

There are numerous literature across regions that highlight the situation of children revealing the level of concern and interest researchers have had in understanding the challenges related to children and their protection. Reviewing literature is an important element in any research process Literature helps in understanding the dynamics of the problem and how social phenomena are affected. It helps in understanding the concepts, theoretical framework, perspectives and the gaps associated with the research topic.

2.1 Children across the World

The UN Secretary General's Study on Violence against Children has given the following overview of the situation of abuse and violence against children across the globe. WHO estimates that almost 53,000 child deaths in 2002 were due to child homicide. In the Global School-Based Student Health Survey carried out in a wide range of developing countries, between 20% and 65% of school going children reported having been verbally or physically bullied in school in the previous 30 days. Similar rates of bullying have been found in industrialized countries. An estimated 150 million girls and 73 million boys under 18 years have experienced forced sexual intercourse or other forms of sexual violence involving physical contact. ILO estimates that 218 million children were involved in child labour in 2004, of which 126 million were engaged in hazardous work. Estimates from 2000 suggest that 5.7 million were in forced or bonded labour, 1.8 million in prostitution and pornography and 1.2 million were victims of trafficking. Only 2.4% of the world's children are legally protected from corporal punishment in all settings (GOI, 2007).

Gupta, M. (2001) has highlighted studies of children across cultures in the world. According to her, many historians believe that childhood did not exist until 17th century. Children were subjected to detached emotional upbringings and severe abuse including infanticide. Quoting Boswell's study of abandonment of children in ancient times it is noted that there was no general absence of tender feeling for children as special beings among any pre-modern European peoples. Child abandonment also existed because of the need for family planning according to the author. Abandonment of child took place because of poverty, disaster, shame because of physical condition (illegitimate or incestuous), willing guardianship by another who had greater means of supporting the child, disability, neglect. During

Renaissance period, abandonment of children continued as a common practice. It was never openly approved of but never officially outlawed. Church began to be involved and they organized activities and havens for unwanted children in their monasteries. In the early 13 century foundling homes were established. However death rates through diseases in these places were very high. There is little clear evidence about sexual abuse of children in antiquity and medieval times.

According to Beckett, children are subjected to various horrific atrocities that include mistreatment, abuse, death, injury and sexual gratification by adults. Sometimes they are so poorly cared for that their basic requirements for safety, warmth and nutrition go unmet. Often they are treated in ways that may not do any obvious physical harm, but which have long – term emotional and psychological consequences (Beckett, C., 2003).

De Mause's study shows that during Roman Empire, infanticide was not legally a crime until AD 318. Infanticide was a common practice because of evidences of cruelty of the time. The child in antiquity lived his earliest years in an atmosphere of sexual abuse. Growing up in Greece or Rome often included being sexually used by older men. Incest did not become a legal offence in England until the 20th century. It was a crime punishable by death in Scotland from 1757. It is clear that there were strong social and religious taboos throughout Europe. However, lack of legislation would mean lack of concern about or acceptance of the behavior (In Gupta, M., 2001).

Rehabilitation of children in need of care and protection through adoption was evident during the early civilisation of ancient Greece and Rome .During the early part of the European Middle Ages, there was significant increase in the rate of orphans, destitutes and abandoned children in the United Kingdom (UK) and their rehabilitation through adoption was more or less stable with the changing trend in society. (Douglas and Philphot, 2003)

The 19th century saw the growth of child saving movements in terms of legislations, institutional and non institutional rehabilitation and reintegration for children in the West. This was seen as a result of the Industrial revolution which led

to child exploitations in the new industries that were established. Further its impact led to the marginalization and abandonment of children (Bhakhry,S. 2006).

Cohen, N.A. (1992) conducted a research on the rehabilitation of children in need of care and protection in the United States from the multi-cultural aspect. He discusses the need to provide social services and benefits that are more ethno-sensitive, more creative and more comprehensive to children in need. Further Cohen emphasizes the history and early development of the status and position of the children in America and indicated how as a result of poverty, slavery and child labour, children were subjected to unbearable oppressions and states that the United States of America adopted early developments and legislations to protect and preserve the rights of the child.

Many children growing up at the end of the 20th century have been exposed repeatedly to the effects of substance abuse. Various forms of child maltreatment often occur in families with substance abusing parents. These may include neglect, physical abuse and sexual abuse. As such the child's basic needs become neglected. Not only this but the child's growth and development also become affected. Eighty Niney per cent of young children and three out of four elementary and high school students of colour inn urban areas I the US have witnessed at least one violent act in the home or community. In 1997 there were an estimated 1,196 reported child abuse fatalities among the estimated 2.4 million cases of suspected child abuse and neglect reports filed. From 1 per cent to 5 per cent of children may be victims of incest, and several times that number is subjected to serious physical abuse or see their mothers, brothers and sisters being beaten. In 1997 there were a total of about 850,000 homeless children and youths in the US. 625,330 of them school age and 216,391 pre-school age (Office of Elementary and Secondary Education, 1997 in Children's Defense Fund,2000) The Orphan Project, New York reports that in the year 2000 approximately 72,000 to 125,000 children had been orphaned by AIDS in the US (Webb, N.B., 2003).

