of tribal children.

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