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Childs Rights in Present Scenario

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ABSTRACT

“Humanity has to do best for its child.”

Declaration of Geneva

They are abandoned. They do not get a chance to step in a school. They are left to fend for themselves on the streets. They suffer from many forms of violence. They do not have access to even primary healthcare. They are subjected to cruel and inhumane treatments every day. They are children - innocent, young and beautiful – who are deprived of their rights. Etymologically, the term “child” comes from the Latin infants which means the one who does not speak “. For the Roman, this term designates the child from its birth, up to the age of 7 years”. Children’s rights are human rights specifically adapted to the child because they take into account his fragility, specificities and age-appropriate needs.

So, the children have to be helped and supported and must be protected against labor exploitation, kidnapping, and ill-treatment, etc. Philosophers debate whether children, especially infants, are the kinds of beings who can have moral rights, whether rights talks in general has any point unless the being to whom rights are ascribed Children rights are human right. They protect the child as a human being. As human rights, children rights are constituted by fundamental guarantees and essential human rights. Children rights are civil and political rights, such as right to identity, the right to a nationality etc.

The discussion focuses first on the right of children and child welfare, the paper also critically reviews certain proposals for regarding parents as having right to rear their children, and finally suggests a measures.

I. ERADICATING CHILD LABOUR THROUGH RIGHT TO EDUCATION AND IT’S ECONOMIC IMPACT

(A) Child Labour and the Right to Education

Education is a human right and a key factor in reducing poverty and child labour. And yet 72 million primary aged children, and a much larger number of secondary aged children, are not in school. Many of these children are among the world’s estimated 218 million child laborers.

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The right to free and compulsory education, at least at the primary or basic level, is enshrined in international human rights law. The international community has also set itself targets of achieving universal primary education, and eliminating gender disparities in education by 2015. If these targets are to be achieved, the continuing high incidence of child labour in many countries must be addressed, as child labour constitutes a major barrier to education. At the same time, it is apparent that by extending access to quality education, countries can make major in-roads to tackling the child labour problem. Recognizing the extent to which child labour elimination and implementing the right to education for all children are intertwined, and developing an appropriate policy and programme response, adds value to global efforts to attain these twin goals.

(B) Child Labour and the ILO Global Action Plan

The global fight against child labour remains a daunting challenge. All over the world, children are being forced to undertake work that deprives them of education and can often damage them physically or psychologically. The new global estimates provided for the first time a breakdown of working children by broad economic sector. Agriculture, which also includes activities related to hunting, forestry and fishing, is the sector employing the largest number of children. Nearly 70 per cent of all child workers under the age of 15 years are found in this category. Child labour has largely a rural face. The Global Report says that the immediate challenge for the ILO is to work in a focused and strategic way to act as a catalyst of a re-energized global alliance in support of national action to abolish child labour³. This strategy is set out in the ILO's Global Action Plan for 2006-10⁴. The new Global Action Plan starts from the premise that effective elimination of child labour can only be achieved at the country level and that Governments must be at the forefront of this effort. The Plan calls for the adoption of time-bound targets to meet the elimination of the worst forms of child labour - and eventually all its forms - and identifies various means by which the ILO can support this process in particular through its International Programme on the Elimination of Child Labour. Specifically, the Plan proposes the target of 2016 for the elimination of worst forms of child labour⁵.

II. CHILD LABOUR AND EDUCATION FOR ALL: A CRITICAL DIMENSION

The elimination of child labour and the achievement of Education for All are interconnected

³ILO Conventions on child labour (IPEC). (n.d.). ILO. Retrieved June 12, 2021, from <https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm>

⁴ International Programme on the Elimination of Child Labour (IPEC)

⁵ ILO: Report of the Conference, 18th International Conference of Labour Statisticians, Geneva, 24 November–5 December 2008, Resolution II concerning statistics of child labour.

global goals. On the one hand, education is a major means of keeping children out of the labour market. On the other hand, many out-of-school children are engaged in child labour and their work can act as a barrier to accessing education. This connection has become increasingly recognized at the international level. The interconnection was recognized as part of the outcome document of the Special Session of the United Nations General Assembly on Children (UNGASS) held at New York in May 2002⁶. The chapter of the Action Plan on child labour called for efforts to: “Mainstream action relating to child labour into national poverty eradication and development efforts, especially in policies and programmes in the areas of health, education, employment and social protection”. UNGASS was soon followed up by an inter-agency group focusing on the child labour and education interface that led to the Global Task Force being launched in 2005.