Trotter, C. (2004) conducted a study on child protection to examine what child protection workers do with their clients and how this relates to outcomes for those clients. Fifty child protection workers, 282 clients were interviewed. Thirteen interviews between clients and workers were also observed. It was that clients who

were interviewed were generally very happy to talk about their experiences with child protection. In some cases children were too young to participate in the interview. Often children were referred to child protection for more than one reason. The most common reasons were: emotional trauma (56%), Physical harm (38%) failure to ensure safety (27%) environmental neglect (12%) and sexual abuse 10 %). Child protection work is about protecting children and as such the client is the child itself. However the best way to help a child is by working with family members or others involved in the life of the child). For ethical and practical reasons only those over 12 years of age were interviewed. Keeping families together is a common objective in child protection and is viewed as a positive outcome. With regards to problems for clients 62 per cent of the clients identified stress as a problem; 64 per cent of clients family relationship as problem; 35 per cent of clients finances as problem. According to the workers family relationship (42%); parenting skills (25%), drug and alcohol (20%), emotional harm to children (19%), domestic violence 13 %).

Dominelli, L. (2004) states that children from poor families or those that come from forms that do not match a nuclear or joint system are likely to be vulnerable and at risk of being abused. In Britain death of children at the hands of their parents is estimated to be 50 per year. Children continue to be injured, abused and sometimes murdered. *Not only do their own parents or close carers fail them, the system does too. This shows the inadequacy of services in child protection.*

Beckett refers to Fergusson and Mullen who combined a variety of findings of studies and the following weighted average figures were found. Abusers of girls are 97.5 per cent male, while abusers of boys are 78.7 per cent male 10.4per cent of child sexual abuses involved close family members, including parents, stepparents and siblings. The most commonly reported perpetrators were acquaintances of the victim. On average 47.8 per cent of perpetrators were described as acquaintances. Figures of parents as perpetrators are relatively low at an average estimate of 3.3 per cent of child sexual abuse incidents were perpetrated by natural fathers. Chaffen et al., are also quoted by Beckett and their observation found that when parental substance use was a factor in cases of reported child maltreatment, it was a strong predictor of further maltreatment incidents –in fact, the chances of further incidents being reported were three times higher than in cases where parental substance misuse was not

identified as a factor. Extensive detailing by Beckett also highlights the contribution of Gutterman who cites a variety of research studies that have consistently found impaired attachment patterns in substance-abusing mothers and their infants, including decreased maternal responsiveness and disturbances in infants' attachment behaviors, while other studies suggest that substance-abusing parents often employ ineffective and inconsistent discipline (In Beckett, C., 2003).

In Britain, substance misuse was strongly related to neglect, and cases where substance misuse was a factor were twice as likely to become subject to care proceedings. In 1995, 50 per cent of children on the child protection register in Bolton came from households where substance abuse was an issue'. Poor housing, poverty and unemployment were also identified as predictors of abuse in British and Canadian society (Forrester; Murphy; Greenland in Beckett, C., 2003).

Sayer, T. (2008) highlighted the study made by the Department of Education and Skills in 2006. Physical abuse accounts for 16 per cent, sexual abuse 20 per cent, emotional abuse 21 per cent and neglect 43 per cent in the US.

A study conducted by Deb and Senapati in 1993 revealed that illiteracy, unemployment, conjugal discord, lack of attachment and history of victimization in the early life of parents were the causes of child abuse and neglect. The author quotes WHO to refer to abused and maltreated children who may suffer from developmental effects, disability, eating disorders, sleep disorders, alcohol/drug abuse, depression, anxiety, delinquency, violent behavior, self destructiveness, increased probability of becoming an abusing parent, long term reproductive health outcomes, sexual dysfunction and infertility. The report also reveals that in 1996, the financial cost associated with child abuse and neglect in the US was estimated at some 12.4 billion dollars. A large number of parents do not have proper knowledge on child development and or about healthy child rearing practices which results to abuse and neglect (In Deb, S., 2006).

Garbarino and Sherman studied the meaning of risk in relations to areas where there are high, or higher than expected, rates of child abuse. They conclude that a high risk area for children was found to be socially impoverished in broader terms (In Gardner, R., 2003)

Beckett, C. (2003) analyzed various studies to reveal that abusers of girls are 97.5 per cent male, while abusers of boys are 78.7 per cent male 10.4 per cent of child sexual abuses involved close family members, including parents, stepparents and siblings. The most commonly reported perpetrators were acquaintances of the victim. On an average less than half of perpetrators were described as acquaintances. Figures of parents as perpetrators are relatively low at an average estimate of 3.3 per cent of child sexual abuse incidents were perpetrated by natural fathers.

Peter J.Pecora has stated the study by US Department of Health and Human Services, 2004 that in 2002, nearly 2 million US children were reported as abused and neglected. Compared with 1990 reports, this represents an increase of some 46 per cent in officially reported victims. The United States federal government recently estimated that 5,32,000 children were placed in foster care in family and non family settings and 8,13,000 children were served throughout that fiscal year (In Jenson, J.M., & Fraser, M.W., 2006).

In the NSPCC study of the prevalence of child maltreatment, based on a random probability sample of 2,869 young people aged 18 – 24, for more than 95 per cent of young women who reported sexual behaviour against their wishes, the adult involved had been the male. For men who reported unwanted sexual contact, the gender of the adult was more mixed, though the proportion of men reporting unwanted sexual behavior was around half that of women. Furthermore, much sexual abuse either occurs outside the family or from family members other than parents. Cawson et al. found more than 6 times as many young people reporting unwanted penetrative or oral sex from people outside their families as within the family. For sexual acts within the family, fathers and step fathers made up only 36 per cent of perpetrators. For both sexual abuse outside the family and abuse by the family members other than parents, however, the majority of perpetrators again were male in Cawson et al's study. The pattern of abusive behaviour amongst adults can often be traced back to adolescence, suggesting a need for approaches to sex and relationship education in schools, which address gender, issues with boys and girls and promote equal and consensual relationship. In order to tackle issues such as sexual violence adequately, gendered understanding need to be incorporated. Government proposals may reduce children's vulnerability by fostering secure and supportive relationships

with family member, but they do not directly tackle the causes of sexually abusive behaviour. (Daniel B., Featherstone B., Hooper C.A. & Scourfield J., 2005)

According to SFR 2007, as in 31 March 2007 there were 6,500 children in residential care in England, 5,200 of whom were in community homes for children that were subject to children's homes regulations. The remainders were in secure units or other provisions not subject to regulation, such as boarding schools. Children in long term care are among the most vulnerable in society. The majority has suffered abuse or neglect and children leaving care have notably poorer education and economic wellbeing (Brian Sheldon, S., & Macdonald, G., 2009).

