

Rights of Children Affected by Communal Violence in Assam (India)

Indranee Phookan Borooh* and Jerina Begum**

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* Dr. Indranee Phookan Borooh, Department of Psychology, Gauhati University, Assam, India.
Email: indraneephookanb@yahoo.com

** Dr. Jerina Begum, GFATM R7 Counselling Component, SSR-Gauhati University, Department of Psychology, Gauhati University, Assam, India. Email: jerinaguw@gmail.com

Abstract

Assam, a state in North East India, shares borders with the Islamic country of Bangladesh. Intrusion of Bangladeshi citizens into the state is a long standing reality which has often lead to armed conflict between communities comprising of ethnic residents of the state and the illegal migrants. Since there is no way of identifying whether the migrants are bona fide citizens of the country, settled long ago in the state, or illegal migrants who have no legal standing in the country, the conflicts which occur are often labelled as communal violence among the ethnic group involved and “Muslim Minority”.

In July, 2012, violence erupted in the Bodo Territorial Autonomous District (BTAD) of Assam, between the Bodo community and the migrant minority/Muslim minority community. This left a large number of people, including children, of both communities homeless and destitute. The Government of Assam then set up numerous camps for these victims of violence spreading across the BTAD area.

In the beginning of October, 2012, this study on the rights of children affected by communal violence in the BTAD area was undertaken. A case approach was followed, in which two Bodo camps and two Muslim Minority camps were visited. Interview schedules were prepared for the camp in-charge, parents, children and other camp inmates. Information was also gathered from the police officials of the respective areas.

The information gathered was analyzed using non-parametric methods considering data such as frequencies and percentages. Observation of the inmates by researchers also contributed impelling evidence on child rights violations.

It was concluded that there was gross child rights violation not only in the violence experienced by the children as spectators, leading to mental health issues, but

the children and adolescents were also deprived of basic rights such as food and nutrition, education, health care and privacy, etc. 'Parentification' of children was also observed.

These violations are likely to have long term effects on the children and eventually the community. However, the Government was not seen to be making serious effort in rehabilitation and normalizing the situation till the time of the study.

Key words: Bodo, Muslim Minority, Communal Conflict, Child Rights

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INTRODUCTION

Assam, a state in North East India, share borders with the Islamic country of Bangladesh. Intrusion of Bangladeshi citizens into the state is a long standing reality which has often lead to armed conflict between communities comprising of ethnic residents of the state and the illegal migrants.

Kokrajhar is a district of The Bodoland Territorial Council (BTC) under the Bodo Territorial Autonomous District (BTAD). The BTC was formed under the Sixth Schedule of the Constitution following a peace agreement between the Central Government, Assam Government and the BTC, after years of struggle marked by widespread violence.

In recent years, in the area of Kokrajhar, there has been fierce fighting between the local tribal people, the Bodo, and immigrant land owners or the non Bodos. Conflict over land between the two communities has often led to violence in Kokrajhar.

The Bodo-inhabited Kokrajhar district in western Assam was tense from early July, 2012, when two Bengali-speaking Muslim men were found murdered. Two more were killed on 19th July. The next day, four former cadres of the Bodo Liberation Tigers were found dead in a Muslim-majority village in the district. No one knows who killed them, but anti-Muslim attacks spread quickly, killing over 60 people. Taking advantage of the situation, some fundamentalist forces turned it into propaganda against Bangladeshi immigrants. In the ensuing chaos, several villages inhabited by both the Bodo and Muslims were burnt down, killing many and some 400,000 people were displaced to refugee camps in Kokrajhar, Chirang and Dhubri districts.

Asia News reported that the violence started during the night between 21st and 22nd July, 2010, when unidentified armed men killed four young Bodo tribesmen from Kokrajhar. According to the first investigations by the police, some tribesmen attacked

some Muslims, in revenge, suspecting that they were responsible for killing the Bodo men. Then the violence escalated with various groups setting fire to cars, houses and schools, and firing into dense crowds. Between 22nd and 23rd July the disorders spread, also reaching the district of Chirang. At the last count over 50 had been killed and 170,000 people – including tribals and land owners – had fled from the villages.