The 2007 EFA Global Monitoring Report⁷ indicated that whilst there had been steady but slow progress towards universal primary education there are still 72 million primary school age children out of school - including 44 million girls. The GMR states: “Education for All...requires an inclusive approach that emphasizes the need to reach groups that might not otherwise have access to education and learning”. It calls for policies aimed at “reaching the unreached”, including policies to overcome the need for child labour. Many of the out-of-school population are child laborers.

This is the group of children - the bottom 10-20 per cent - that are the real challenge to achieving Education for All. Only by first examining, and then surmounting, the barriers to education encountered by child laborers, can a meaningful increase in education participation among this group be attained. In many ways, tackling child laborers can be a litmus test of the health of the education system in many developing countries - child laborers (re)entry to the school system can test how inclusive and child-friendly schools are.

(A) The Barriers to Education

All children have a right to education. However, many barriers can be placed in the way of exercising that right which can have a discouraging effect on poor parents who want to send their children to school. This is particularly the case for rural communities that account for 82 per cent of all out-of-school children. In general, children work and do not go to school

⁶ UN General Assembly - Promotion and protection of the rights of children and Follow-up to the outcome of the special session on children. (n.d.). UN.Org. Retrieved June 1, 2021, from <https://www.un.org/en/ga/62/plenary/children/bkg.shtml>.

⁷ Global Monitoring Report 2007. (n.d.). UNESCO Bangkok. Retrieved June 2, 2021, from <https://bangkok.unesco.org/content/global-monitoring-report-2007#:~:text=The%20fifth%20edition%20of%20the,for%20the%20most%20disadvantaged%20children.>

because of a combination of factors. Incentives favour work where schools are not available or are of poor quality; where the direct and indirect costs of schooling are high; where parents consider that to have a child work is more valuable than for the child to go to school; and where cultural factors discourage education, particularly at the secondary level - a situation that commonly affects girls.

The barriers to education that generate exclusion may be grouped under the following categories:

Accessibility

- Physical remoteness and social barriers (e.g. girls' restricted freedom of movement), distance to school.
- Discrimination (e.g. based on region, gender, race, ethnicity, religion, caste, class, HIV/AIDS status).
- Burden of household chores on girls in the family home.
- Early marriage.
- Burden faced by children combining work and school.
- Lack of birth registration.
- Inflexible scheduling.
- Fear of violence at, and on the way to, school.

Affordability

- Direct costs (e.g. school fees, other compulsory fees).
- Indirect costs (e.g. uniforms, textbooks, transportation, meals).
- Opportunity cost (i.e. income/wage lost to family from child leaving work to go to school).

Quality

- Lack of infrastructure, facilities (such as separate water and sanitation facilities for girls), materials and support systems for children.
- Inadequate conditions of work for teachers (short-term contracts, heavy workloads, low pay, etc.).
- Low status of teachers.

- Lack of adequate training, aids and materials for teachers.
- Lack of female teachers, especially at secondary level.
- Lack of sensitivity of education authorities and teachers to the needs of children at risk of dropping out.

Relevance

- Curriculum detached from local language, needs, values and aspirations of children at risk of dropping out.
- Curriculum inadequate to prepare older children for the world of work through careers guidance, etc.

Basic education

The most effective way to tackle child labour is to improve access to and the quality of the formal education system so that it attracts and retains children and ensures that children freed from child labour are successfully integrated into schools. As part of the global effort to mainstream child labour concerns into EFA and other global development frameworks, and to tackle child labour, this focus has taken the following forms at the national level:

- Working with Ministries of Education and Ministries of Labour to develop policy⁸ and programmes that enhance their capacity to respond to child labour-related issues.
- Advocacy to encourage governments to remove cost and physical barriers to schooling.
- Supporting action programmes that seek to remove barriers to education.
- Prevention of children dropping out of school by supporting inclusive education strategies and quality education.
- Support to after-school programmes to enhance the educational and recreational opportunities for children and reduce the time available for work.
- Integrating information on child labour within school curricula and teacher training
- Work with teacher's trade unions, whose members are often well placed to support advocacy and action against child labour

⁸ India. Ministry of Human Resource Development. 2012. National Vocational Education Qualifications Framework.