Children looked after in institutions have long been recognized as experiencing high rates of behavioural and emotional problem. They experience substantially higher levels of mental health problems than children in the general population. And the incidence of behaviour problem remains particularly high. For some children, their behavioral and emotional disturbances have directly contributed to the decision to accommodate them. For others the origin of their behavior will lie in personal histories of rejection and abuse. Children experiencing abuse and neglect may well develop ways of coping which, whilst adoptive in the environment they developed, present problem in the homes in which they are placed. When such placements breakdown, children are likely to experience more rejection and develop more defensive ways of managing their world (Mac Donald, G., & Turner, W., 2005).

2.2 Children in India

Ample literature is available in the area of children in need of care and protection in India. However, research has thus far been conducted only on specific problems of child welfare and services and has rarely been on the issue of Care and Protection as a whole. Nevertheless, there is enough information available so as to get a glimpse of the situation and rehabilitation measures of children in need of care and protection in India.

The issue of child abuse and neglect is very little recognized in the developing countries like India. In India, cases of sexual abuse/harassment are not reported owing to negligence, perceived harassment in the police department and in the court and threat from the perpetrators. Fear on social discrimination and boycott also inhibit

victims to report the case to police. In India, a large number of children belonging to lower social strata especially in the rural areas are neglected and deprived from their basic rights and parents have failed to provide protection and care to their children owing to poverty, negligent attitude, dependence on alcohol and situational factors (Deb, S., 2006).

According to a study conducted by S. Khana (1987) in the area of child physical abuse in Chandigarh, it was found that parents, siblings and teachers endorsed aggression as a normal, acceptable good way of bringing up a child.

The Government of India (GOI) documents and reports reveal very significant findings in relation to children. According to one report published in 2005 on 'Trafficking in Women and Children in India', 44,476 children were reported missing in India, out of which 11,008 children continued to remain untraced. India, being a major source and destination country for trafficked children from within India and adjoining countries has, by conservative estimates, three to five lakh girl children in commercial sex and organized prostitution. 2.5 million children die in India every year, accounting for one in five deaths in the world, with girls being 50 per cent more likely to die. One out of 16 children die before they attain one year of age, and one out of 11 die before they attain five years of age. India accounts for 35 per cent of the developing world's low birth weight babies and 40 per cent of child malnutrition in developing countries, one of the highest levels in the world. Although India's neonatal mortality rate declined in the 1990s from 69 per 1000 live births in 1980 to 53 per 1000 live births in 1990, it remained static, dropping only four points from 48 to 44 per 1000 live births between 1995 and 2000.

The 2001 Census data from and other studies from India illustrate the terrible impact of sex selection in India over the last few decades. The population of children aged 0-6 years is 16.4 crores as per the 2001 Census. The child sex ratio (0-6 years) declined from 945 girls to 1000 boys in 1991 to 927 in the 2001 Census. Around 80 per cent of the total 577 districts in the country registered a decline in the child sex ratio between 1991 and 2001. About 35 per cent of the districts registered child sex ratios below the national average of 927 females per 1000 males. In the 1991 Census, there was only one district with a sex ratio below 850, but in the 2001 Census, there

were 49 such districts. India has the second highest national total of persons living with HIV/AIDS after the Republic of South Africa.

According to National Aids Control Organization (NACO), there were an estimated 0.55 lakh HIV infected 0-14 year old children in India in 2003. UNAIDS, however, puts this figure at 0.16 million children. According to the 2001 Census report, amongst all persons living with disabilities, 35.9 per cent were children and young adults in the 0-19 age group. Three out of five children in the age group of 0-9 years have been reported to be visually impaired. Movement disability has the highest proportion (33.2%) in the age group of 10-19 years. This is largely true of mental disability also.

According to a UNESCO report, however, of the total child population, 2.07 crores (6%) are infants below one year; 4.17 crores (12%) are toddlers in the age group 1-2 years; 7.73 crores (22.2%) are pre-schoolers in the age group 3-5 years. The report highlights that only 29 per cent of pre-primary age children are enrolled in educational institutions in India. Services under the ICDS scheme covered only 3.41 crore children in the age group 0-6 years as in March 2004, which is around 22 per cent of the total children in that age group. Supplementary nutrition too was being provided to 3.4 crore children, as against 16 crore children. Of these, 53 per cent were reported to be under-nourished.

Several studies have highlighted the risk of girl children both prior to their and following it. The world's highest number of working children is in India. To add to this, India has the world's largest number of sexually abused children; with a child below 16 years raped every 155th minute, a child below 10 every 13th hour and one in every 10 children sexually abused at any point of time.

The National Crime Records Bureau (NCRB) reported 14,975 cases of various crimes against children in 2005. Authors have suggested that children in India are subjected to various forms of violence such as child marriage, economic exploitation, practices like the 'Devadasi' tradition of dedicating young girls to gods and goddesses, genital mutilation in some parts of the country which are often rationalized on grounds of culture and tradition. Physical and psychological punishments take place in the name of disciplining children and are culturally

accepted. Forced evictions, displacement due to development projects, war and conflict, communal riots, natural disasters - all of these take their own toll on children. Children also stand worst affected by HIV/AIDS..