Such ethnic conflicts are not new in the Bodo territory of Assam. In the 1990s, while signing an accord with the Bodo militant outfit to create the Bodo Territorial Autonomous District, the Government of Assam excluded from the BTAD over 1000 villages where the Bodo were not a majority. Efforts to ‘create’ Bodo majorities in those areas resulted in attacks on Bengali-speaking Muslims in 1993, on Bengali-speaking Hindus in 1995, and on ethnic Santhals in 1996. As a result, around 350,000 people were internally displaced and hundreds of people killed.

While the non-Bodos complain that the tribal population is a minority in the Bodoland Territorial Areas District (BTAD), the Bodos say immigrants continue to enter the BTAD area and settle down on tribal land. Although “criminal activities” have been the trigger for the riots, which broke out on 22nd, 23rd July, 2012, tension had been brewing for many days.

Bodo leaders do not accept that the demographic structure of BTAD has anything to do with communal violence. The BTC was formed to protect the rights of Bodos who are the largest tribal group in Assam, they argue, and the council does not discriminate against non-Bodos. Leaders of the minority community said sporadic attacks on Muslims had taken place recently, which had spurred them into “self-defence”. The Bodo leaders, however, said they were being blamed for activities of criminals.

All the schools and universities remained closed for 2 months from the day when violence began as people from both the communities fled from their homes for refuge in the camps set up the government.

Status of children in India

The UNICEF (2005) report on the state of the world's children under the title "Childhood Under Threat", speaking about India, states that millions of Indian children are equally deprived of their rights to survival, health, nutrition, education and safe drinking water. It is reported that 63 per cent of them go to bed hungry and 53 per cent suffer from chronic malnutrition.

The report says that 147 million children live in 'kuccha' houses, 77 million do not use drinking water from a tap, 85 million are not being immunized, 27 million are severely underweight and 33 million have never been to school. It estimates that 72 million children in India between 5 and 14 years do not have access to basic education. A girl child is the worst victim as she is often neglected and is discriminated against because of the preference for a boy child.

Status of children in Assam

Infant Mortality rate (58%) for Assam is high in comparison to national level (47%). But, female child sex ratio (957) in the state is higher than the national level (914) as per 2011 census. As per NFHS-III, an estimated 35.8% of 0-3 year old children in Assam are underweight (low weight for age); with strong rural (36.7) urban (27.9) differences. The all India data from the NFHS-III shows that percentage of underweight children is 40.4 percent and the corresponding rural and urban figures are 43.7 percent and 30.1 percent respectively while 67.8 55.8 % Adolescent Girls (15-19 years) are anaemic which is higher than the national level (58.8%) [Source: NFHS-2005-2006].

Although the available statistics indicate that the state is relatively better off compared to the all India level, it is still a matter of concern since more than one-third of Assam's young children remain vulnerable.

Child Rights

Child occupies a unique status in our society. As minor, they are vulnerable and in need of safeguards to ensure their protection.

In order to ensure child rights practices and in response to India's commitment to UN declaration to this effect, the government of India set up a National Commission for Protection of Child Rights. The Commission is a statutory body notified under an Act of the Parliament on December 29, 2006. Besides the chairperson, it will have six members from the fields of child health, education, childcare and development, juvenile justice, children with disabilities, elimination of child labour, child psychology or sociology and laws relating to children.

The Commission is to ensure proper enforcement of child rights and effective implementation of laws and programmes relating to children, enquiring into complaints to take *suo motu* cognizance of matters relating to deprivation of child rights; non-implementation of laws providing for protection and development of children and non-compliance of policy decisions, guidelines or instructions aimed at their welfare and announcing relief for children and issuing remedial measures to the state governments.

Child Rights Articles & Preamble 1989

The Convention on the Rights of the Child defines basic rights of children covering multiple needs and issues. India endorsed it on December 11, 1992.

According to the article-1 of CRC, for the purpose of the present convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, maturity is attained earlier. Few articles are as follows:

The right to Education: In article 28, it is mentioned that:

- (a) Make primary education compulsory and available free to all.
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Right to Life: As per Article 6, States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Special protection and assistance to Orphan: Article 20 state that:

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Right to Health: Article 24 explain that

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of

child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

Right to Rest and Leisure: Article 31,

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Right to be protected from economic exploitation: Article 32 indicate that

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Right to protect children from the illicit use of narcotic drugs and psychotropic substances:

In Article 33, it has been discussed that Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Right to Privacy: Article 16 states that

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Given that every State in the country is bound by law to protect the rights of the child and the gruesome ethnic violence reported in the Bodo areas in July 2012, in Assam, the present research was envisaged to study the child rights violation in children affected by ethnic violence.

