

Safeguarding the Future: A Comprehensive Analysis of Exploitation and Rights Violations Among Orphaned Children in India

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Abstract-Orphaned children in India encounter a plethora of challenges spanning physical, psychological, and emotional realms, alongside heightened vulnerability to diseases such as HIV/AIDS. This paper synthesizes findings from various studies and analyses conducted by researchers like Ravneet Kaur, Bhavya Jain, Kimiyo Kikuchi, SG Prem Kumar, Panchali Datta, Santhosh B Sajjan, Bhupendra K Verma, Prasanna Kapavarapu, and Krishna Patel, shedding light on the multifaceted issues surrounding the exploitation and rights violations among orphaned children in India. These studies reveal the prevalence of behavioral and emotional problems among institutionalized orphans, underscore gaps in India's legal and policy frameworks for child protection, and emphasize the urgent need for interventions targeting orphaned children's healthcare needs, including mental health support. Additionally, the studies highlight concerning trends such as the rising prevalence of indoor tobacco smoke exposure among orphaned children and the high rates of malnutrition and anemia among HIV-infected orphaned children. Through a comprehensive analysis, this paper aims to deepen understanding and spur action to safeguard the future of orphaned children in India.

INTRODUCTION

The plight of orphaned children in India is a matter of grave concern, as they grapple with a myriad of challenges that threaten their well-being and hinder their development. This introduction contextualizes the issue by summarising the findings from various studies conducted on orphaned children in India. The studies reveal alarming rates of behavioral and emotional problems among institutionalized orphans, underscore gaps in India's legal and policy frameworks for child protection, and highlight the urgent need for interventions targeting orphaned children's healthcare needs, including mental health support. Additionally,

concerning trends such as the rising prevalence of indoor tobacco smoke exposure among orphaned children and the high rates of malnutrition and anemia among HIV-infected orphaned children are discussed. These findings underscore the urgent need for comprehensive interventions to safeguard the rights and well-being of orphaned children in India.

Exploitation and Psychological Challenges

(i)Orphaned Children's Psychological Well-being

Orphaned children in India face a myriad of challenges, including psychological and emotional problems, malnutrition, and vulnerability to diseases such as HIV/AIDS. Ravneet Kaur conducted a study on orphans and the other vulnerable children and adolescents (OVCA) living in institutional homes are more prone to behavioral and emotional problems than others as they are deprived of a family's love and care. There is a dearth of studies focusing on the psychological health of these children in India. Hence, we have conducted a cross-sectional descriptive study to explore the behavioral and emotional problems in these institutionalized children. The sample consisted of 292 orphans and OVCA in institutional homes of Visakhapatnam city. The sociodemographic data were collected using a semi-structured questionnaire. The Strengths and Difficulties Questionnaire (SDQ) with impact supplement was used to assess the behavioral and emotional problems in them. highlighted the dearth of studies focusing on the psychological health of these children in India, emphasizing the need for interventions targeting orphaned children.

(ii)Bhavya Jain's Critique of Child Protection Measures

Bhavya Jain critically analyzed child protection measures in India, identifying gaps in the judicial and policy landscape, which are crucial for safeguarding the rights of orphaned children. The Indian Judicial System lags in addressing child trafficking, as it does not yet have a dedicated Act or law to address the issue of either human or child trafficking. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill of 2018 still awaits a nod from the Upper House of the Parliament, the Rajya Sabha, to be implemented. However, a network of other laws, policies and schemes sets out measures to provide some preventive and rehabilitative services for children who are vulnerable to trafficking or have been trafficked. These include children who have lost one or both parents, live on streets, belong to low socio-economic background and have been abused, among others. Some of the laws and policies regarding safeguarding of children include the Juvenile Justice (Care and Protection of Children) Act, 2015; Mission Vatsalya, 2022 and Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

The mentioned laws and policies have set up key mechanisms for child protection by the government in the Indian context. This article looks to identify such provisions across the Indian legislative and programmatic landscape that are instrumental in keeping children in the care of family as far as possible and providing them safe out-of-home care where family care cannot be provided. It also reviews how these provisions set up, or fail to set up, a safety net around children to protect them from trafficking.

(iii)Kimiyo Kikuchi's Findings on HIV Vulnerability
The vulnerability of orphaned children to diseases such as HIV/AIDS has been documented by Kimiyo Kikuchi ,who found that orphans aged under 15 constitute an especially vulnerable group of HIV-positive children.