In 2002 and 2005 there was a steep rise in the total number of crimes against children. In 2002, 5,972 cases were registered as against 14,975 cases registered in 2005. Incidence of kidnapping and abduction of children were around 2322 in 2002 and 2571 in 2003, which rose to 3,196 and 3,518 in 2004 and 2005 respectively. Although the reported number of cases of procurement of minor girls has decreased by 29.3 per cent in 2005 compared to 2004, media and other reports indicate that the unofficial number is much higher. Reported cases of child rape, one of the worst forms of sexual abuse, have increased in number between 2004 and 2005, from 3542 cases to 4026 respectively, indicating an increase of 13.7 per cent (GOI, 2007).

The census report indicates that child labour in India has decreased from 17 million in 1977 to 13.6 million in 1981 and 11.3 million in 1991. But the new estimation (2001) is indicating an increase of about 2.7 million in the number of working children amounting to 13.99 million (Yadav, A.,2006).

Mutharrayappa, R., (2002) conducted a study on 'Rehabilitated Bonded Labourers in Rural Karnataka' to examine the nature of bondage of identified labourers and whether the rehabilitation had resulted in any increase in any increase in their income and improvements in their living conditions. In his study of four districts in Karnataka on a sample of 387 bonded labourers, it was observed that about 36 per cent of them began to work with their landlords between the ages of 8 – 10 years. About them 22 per cent of them began work by the age of 14 years while the remaining 64 per cent began work as teenagers. A majority of these children work in the unorganized sector, both rural and urban. Though child labour in India is mainly a rural phenomenon but conditions of child labour in urban areas are much more harsh and vulnerable. They are found working in different small industrial establishments, household activities, services and different unorganized occupations, etc. Child labour is mainly a socio-economic problem. The factors responsible for child labour include poverty, unequal distribution of land and other resources, illiteracy, unemployment, social structures and other factors like demand of cheap and docile children in the market. The majority of the children work mainly due to economic constraints.

Yadav refers to the Census in India, 1991, which reflects that about 77 per cent of the children are engaged in agriculture and cultivation, which is literally out of the labour laws, and children are free to work easily as they can. Others includes manufacturing (6.2%); handloom (0.42%); mining, quarrying, plantation etc. (3.07%); transport, service and communication service (0.32%); trade and commerce (2.10 %); others (2.60 %). (Yadav A 2006)

According to ILO (2007) in the age group 5-14 years, the total work force in India is 126.67 lakhs. Out of this, 57.80 lakhs (45.62 per cent) are Main Workers and 68.87 lakhs (54.38 per cent) are Marginal Workers. In the age group 5-17 years, the total work force in India is 283.48 lakhs. Out of this, 151.21 lakhs (53.34 per cent) are Main Workers and 132.27 lakhs (46.66 per cent) are Marginal Workers. The share of workers in the country aged 5-14 years and 5-17 years to the respective population total are 5 percent and 9.08 per cent respectively. The share of workers aged 5-14 years and 5-17 years in the total work force of the country is 3.15 per cent and 7.05 percent respectively. In India, amongst Main Workers in the age group 5-14 years, only 14.07 per cent workers were reported to be attending educational institutions. The situation of Marginal Workers was better with 36.68 per cent attending educational institutions. However, a worrying fact is that a substantial number (i.e. 32.35 per cent) of Non-Workers were not attending any educational institution. Amongst Main Workers in the age group 5-17 years in India, only 8.67 per cent were reported to be attending educational institutions. Here also, the situation of Marginal Workers was better with 28.24 per cent attending educational institutions. A substantial number (i.e. 32.44 per cent) of Non-Workers not attending any educational institution continues to remain a worrisome fact.

According to the statistics given by the National Health Survey II, 2000, young children suffering from malnutrition constitute 48 per cent and young children (6-35 months) suffering from anemia 74.3 per cent. Children with various disabilities constitute 5 per cent of the total child population. The percentage of dropouts of school-aged children (6-14 years) on the basis of enrollment as against total child population aged 6-14 years is 33 per cent. The Report on the Progress of Nation (1994) estimates that there are 300,000 child prostitutes in India. According to NIPCCD (2002) there are 400,000 child prostitutes and 400,000-500,000 street

children in six major cities in India (NIPCCD, 2002).

Studies made by Deb found that children from socio-economically disadvantaged families were victimized since the early years of their life through a chain of adversity under uncompromising demands of their parents from the children to avoid schooling and to earn money deceitfully. Deb refers to Pagare study in an observation home in Delhi covering 189 boys, sexual abuse was reported in case of 38.1 per cent of children. On clinical examination, among the sexually abused children, physical signs were seen in 23.8 per cent. The most common perpetrators were strangers. Sexual abuse was significantly associated with domestic violence, solvent/inhalant use and working status. It was found that 76.7 per cent were physically abused. The most common perpetrators were fathers (55.2%). Physical abuse was significantly associated with domestic violence, substance use in family, step parenting, substance use by child, running away and working status (Deb, S., 2006).

A study in South Kolkata by Deb and Mitra in 2002 among migrant child labour observed that 11 per cent of girl child working as maid servant were subjected to sexual abuse and harassment. Another study by Deb and Bandyopadhyay in 2003 in Kolkata found that 26.67% of male and 16.67 % of female teachers were of the opinion that it is necessary to physically punish children to make them disciplined and obedient. It was also revealed that 60 per cent of male and 53.4 % of female teachers' were physically punished during childhood (Deb, S., 2006).