METHOD

The present study was undertaken to study the rights of children affected by communal violence in Assam. The rights of children in relief camps in three districts, namely Kokrajhar, Chirang and Dhubri, in relation to education, health, play, leisure,

right to protection of children from the illicit use of narcotic drugs and psychotropic substances, right to be protected from economic exploitation were investigated in this study.

A case approach was followed, in which two Bodo camps and two Muslim minority camps from three districts were visited. Interview schedule was prepared for the camp-in-charge, parents, children and other camp inmates. Information was also gathered from the police officials of the respective areas.

Objectives

The objectives of this study were as follows:

- 1.To investigate whether the rights of children were affected by communal violence in the BTAD area of Assam.
- 2.To investigate whether the right to education, health, play, leisure, right to be protected from economic exploitation were violated in the children affected by communal violence in the BTAD area of Assam.

Ethics

Ethics followed during this study are as given below.

- Researchers visited the camp for study only after 3 months of the incidence.
- Researchers sought permission from the district authority i.e. police, for visiting the camp.
- Researchers asked for prior permission from In charge of camps to interact with the inmates and asked permission from inmates to enter and observed their living quarters.
- Data released now, after one year.

Camps visited

Researchers had visited 4 camps in Chirang and Kokrajhar District:

1. **Koila Moila Bodo Camp** - Population-296, Household -54, Children-79 (aprox).

Located near Koila Moila Scool. At first the camp was in the school. After one month the inmates were distributed in different government buildings like community hall, panchayat office, etc. In each of the camps 3-5 families used to stay in one room and in one camp 10-11 households were living together. They were sleeping on the floor. No privacy was there. However, children of this camp were going to nearby Primary and High schools.

2. **Hibrubari Bodo Camp** - Population-475, Household-144, Children-131 (aprox).

The camp is in the Government Nursing Training Institute. The Building is three storied and newly constructed. Inmates are Bodo. Only 699 inmates were there. Total 144 households were there with 48 adolescent girls, 61 minor children, 12 babies, and 5 pregnant mothers. Female inmates were living together in 2nd and 3rd floors. All males were staying on the ground floor and also out the open at night. In day time the male inmates, including adolescent boys, used to go outside for labour work. Here running water facility was there. Environment was very neat and clean. All inmates prepared their food together.

The NGO, Catholic Relief Service (CRS) had provided one 'dakhana' (Bodo female traditional dress) per women. Government (BTAC) were providing 3 kg rice/per person for 3 days, 200 gm mastered oil/household/day. Utensils were not provided by the government in this camp. CRS had provided one plastic mat, one big bucket and

mosquito net. Rest of the necessary household things were managed by inmates themselves somehow.

For minor children education was managed within the camp. Inmates who were teachers by profession were teaching the children within the camp by setting up temporary class rooms with desks and benches. But students of higher classes were not availing the education facilities nearby, for fear of Muslim minority people, as they were required to travel for 5kms through Muslim areas to get to the regular schools.

3. **Amguri Muslim minority Camp** - Population-4261, Household-945, Children-561 (aprox). The camp is located in Amguri High School, Bijni, in the midst of Boro area. The inmates are of minority Muslim community. As related to the researchers by the inmates, the inmates had come to this camp on 23rd, 24th and 25th July from Nayanpur, Patalmari, Nepalpara, Rajpara, Pashim Amguri, Pub Amguri, Lakhipur gaon, Kalia gaon, Bhabanipur, Gomar gaon. All these villages are under the BTAD area. While travelling from their villages to Bijni area 5 persons were killed by Bodo people and one was missing. The families of the dead were getting government aid of Rupees one lakh as a onetime compensation for loss.

4. **Lakhiganj Muslim minority Camp** - Population-4875, Household -473, Children-2365 (aprox). This was a very big camp. The camp covered three schools - Lakhiganj Higher Secondary, Lakhiganj High School and L.P School. The environment was very pathetic and horrible.