(iv)SG Prem Kumar's Advocacy for Healthcare Interventions
Additionally, SG Prem Kumar emphasised the need for interventions targeting orphaned children, given the high prevalence of AIDS-orphaned children in southern India. This underscores the urgency of addressing the specific healthcare needs of orphaned children in the country. With India having over 400 million children , and an estimated 4.9% with one or

both parents dead , there is a strong need for interventions targeting the orphaned children. Thought the policy framework in India available for children affected by HIV/AIDS had the mandate to reach at least 80% of the affected children by the year 2010, not much has been achieved . On a positive note, the draft mental health bill in India includes child mental health policy, school mental health policy, and mental health policy for disabled

Panchali Datta, conducted a study on orphans and the other vulnerable children and adolescents (OVCA) living in institutional homes in India with SDQ, in which 49 (16.78%) out of 292 children and adolescents were found to have behavioral and emotional problems. Another similar study conducted in Tiruchirappalli, India [9], among orphans in institutional homes reported a prevalence of emotional and behavioral problems to be 56%. Another study using SDQ questionnaire found 49% of Ghanaian orphans and vulnerable children to have emotional and behavioral problems. It indicated the need for comprehensive support systems for these vulnerable children.

Legal Frameworks and Policy Landscape

(i)Child Protection Laws in India

Bhavya Jain's analysis reveals the complexities of India's legal framework in safeguarding orphaned children, highlighting both existing laws and the need for further legislative action, especially regarding child trafficking.

(ii)Santhosh B Sajjan's Quantification of Orphan Population

Santhosh B Sajjan reported that According to WHO 2021 new report study on International charity, orphaned and abandoned children found that India is home to 20 million are orphans, a figure projected to increase by 2021. 4 According to WHO report 2014, it is estimated that 143-210 million orphans are living worldwide. Approximately there are 12.44 million orphans, and close to 40 million destitute children living in India, emphasizing the scale of the issue and the urgency of addressing it.

(iii)Bhupendra K Verma's Call for Legislative Action
The impact of parental factors, such as exposure to indoor tobacco smoke, on the health of orphaned

children was underscored by Bhupendra K Verma calling for legislative action to safeguard children from such exposures of children who are exposed to tobacco smoke (ETS) are at risk for a variety of health issues. There are enough legislative provisions in Indian law to safeguard children from ETS in outdoor settings, but no such specific rules exist to shield them from exposure indoors. This study aimed to examine the trend in under-five children's exposure to indoor tobacco smoke over the course of a decade (from 2005 to 2016) in India.

According to the findings, there has been a noticeable increase in every group of kids, regardless of their age, place of residence, geographic location, socioeconomic status, and literacy level of their mothers. Conclusion: In India, the incidence of indoor ETS among children under five has risen by 13 times in the last 10 years, endangering the country. As a result, the Indian government must prepare to take legislative action to safeguard children by passing laws that forbid smoking inside.

Healthcare Challenges and Research

Prasanna Kapavarapu's Findings on Malnutrition

The prevalence of malnutrition and anemia among HIV-infected orphaned children in India was highlighted by Prasanna Kapavarapu. In the study it was found that, children were recruited from the community and none were from orphanages. A recent study conducted on a mixed population (orphans and non-orphans) in southern India has found the prevalence of underweight and stunting to be 55% and 46% respectively.

Emotional and Behavioral Challenges

Krishna Patel's Study on Emotional and Behavioral Problems

Orphaned children in India also face psychological issues. Children in an orphanage have many problems which are normally not faced by Non-Orphan Children. Orphans living in the orphanages are more prone to Behavioral and Emotional Problems than other children living with their parents as they are deprived of family's love and care. There is a dearth of studies focusing on the Differences Psychological Health of the Orphans and Non-Orphans in India. Therefore we have conducted a non-experimental

comparative study to assess the emotional and behavioural problems of orphans and non-orphans, as evidenced by Krishna Patel.

The study aimed to evaluate the emotional and behavioral challenges faced by school-going orphans and those living with their parents. It analyzed the relationship between sociodemographic characteristics and the incidence of emotional and behavioral issues among both groups. Additionally, the research intends to compare the emotional and behavioral difficulties experienced by orphans and non-orphans. This comprehensive approach was designed to provide insights into the unique challenges faced by orphans and to identify any significant differences in the prevalence of emotional and behavioral problems between orphans and non-orphans.