Salve and Sahastrabudhe in their study on institutionalized children in Pune found that 82.65 per cent of the children admitted were in the age group 6-12 years and 17.34 per cent were above the age of 12 years. There were 62.24 per cent of children who were illiterate or had studied upto primary level and 37.75 per cent crossed the primary level category. Their study also found that 77.04 per cent were from nuclear families and 71.9 per cent from broken families where 39.28 per cent were girls. They also found that most of the children's parents were unemployed and illiterate. Fifty eight per cent of the children were full or partial orphans, 14 per cent of the children had parents who were divorced or separated, 26 per cent had parents who abused alcohol, 14 per cent had discordant families and 7 per cent of the children had parents who had extra-marital affair. Further, they highlight that the children

suffered from psychological problems such as fear, depression, anxiety, suicidal tendency, aggressiveness and psycho somatic disorders like headache and vomiting. Seventy five per cent of the children felt more happy and secure in the institution compared to their homes and more than a quarter felt unhappy and insecure in the institution. It was found that reasons of security were because their basic needs were being provided. The reasons for institutionalization include destitution due to death, divorce or separation, inconducive family atmosphere, poverty, health related problems and delinquency (In NIPCCD, 2002)

Kavitha also conducted a study on three institutionalized children in Coimbatore City. The major findings of her study indicate that the reasons for institutionalization include not having parents, poverty, step-parents' ill treatment, large size of family, child abuse, alcoholic parents and divorce of parents. Majority were because of poverty. Her findings also highlight that 78 per cent of the boys and 46 per cent of the girls had contact with both parents while 14 per cent of the boys and 30 per cent of the girls had no knowledge about their parents. Further, a majority (66%) of the children were healthy. Lesure time activities include socializing with friends, playing outdoor sports and watching movies and 20 per cent of the boys and 40 per cent of the girls wish to continue their stay in the institution for want of security (In NIPCCD, 2002).

2.3 Children in North-East India

There is little literature on children in need of care and protection in North-East India. It is limited to data and statistics highlighted by the Government. Academic discourse on research in this area is lacking and as such, objective review on the situations of children in need of care and protection is difficult. Nonetheless, there are few studies that capture the situation of children in North-East.

According to FORCES (2009), the infant mortality rate in the North-Eastern States except for Arunachal Pradesh and Assam is better than the national average. Mizoram, Manipur, Tripura and Sikkim are above the national average as far as basic vaccinations are concerned. Assam, Arunachal Pradesh and Nagaland are below the national average. As far as ICDS is concerned there is few evidence of success in North-East India with problems of corruption, staff constraints, improper supervision,

lack of proper infrastructure, training and low level of awareness among rural communities.

According to Yadav and Singh, there was little difference found between the proportion of male and female children in North-East region. This shows that gender discrimination is very less while a preference of sex of the child is concerned (In FORCES, 2009).

The average intake of nutrients among children in North East India is inadequate. Education at the higher level needs to be improved. Further, except for Manipur, Mizoram and Tripura which had no reports, crimes against children in the rest of the region include kidnapping, abduction, child rape, procurement of minor girls and child murder (NIPCCD, 2006).

Chakma,S. (2004) stated that continuous armed conflict in North East India creates negative impact on children. He states that '*Children are victims of torture, arbitrary killings, rape and other heinous abuses both by the security forces and the armed opposition groups*'. Further as a result of conflict induced internal displacement, children in North East India are deprived of their basic care and needs. Moreover, due to its geographical location, child sex work and trafficking of female children is also rampant in the region. According to Pinto,L.A. (2004), a large number of children run away from their homes to join the armed opposition groups in North East India because of the political dynamics of armed conflict in the region and the hope that their participation will bring change.

From the above research statistics and findings, we are able to understand the magnitude of the problem children are faced with in India and the need to formulate intervention plans and programmes to prevent the consequences of their vulnerability and weak physical features.

It is not known as to how such findings and concerns for children in need of care and protection will have an impact in Mizoram but it may be true to say that there will indeed be a presence of some similarities of the problems faced by children in need of care and protection.

2.4 Children in Mizoram

The information regarding children in need of care and protection in Mizoram is very much limited and there is little research conducted in the area. However, as little as it may be, some relevant information is available from folk and popular literature which portrays the nature and characteristics of how the Mizo people took care of the young and rehabilitated them in case the need arose.

Traditional Mizo society had within its institutions norms and rules of looking after its children. This is true if we were to study the Mizo Customary Law. Awia highlighted the laws and rules that indicate not only the care and protection of children but also their situations and status in traditional Mizo Society (Pachau, H.Z., 2012). Outlined below is a translation of the operative part of the Mizo Customary Law related to children by Pachau.

Chapter 2, Verse 19 shows that among those who need not take part in *Hnatlang* (Community Work) are boys below 15 years, widows, the infirm and the disabled. . According to Verse 31, if a child dies within three months from its birth, it is called *hlamzuih* and in such cases the community may not conduct the natural funeral procession. Verse 34, Clause 8 states that if a person(s) finds anyone including children who need protection and help, that/those person(s) must protect and help straight away.

Chapter 3, Verse 36, Clause 3 highlights that if any couple lives together forming a family without performing the rules of marriage, they are not considered as married even if they bear children.