Sample

The sample consisted of 30 individuals from every camp, including 10 each of children, parents and other inmates of the particular camp. The sample distribution is shown in table 1.

Table1. Distribution of Respondents of the Four Camps Studied

Respondents Camp Name	Children	Parents	Other Inmates	Total
Koila Moila (Chirang)- Bodo Camp	10	10	10	30
Amguri H.S. School (Chirang)- Minority Camp	10	10	10	30
Nursing Institute (Kokrajhar)- Boro Camp	10	10	10	30
Lakhiganj HS School(Kokrajhar) -Minority Camp	10	10	10	30
Total: 4 camps	40	40	40	120

Analysis

The gathered information was analyzed using non parametric methods considering data as frequencies and percentage followed by graphic representation.

RESULTS

The responses of selected items of the data sheet were analysed by using the test of independence, Chi Square. The test was applied to find out if the child rights including education, health, living condition, nutrition of the children, involvement in labour, and

privacy showed any significant differences in the perceptions of the children, parents and other adult inmates.

Table 2. Chi Square values in terms of Education, Health, Nutrition, Living Condition, Labour and Privacy Rights of the Children in camps.

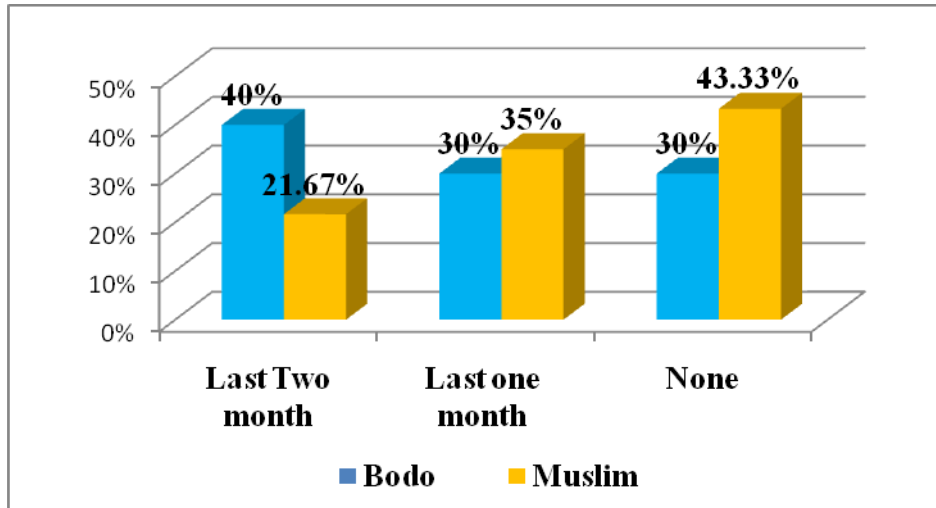
S.N.	Child Rights	Chi Square Values
1	Education	22.24*
2	Health	24.66 *
3	Nutrition	2.33
4	Living Condition	0.77
5	Labour	2.98
6	Privacy	0.78

*significant at $p > 0.01$

Child Rights and Education

Result shows that the value of chi square (22.24 at df 2) is significant regarding educational facilities of the four camps of both communities at .01 level.

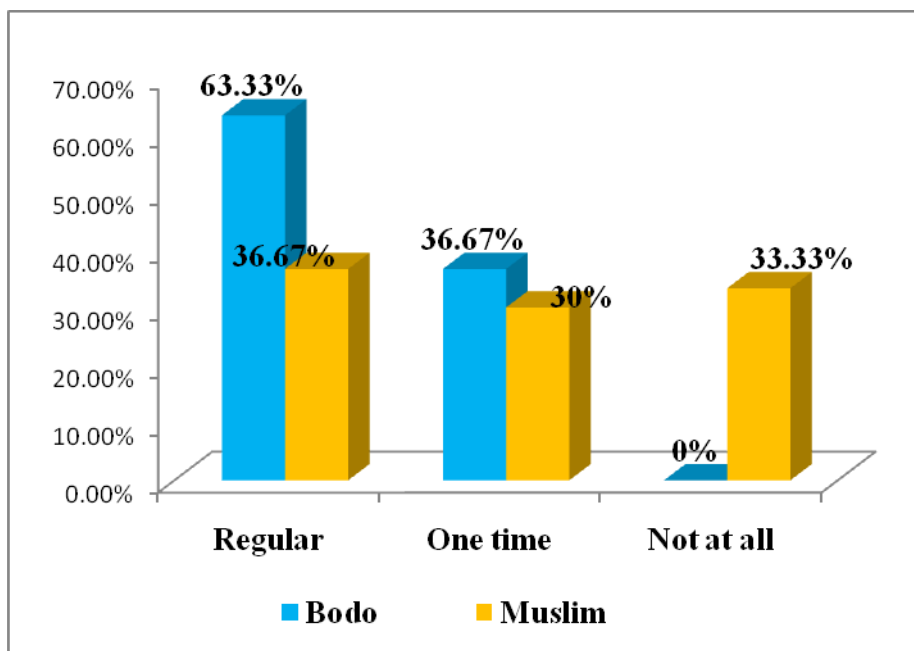
Figure1. Bar Chart showing the percentage of responses of Bodo and Muslim Communities regarding availability of Education Facilities