- Joint initiatives with other UN agencies through, for example, UN.GEI and EFA national groups, etc.

Education sector plans through a child labour lens

The principal objective of education policy must be to expand access to quality education for all boys and girls until the minimum age of employment. Tackling child labour will improve access and retention, and improving the quantity and quality of education will help prevent child labour - a win-win for countries. Education sector strategic plans need to properly take into account the problem of child labour in seven central areas:

- Ensure adequate financing of education to achieve universal education and eliminate direct costs such as school fees.
- Recognize child labour as contributing to the problems of enrolment and retention.
- This might be expressed as part of an examination of cross-cutting issues such as gender and HIV/AIDS.
- Harmonize compulsory education and minimum age for employment regulations.
- Support the development of an adequate teaching force in line with the 1966 joint ILO/UNESCO Recommendation.
- Prioritize girls' education. Where appropriate, provide adequately resourced non-formal education for out-of-school children as a transitional measure that seeks to reintegrate children into the formal school system.
- Improve the school-to-work transition.

Lack of basic infrastructure facilities

Infrastructure development is the key driver for providing universal elementary education to India's children. The ASER⁹ study on rural education indicates that one of the major reasons for children staying out of school or being pushed out is inadequate infrastructure. Although infrastructure has developed significantly over the last few years, there is still a considerable gap that needs to be filled to meet RTE norms. According to the RTE Act¹⁰, the following infrastructure facilities have to be made available to students by schools within a time frame of three years from the period of notification of the Act. All-weather school buildings should consist of:

⁹ Annual Status of Education Report (Rural) 2018.

¹⁰ Right of Children to Free and Compulsory Education Act, 2009 (Right to Education Act).

- One-teacher classrooms and a head teacher-cum-office room with barrier-free access
- Separate toilets for boys and girls
- Safe and adequate drinking water facilities for all children
- A kitchen where the mid-day meal is cooked in the school
- Playground
- Arrangements for securing the school building by a boundary wall Despite tremendous efforts being made on infrastructure development, some of the significant shortages in the provision of infrastructure facilities are highlighted below:
- Few classrooms available: According to the DISE Flash Statistics 2009–10 reports¹¹, there were only 3.6 classrooms per school on an average. Furthermore, almost 25% of the total enrolment in 2009–10 was in schools with a student-classroom ratio >60. The average number of classes in government schools was 3.8, and this figure for private schools was more than double (7.8).
- Lack of sanitation: Only 58% the schools had toilets for girls in 2009–10.
- Lack of computer facilities: Only 39% schools have electricity connection and only 16.65% have computer facilities.
- Lack of transport facilities and safety features: Most government schools do not provide transport facilities, and therefore, students living in rural areas or difficult terrains find it difficult to commute and drop out of school. Furthermore, in such schools, admission of girls is minimal. Almost 50% of the schools do not have boundary walls.
- Therefore, in light of the infrastructural issues mentioned above, we see that there is a need for significant effort to be made by all stakeholders to improve available infrastructure in schools according RTE norms.

Human resource challenges

Lack of trained teachers The RTE Act attaches immense importance to the role of teachers in improving elementary education by making available professionally trained teachers for the school system

¹¹ DISE: District Information System for Education is the joint initiative of National University of Educational Planning and Administration (NUEPA), New Delhi, Ministry of HRD, Government of India and UNICEF.

- According to RTE rules, children have the right to at least one qualified and trained teacher for every 30 pupils. Currently, there is about one teacher for every 34 students. Around 1.2 million additional teachers need to be recruited to fill this gap. Furthermore, today, around one out of five primary school teachers do not have the required minimum qualification to ensure children's right to quality learning.

Section 23(2) of the Act¹² provides a time frame of five years to ensure that all the teachers in elementary schools are professionally trained. The Ministry of Human Resource Development has estimated that currently there are 0.67million untrained teachers in India. The National Council for Technical Education has laid down the minimum qualifications for teachers in schools in 2001 on the basis of the National Council for Teacher Education Act and the RTE Act, according to which teachers appointed by the government or employing authority should be trained and have minimum qualifications for different levels of school education. Within the five-year period, all teachers need to acquire the academic and professional qualifications prescribed by the academic authority under the RTE Act. This is a difficult task.