Chapter 4 , Verse 80 states that if a widow who is the bread winner of the family has an affair with any man, it is still considered as having an extra marital affair. The late husband's family and her children can throw her out of the house. However, if the children decide that she stays, then she can stay. We also see in Verse 83 that if a husband leaves his wife and children because he wants to marry another, all assets that belong to him is transferred to his children. The mother will hold sole custody of the children. The case is same in case of abandonment (Verse 84). Further, Verse 91 shows that in case of divorce, custody of children belongs to the father. However, if a child has not attained 3 years of age, the child stays with the mother and

the father must not take the child. In such situation the father shall be the sole carer and supporter of the children. And, if the mother is willing to care for the youngest child, the child may stay with her. Other siblings may also stay with the mother through mutual consent. After they have attained majority, the children can decide with whom they want to live. Where ever the child maybe, decisions and responsibility regarding marriage of children shall remain with the father.

Chapter 6 contains a detailed account on the laws regarding child adoption. Verse 96 Clause 1 states that infertile couples can adopt a child. Clause 2 indicates that a destitute child can also be adopted. Lastly Clause 3 states that an orphan who has no one looking after him or her can be adopted. Verse 97, Clause 1 indicates that the adoptive parent' must be of sound mind and both have to agree to the adoption. In Clause 2, we see that the age gap of the adoptive parents and the child must be 21 years. Clause 3 states that if the parents of the child to be adopted are still alive, their consent is needed even if they do not live together. If only one parent is alive, his or her consent is also a must. However, if a parent is found to have abandoned the child, the available parent's consent is needed. Further, Clause 4 states that in case of an orphan, the guardian's or closest kin's consent is enough for adoption to be carried out. Verse 98 shows the form to be filled by both parties which includes the name, age, and signature/thumb impression of the child adopted the names, age, address and signatures of the adoptive parents and the biological parent/guardian/kin, the date of adoption and names and signatures of two witnesses and one legal community authority. Verse 99 states that any adopted child has the same rights as that of a natural born child. Lastly but not the least, Verse 100 contains the rules of confidentiality to be maintained regarding child adoption and the punishment and fines involved with it in case of breach of confidentiality.

Chapter 7 highlights the rules regarding guardianship of children. Verse 102 Clause 1 states that if the father dies, the mother shall be the sole legal guardian of the child/children on the grounds that she is of sound mind, honest, respected and worthy. If she is found not be fit on these terms she has no custody or guardianship of her child/children. Clause 3 indicates that in case of any 'heirship will' made by the father for the children before his death; the mother has no right to change the will. However, in Clause 4 we see that if any child leaves the family without the consent of the

mother, the child shall have no right of heirship. Clause 6 states the provisions of financial security for the children made by the father. However, the child for which insurance is made cannot move the security without the consent of the mother. This is in case the father dies. Verse 103, Clause 2, Sub Clause a to c highlights that in case a child/children is/are orphaned due to death of parents, the paternal grandparent(s) or the paternal uncle(s) can be made to look after and care for the children until they attain majority. And if they are not available, the maternal grandparent(s) or the maternal uncle(s) or paternal aunty or maternal aunty can be made to look after and care for the children until they attain majority. If these are unavailable, then the decision of guardianship is left to the legal authority of the community. Further if both the paternal and maternal grandmothers are married to another besides the real grandfathers of the child/children, they do not have rights of guardianship. Further, Verse 104 includes the responsibilities of guardians upon the children. Clause 1 Sub Clause a states that the guardian has the right to protect the child as far as his/her well being is concerned. Clause 1 Sub Clause b protects the child from any misuse of power by the guardian against the child. Lastly, Verse 105 states that the authority can change guardianship if the guardian is found unfit to look after the child/children.

Chapter 8 highlights the rules regarding cases of illegitimate children. James Dokhuma (1992) has given a clear description of this chapter about '*Sawn*' the case and problem of an illegitimate Mizo child. According to him, if the child is not wanted by his or her father but is accepted by the father as being his child, the child remains with the mother and the father pays '*Sawn Man*' or illegitimate child's price to the mother. If the father does not accept the child as his, the father does not do anything and the child remains fatherless and stays with her mother. The mother and the child suffer from social stigmatization. The child receives no love from anyone accept his or her mother. The child is mocked and is ill treated by the people of the community. However, in Verse 107 Clause 5, an illegitimate child is brought to the father so long as the child needs care.

Chapter 9 highlights the general rules against causing physical harm to another and such acts are punishable by law (Verse 123, Clause 1 to 3). Verse 125 states the rules against murder and that it is the gravest act of all and if one murders the other out of intent, the victim's family can take the life of the murderer. Verse 129 also

gives an account on how to deal with children fighting. If such case occurs, they should be stopped. If any physical harm occurs, the perpetrator's family has to pay half of the amount required for taking care of the injury. Further, strangely so, if adults interfere and help their child thus causing injury to the other child involved in the fight, the adults can be punished accordingly. In Verse 132 we also see that if a person is found ridiculing or teasing any other person at any place, he can be fined. Verse 135 states the rules against sexual abuse in a form of rape which also includes attempted rape. The perpetrator can be fined and if the perpetrator experiences any form of physical harm or injury, it will not be considered. Further, Verse 136 specifically highlights the rules against child sexual abuse and any person found to indulge in such activity can be punished by law.

Lalrinchhana, H.T.C. (2002) in his book states that, in traditional Mizo society, the girl child was given the responsibility to tend to the household chores, weaving and carrying the fire wood. The boy was also given the responsibility to collect the firewoods, go fishing and go hunting and to learn the social life, culture and tradition. The Mizos have a festival celebrated for the children called '*Pawl Kut*' to show their love and concern for the children

In contrast to the above rules for the care and protection of children in traditional Mizo society, there are evidences in other literature that show otherwise. The Mizo mythical story of *Liandova te unau* (Liandova and his brother) highlights the deplorable conditions of children of widows in traditional Mizo society. According to this, Liandova and his brother whose widowed mother abandoned them after marrying another man lived alone hungry in their small house. They suffered from poverty and social stigmatization. Another mythical story of *Fiara Tui* also highlights similar information. In this story Fiara was the son of a widow and both son and mother were stigmatized by the society.