The main aim of this study was to assess the Emotional and Behavioral Problems of Orphans and Non-orphans. Materials And Methods: The sample consisted of 30 Orphans and 30 Non-Orphans in the Orphanage and selected Schools in Nadiad City. The Sociodemographic data were collected using a Self Structured Questionnaire. The Self Structured Questionnaire was used to assess the Emotional And Behavioral Problems in them. Results: In our study, 12(40%) out of 30 Orphans were found to have Severe Emotional and Behavioral Problems and 18(60%) out of 30 Orphans were found to have Moderate Emotional and Behavioral Problems while 3(10%) out of 30 Non-Orphans were found to have severe Emotional and Behavioral and 20(66.66%) out of 30 Non-Orphans were found to have Moderate Emotional and Behavioral Problems and 07(23.33%) out of 30 Non-Orphans were found to have Mild Emotional and Behavioral Problems. The study found that Orphans were more likely to be emotionally needy, sad and feel lonely

CONCLUSION

Orphaned children in India face an array of challenges, ranging from physical health issues to psychological and emotional distress, alongside vulnerability to diseases such as HIV/AIDS. The synthesis of findings from various studies underscores the urgent need for comprehensive interventions to address these multifaceted issues. Priority areas include strengthening legal and policy frameworks for child

protection, enhancing healthcare access and mental health support services for orphaned children, and addressing underlying factors such as indoor tobacco smoke exposure and malnutrition. Additionally, there is a pressing need for concerted efforts to raise awareness, mobilize resources, and foster collaboration among stakeholders to ensure the rights and well-being of orphaned children are safeguarded. By addressing these challenges comprehensively, India can pave the way for a brighter future for its orphaned children, nurturing them into healthy, resilient individuals capable of realizing their full potential.

REFERENCES

- Datta, P., Ganguly, S., & Roy, B. (2018). The prevalence of behavioral disorders among children under parental care and out of parental care: a comparative study in india. *International Journal of Pediatrics and Adolescent Medicine*, 5(4), 145-151. <https://doi.org/10.1016/j.ijpam.2018.12.001>
- Jain, B. (2023). Child protection in indian programme and legislative framework: a critical analysis. *Institutionalised Children Explorations and Beyond*, 10(1), 40-48. <https://doi.org/10.1177/23493003221150538>
- Kapavarapu, P., Bari, O., Perumpil, M., Duggan, C., Dinakar, C., Krishnamurthy, S., ... & Shet, A. (2012). Growth patterns and anaemia status of hiv-infected children living in an institutional facility in india. *Tropical Medicine & International Health*, 17(8), 962-971. <https://doi.org/10.1111/j.1365-3156.2012.03022.x>
- Kaur, R., Vinnakota, A., Panigrahi, S., & Manasa, R. (2018). A descriptive study on behavioral and emotional problems in orphans and other vulnerable children staying in institutional homes. *Indian Journal of Psychological Medicine*, 40(2), 161-168. https://doi.org/10.4103/ijpsym.ijpsym_316_17
- Kikuchi, K., Poudel, K., Muganda, J., Majyambere, A., Otsuka, K., Sato, T., ... & Yasuoka, J. (2012). High risk of art non-adherence and delay of art initiation among hiv positive double orphans in kigali, rwanda. *Plos One*, 7(7), e41998. <https://doi.org/10.1371/journal.pone.0041998>
- Kumar, S., Dandona, R., Kumar, G., Ramgopal, S., & Dandona, L. (2014). Depression among aids-orphaned children higher than among other orphaned children in southern india. *International Journal of Mental Health Systems*, 8(1). <https://doi.org/10.1186/1752-4458-8-13>
- Patel, K., Thakar, D., Makwana, B., Macwan, A., Zala, U., Rohit, P., ... & Vyas, D. (2022). Comparative study to assess the behavioral and emotional problems among school going orphans and non-orphans of nadiad. *Journal of Pharmaceutical Negative Results*, 1397-1405. <https://doi.org/10.47750/pnr.2022.13.s09.168>
- Sajjan, S. (2020). A comparative study to assess the quality of life and stress among orphan and non-orphan children in selected areas of bagalkot. *Indian Journal of Holistic Nursing*, 11(04), 19-25. <https://doi.org/10.24321/2348.2133.202007>
- Sg, P., G, A., Ramgopal, S., Srinivas, V., & Dandona, R. (2016). A comparative assessment of generalized anxiety, conduct and peer relationship problems among aids and other orphaned children in india. *BMC Psychiatry*, 16(1). <https://doi.org/10.1186/s12888-016-1042-z>
- Verma, B., Verma, M., Mondal, M., Dubey, D., Nath, D., & Verma, V. (2023). Alarming trend in under-five indian children's exposure to indoor tobacco smoke. *Cureus*. <https://doi.org/10.7759/cureus.37571>