Child Rights and Health

Result shows that the value of chi square (24.66) is significant regarding health facilities of the four Camps of both communities at .01 level.

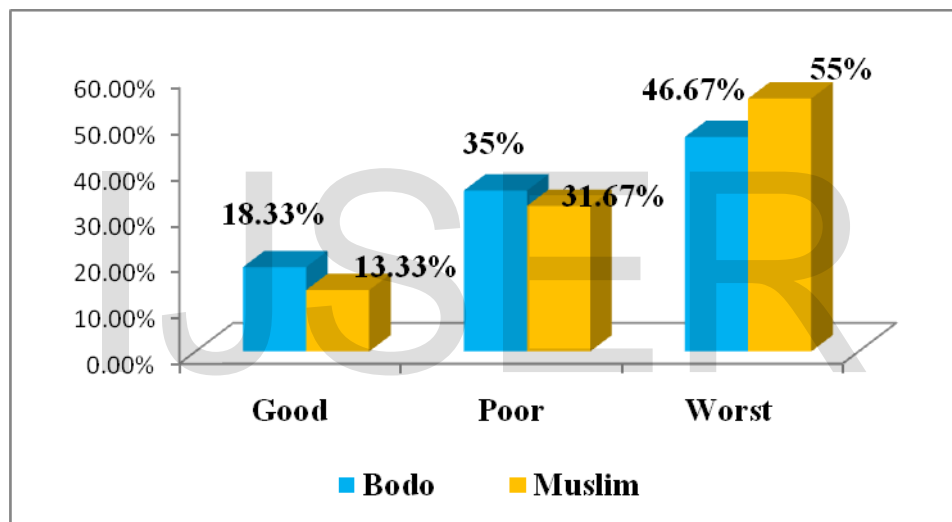
Figure 2. Bar Chart showing the percentage of Bodo and Muslim Communities availing Health Services



Child Rights and Living condition in Four Camps

Result shows that the value of chi square (0.77) is not significant regarding living facilities of the four Camps of both communities at .01 level and .05 level.

Figure 3. Bar Chart showing the percentage of responses on Living Conditions of Bodo and Muslim Communities



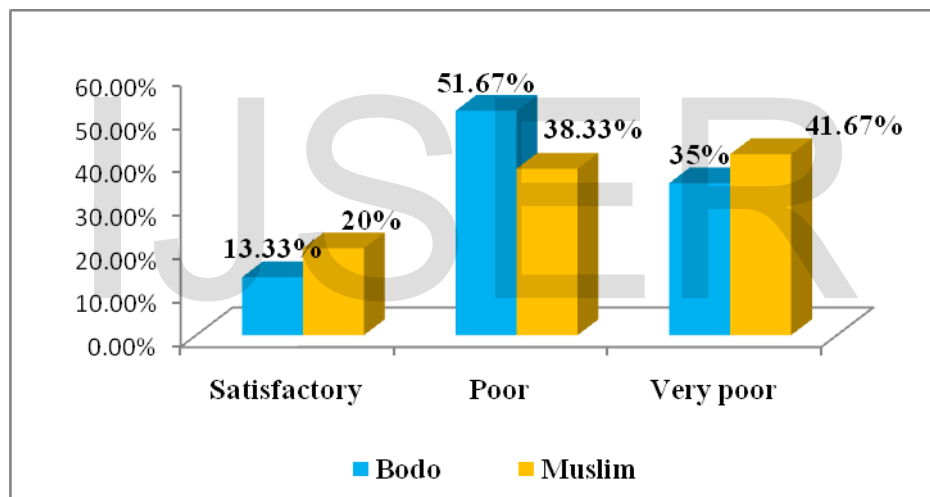
However, the researchers had observed that in Amguri camp, total population was 4,261. The total numbers of children were 561; of which male children were 261 and female 300. The total numbers of households were 945. In one room 3-10 families were living together. Some of them were using the desks of the schools as beds. People had carried their necessary household things along with them and were either using them or storing them in the rooms. There was no privacy for the families. Children were lying on the floor and hygiene was not being maintained by the people. The school buildings were surrounded by stagnant dirty water which was a potential source of bacteria and infections.