Thankima (1997) wrote about the problems faced by orphans, destitute and abandoned children in Mizoram. To portray the need to rehabilitate children in need of care and protection, he wrote about a boy whose mother abandoned him and later on the boy was orphaned as a result of his father and grandfather's death. He remained under the custody of his uncle where he was treated as a servant.

According to Lalramliana, Rev. (2004), traditional Mizo society had little knowledge about child care. Children were threatened and ridiculed by adults much to their disgrace and would prefer being with their friends rather than their adult family members. Besides this, children were not allowed to be with adults. They were perceived as being noisy and ordered to go away from their company. As such, they spent little time with the family except when it was time to sleep. Children spent their entire days with their friends. Peer group, therefore, was the main agent of socialisation for them. They were made to collect firewood for the bachelors and were taught the norms of society by the bachelors at *Zawlbuk* at night. The girl child was made to do the household chores such as carrying water, looking after babies cooking, grinding, weaving and sewing. A female Mizo girl spent more time at home than the male. However, in times of community feast, '*zulawm*' liquor made for children and food referred to as '*sabebuh*' were specifically made for children. One festival called '*Pawl Kut*' was celebrated on behalf of children. The adults would take the male children to hunting and teach them to cook, carry water and wake up early in the morning. After tilling the land, the children who helped would be given '*thihrin zu*' one type of liquor meant for children. Children were also taught to respect their elders. In his study he wrote that Christianity paved the way for caring and teaching children. Families were oriented about the importance of children and became an important agent of socialization for children.

According to Lalrimawia (1995), Mizo children got their education at home and in the bachelor's dormitory *Zawlbuk* from the elders. They passed on their knowledge to others. When schools were first established by the Missionaries in the end of the 19th century in Mizoram, parents gave little importance. The children were however willing to attend schools, but were prevented by their parents because they felt that children were more useful in the agricultural cultivation and household chores.

Lalbiaknema, C. (2000) highlighted the recreational activities of traditional Mizo children. There were specific activities meant for boys and girls and each had their unique local concepts for recreation. For the boys the activities included '*inhnok*' (Banging each other with either leg folded with the help of the hand), '*kaihbu*' (Spinning top), '*kalchet*' (walking with bamboo stick), climbing on

bamboos, taking fire torch to the jungle and the one who goes deepest wins, '*selem chaih*', '*inkhawhkar*' and '*inchirhtheh*' (Playing with mud). For the girls the activities included '*inkawibah*', '*invailungthlar*', '*inkawlvawr*', '*inbuhvawr*' and '*pawnto*' (Play).

According to Lalrinawma, Rev.VS. (2005), in traditional society, the married life of a Mizo couple was hardly a happy one. The husband showed little care and concern to the wife. The best time for family sharing was during mealtime. Children were not given much importance in the family. Parents were not home much of the time and children therefore grew without proper parental care and concern. The disabled, however, were kept at home and looked after by the family members.

However, family members had a deep sense of duty towards other members of their family. Family served as an important economic unit and there was a clear-cut division of labour between male and female right from childhood. In this process, family was the centre of learning, vocational and religious training for the children because education was linked with the activities of the family. It also acted as a centre of health. He also goes on to say that a female child was regarded as a kind of precious family property which would fetch a *good price (Bride Price which is exchanged at the time of marriage)*. Even today, the birth of a girl child is hailed with the same joy as that of the male child.

In a study conducted by Fambawl, J.R. (2005), the Mizo children in the past never occupied much importance. They were compared to dogs not fit to be inside the house. They were either scorned off by adults to go outside or mocked at with sarcastic words.

According to Lalkima, C. (1997), the ancient social institutions such as the family, religious institutions community curtailed to the social problems in the past. The Mizos have a deep sense of duty towards others especially to their kith and kin. Disabled and handicapped persons are taken care of by their relatives. The institution of *Zawlbuk* categorizes specifically the roles of children (boys) and portrays how they were treated. According to the study, 'young boys of the village were given the responsibility of collecting firewood for burning in the night. A boy would continue to collect firewood till he attained the age of puberty. This was the first step to social

control over the young lads and through it, the young lads were taught the importance of social control or community obligation'. It served, according to the author, as a good system of disciplining the young boys of the village. If a boy failed to bring a bunch of firewood to *Zawlbuk* for a day without prior permission of the monitor, he was liable to receive punishment. There was a peculiar method of initiation to adulthood. The monitor so appointed by the youth leader would pull out one hair from his genitals. If it was long enough to be tied around the stem of a bamboo pipe, used for smoking by the men folk, then only will the boy be classed as an adult called *Tlangval*. He would be exempted from the duty of collecting firewood and join the adult group. Therefore, in a semi-primitive Mizo society, the male child soon after he passed the accepted age of infancy became an inmate of *Zawlbuk* and not his parent's house. The priority claim on him would first go to society and not his parents'. This reflects Aries study that children mingled with adults as soon as that was physically possible. They spent much of their time in both work and play (Gupta, M., 2001).

Children were often stated as one that could be easily conceived again without much difficulty when circumstances of death of a child arise to console the parent(s) of the dead child (Lalrinchhana, H.T.C.2002).

In the line of education, the present scenario is that Mizoram hold the second highest literacy rate in India and among the Districts, Aizawl constitutes the highest percentage (96.5%) of literacy. The reason for this development includes proactive and positive role played by religious institutions and civil society organizations, homogeneity of the society and successful government intervention (SSA, 2005).

GOI (2002) reports that there are 340,163 children in Mizoram. In other words, children constitute 38.17 percent of the total population and yet there are innumerable problems faced by them. Considering the fact that children constitute over a third of the population it remains an undeniable fact that children in this state require the greatest attention. Although the IMR in the state according to the 2001 census, is 68/1000(lower than the national average), mildly malnourished children (45.95/1000) in the state are higher than the national average. The severe (1.42/1000) and moderately (16.41/1000) malnourished children in the state however are lower than the national average.

An annual report compiled by SSA, Aizawl District, 2005-2006 shows that the total number of children below 14 years not going to school in Aizawl District is 226 out of which 106 are males and 120 are females. The reasons of dropping out include lack of interest, household work, and migration, earning compulsion, failure and socio-cultural reasons. Other problems faced by SSA, Aizawl District includes lack of qualified personnel, inadequate allocation of fund, lack of basic infrastructure, lack of proper convergence and linkages, ignorance and lack of interest, class structure of schools, inadequate state budget, absence of training institutes for officers, understaffing of teachers, in rural areas, expensive text books, growth of private schools, inadequate pre-school facilities and too much interference from civil society organizations (SSA, 2005).

Pachau, H.Z. (2012) has compiled data from the Social Welfare Department, Government of Mizoram from 2003 to 2006 from the entire Children's Homes i.e 22 in Mizoram. It indicated that the number of children admitted to children's homes increased yearly. He also highlights the cases reported to the Child Welfare Committee in Aizawl received by them from September 2005 to January 2012 and shows the prevalence of child abuse in Mizoram.

According to ILO (2007) the number of working children between the age 5-14 years has been increasing. In 1981 Census, there were 6314 working children and in 1991 Census working children accounted for 16411 increasing further to 26265 in 2001 Census. The State/UT with the highest share of workers aged 5-14 years in the total population of the State/UT was Mizoram (12.34 per cent).

According to the study on Child Abuse in India conducted by the Ministry of Women and Child Development, Government of India (2007), 84.64 per cent of the children interviewed in Mizoram reported physical abuse in one or more occasions out of which 35 per cent of them belonged to 15-18 age group and 33.83 per cent of them belonged to 5-12 age group. 61.97 per cent of boys and 38.03 per cent of girls reported that they were physically abused in the family environment; 90.86 per cent of the children have experienced corporal punishment in schools and 85.71 per cent of boys and 14.29 per cent of girls interviewed has experienced physical abuse in the homes i.e. children homes. As for sexual abuse, 16.20 per cent of the children interviewed have reported as having experienced one or more form of sexual abuse

out of which 59.96 per cent of them are boys and 40.04 per cent of them are girls. According to the study, Mizoram has also the highest in forceful kissing, with as many as 86.18 per cent of its female children having been subjected to this abuse. Teenage girls were also very vulnerable to sexual advances during travel situation, with 57.58 per cent, the highest in India. In sexual advances during marriage situation and exposing children to pornographic materials, Mizoram was also at the top. Further, 33.23 per cent of the children interviewed in Mizoram have experienced one or more form of emotional abuse out of which 44.03 per cent are boys and 55.97 are girls. And lastly, 78.87 per cent of girl child in Mizoram has experienced neglect.

According to Rohmingmawii (2012), in her study on 'Child Sexual Abuse in Mizoram', children between the age of 6 -12 years constitute the highest number of being sexually abused. Majority of the victims of abuse are girls and 90 per cent of the children know the person who abused them. She also found that a child experiencing abuse is likely to experience again either from the same or a different perpetrator. Further, she found that the victims of child abuse do not forget or forgive the abuser. They suffer from mental illness which affects their lives tremendously. Another important finding is that the victims do not go to court as a result of threat and poverty. Her study also highlights that the highest number of perpetrators belong to the age group 19-25 years and most of them belong to poor families.

Further, Pachuau has highlighted a study conducted by Human Rights and Law Network in 27 children's home which revealed a rising trend of children admitted in children's homes. It was found that out of the total sample collected, 61 children were found to have been emotionally abused, 75 physically abused, 19 sexually abused, 70 cases of differently abled, 199 cases with health problem, 61 children with emotional or psychological problem and 7 HIV/AIDS patients. Parents of 379 children were divorced, parents deserted 126 children, 96 children were abused by their family or parents or care givers and 273 children had parents who were alcoholics (In Pachuau, H.Z.,2012).

According to Human Rights and Law Network (2008), the facilities provided to children in need of care and protection in institutions is satisfactory, however health services within the homes need to be improved. Counseling services is non-existent where no professional social workers were found in any of the homes studied.

Counseling was restricted to spiritual or religious counseling. Though there times allotted for visits by parents or relatives, a very few parents/relatives found interest at all in restoring their children. The study also found that the reasons for admission were mainly due to poverty, marital breakdown and substance abuse. It was also found that restoration or reintegration for many of the children was possible, there was little scope for this because laws and rights pertaining to children in Mizoram is not understood fully by the home authorities who rely almost solely on religious or spiritual power. However, there were three homes that provided opportunities for adoption and foster care.

From the above literature, we see that though there are few historical evidence about the care and protection of children in Mizoram, there is little data on children in need of care and protection in Mizoram. Majority of them are statistics collected by the Government. Further, we find research gaps specifically on children in need of care and protection within communities. A comparative analysis on Gender is also non-existent. Therefore, this thesis will attempt to fill this gap to act as an important resource for policy makers and bring out suitable strategies for social work intervention in the area of child protection in Mizoram.