Environment of Lakhiganj camp was very dirty and horrible. In one school hall (size-20x16 ft) more than 100 people were living. They were sleeping on the floor and 10-12 families cooked their food in the same room separately.

Child Rights and Food & Nutrition

Result shows that the value of chi square (2.84) is not significant regarding food and nutrition facilities of the four Camps of both communities at .01 level and at .05 level.

Figure 4. Bar Chart showing the percentage of responses on Food and Nutrition of Bodo and Muslim Communities

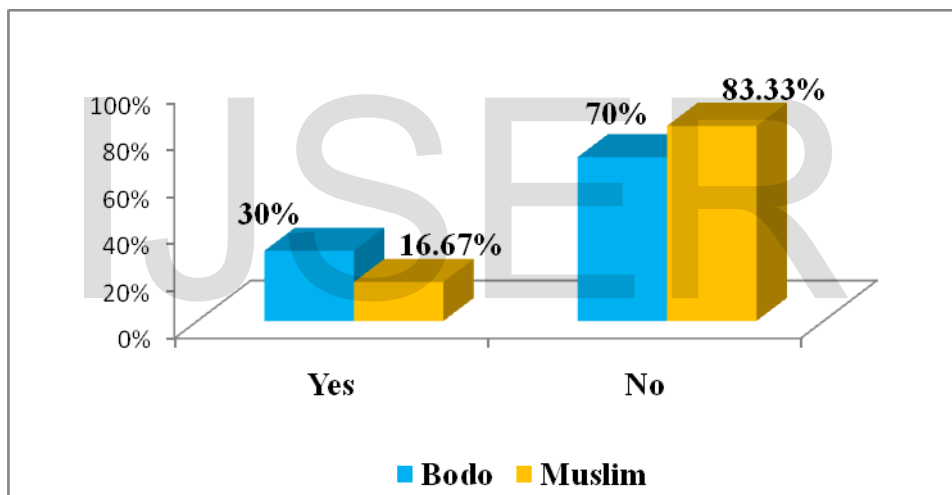


Observations of researchers were that overall food and nutrition services supplied by the Government were not sufficient. In both the Bodo Camps Government (BTAC) was providing 3 kg rice/per person for 3 days, 200 gm mustared Oil /household/day. In both the minority Muslim camps, Assam Government was providing 1 kg rice/per person for 1 week, 200 gm mustard oil/household/week. A 200 gm milk powder packet per household was also supplied once.

Child Rights and Involvement of Children as Labour

Result shows that the value of chi square (2.98) is not significant regarding involvement of child as labour of the four Camps of both communities at both .01 level and .05 level. But researchers have observed that instead of going for play and going to school the children were busy with household work. Some also used to go outside for earning money for livelihood of their families.

Figure 5. Bar Chart showing the percentage of responses on Children as Labour of Bodo and Muslim Communities

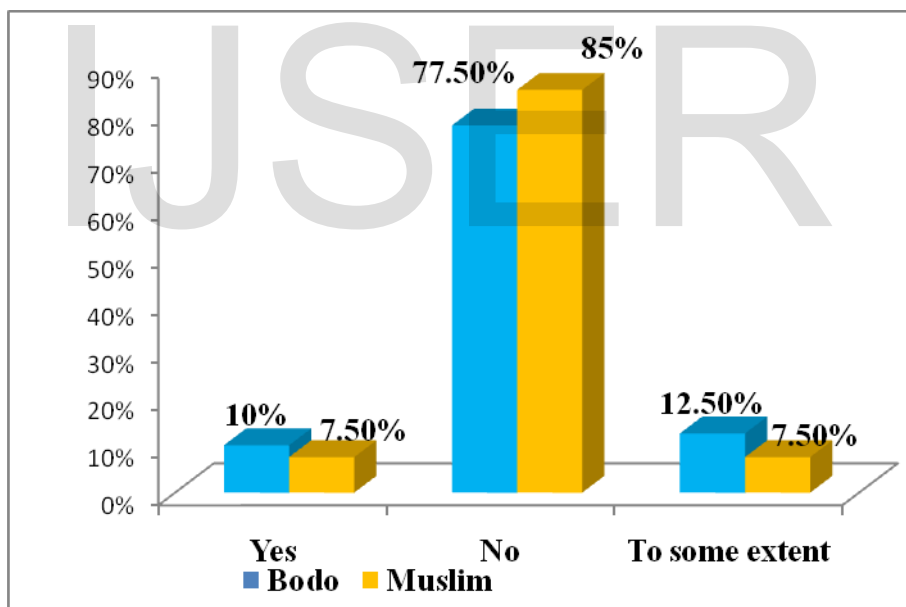


Some young children had collected wild edible plants and fish from areas outside but close to the camps. It was also observed that young children were looking after younger siblings, washing dishes, building mud stoves, cleaning floors etc. which signified ‘parentification’ of the child and abuse of child rights.

Child Rights and Privacy among Adolescents

Result shows that the value of chi square (0.78) is not significant regarding privacy among adolescents of the four Camps of both communities at .01 level and .05 level. Privacy of the children in 4 camps is not adequate. Children from both camps shared that they are not getting privacy in the camp. In one camp inmates have to live with in-laws, children, family of friends, etc. So, privacy maintenance has raised a big challenge for them. Many adolescent were seen washing themselves in the open, within the sight of all inmates.

Figure 6. Bar Chart showing the percentage of responses on Privacy of Bodo and Muslim Communities



CONCLUSION

- ❖ In conclusion it may be stated that rights of the children are affected by the community violence with regards to education, health, food and nutrition, right to privacy.

- ❖ Comparatively, Bodo children are getting more facilities than Muslim minority children with regards to education and health facilities.
- ❖ As per observation of researchers the living condition of Bodo camps is little better than Muslim minority camps. In Muslim minority camps they are living in unhygienic conditions. All children are very much prone to infections and vulnerable to communicable diseases.
- ❖ The Bodo Territorial Autonomous District (BTAD) has seen incidences of violence at almost regular intervals. The population on whom the impact of this violence is most intense is on the children of the various communities living in that area.
- ❖ The repercussions of violence in one part of the State (Assam) spreads to other places as the affected people migrate to these places in search of a livelihood. Because of this Guwahati city too has seen a rise in crimes, trafficking, immoral activities, etc.
- ❖ If children are exposed to violence then they are likely to lose their trust/faith on humans. That may affect society adversely. As a result of the deterioration in all aspects of human life, and children's wellbeing in particular, the future health and wellbeing of society as a whole is bound to suffer.

SUGESSTIONS

- ❖ Children are the future of the state. Their rights should be protected by the Government whether they are in camps or outside in their residences.
- ❖ Government has considered the nutrition requirements for children as similar to the adult and provided all inmates with the same rations. Government should

provide the child inmates of the camps with some special privileges such as more food items, health services etc.

- ❖ Government agencies at district level have to be more alert for protecting the rights of the child and may ensure that interests of the child are considered especially when provisions are provided in the camp. They also need to be proactive on matters of rehabilitation.

LIMITATIONS

- ❖ Researchers visited only four camps.
- ❖ Observations are required to be for a longer period to get in-depth information.
- ❖ Psychological tests were not administered as it was too close in time to the violent incidents. They may be administered at a later time to assess mental health implications of relocation and rehabilitation on the children, apart from the impact of violence on them.

Thus, while the short study and observations of the researchers have put forward a dismal situation of child rights violation in children affected by communal violence, a longitudinal study of the effects of these violations would probably prove more meaningful in addressing child rights violations and their repercussions.

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