Schools operating without headmaster or teacher

To ensure a good quality education in schools, a head master and teacher are required to maintain the required standard and quality of teaching. A headmaster is also needed for general administration of the school to ensure that quality education is imparted. Almost 40% of the primary schools, which had enrolled more than 150 students in 2009–10, have been operating without a head master or teacher. In the case of upper primary schools, almost 57% do not have a headmaster, in spite of enrollment figures of more than 100 students. Therefore, a large number of schools at the elementary level operate without a designated authority or head to ensure that the rules specified by the RTE Act are being implemented in the school.

Teacher absenteeism

A major challenge the Act faces is to address is the high level of absenteeism among teachers. While the average of teacher absenteeism is around 20% worldwide, India has the highest teacher absenteeism in the world at 25%¹³. The level of absenteeism among government primary school teachers ranges from 15%–40%, with higher rates in the case of the poorer states. Difficult access to schools (particularly in rural areas) is a major disincentive for getting suitable qualified teachers to provide education in such areas. Some

¹² Right of Children to Free and Compulsory Education Act, 2009.

¹³ UNESCO's International Institute of Educational Planning study on corruption in education.

of the other reasons

identified include lack of basic toilet facilities, poor electricity supply, lack of well-established criteria for recruitment of teachers and lack of a uniform policy on promotion. teacher absenteeism impacts the quality of education and requirement of funds. It is a major drain on resources, causing wastage of 22.5% of the Government's education funds.

Disparities

There are wide disparities in enrolment of students at the upper primary level, as compared to the primary level. Furthermore, there are disparities among students by gender, caste and class, rich and poor, and rural and urban due to the socio-economic and cultural context.

III. HUGE REDUCTION IN GROSS ENROLLMENT RATIOS AT PRIMARY AND UPPER-PRIMARY LEVEL

There is a significant reduction in gross enrollment ratios (GERs) from the primary to upper primary level. In 2007–08, the GER at the primary level was 115%, and at the upper primary level, it was as low as 78%. This may be due to several factors, one of the major reasons for this difference being that children are not enrolled exactly at the official age specified by the state. Special efforts to enroll older children at primary schools cause changes in the age composition of school-going children. Low enrollment figures at the upper primary level can also be attributed to the fact that children have to move out to other schools after completion of their primary education (due to schools only offering education till the primary level) and be re-enrolled in a upper primary school).

Gender bias

Discrimination against girls being enrolled in and attending schools is based on the wider social economic and cultural context, which sustains such gender inequalities. Historically, it has been seen that females have a disadvantage in enrollment for primary education because the opportunity cost of a girl child's time is high as compared to boys, since girls spend more time on domestic chores. This has been the primary cause of fewer enrollments and high dropouts among girls. Although the gender parity index in education has improved considerably over the years, there are still certain sections of society where the problem prevails. Some of the facts highlighting the gender disparity in the country are detailed below:

- According to census 2011, the literacy rate for men is 82.14% and for women 65.46%.

- The gender gap is significantly larger in the case of scheduled castes and tribes as compared to the rest of the population. Rural girls belonging to disadvantaged communities are adversely affected due to the triple minus points of caste, class and sex, and therefore, form the bulk of the country's illiterate population.

Discrimination based on caste and class

Members of scheduled castes and tribes have been historically disadvantaged economically, socially and educationally, and their participation in schools in terms of enrollment and retention has been low. By caste or tribe, the proportion of women who have never attended school is highest (44% for women belonging to scheduled tribes, 32% for those belonging to scheduled castes and 29% for those belonging to other backward classes). In recent years, the enrollment percentage figure for this group has improved, but the situation is still critical in certain regions of the country, with enrolment in classes I to VII/VIII standing at 20% for scheduled caste women at the national level.

Disparity between the rich and the poor

Although the Right to Education Act, passed in 2009, mandates that private schools set aside 25% of admissions for low-income, underprivileged and disabled students, implementation of this law has not been as smooth as its acceptance. In fact, it also gives credence to the growing disparity between the government and private school systems in India. While the provision is egalitarian in outlook and has many potential benefits, it faces various challenges in its implementation. Those opposed to this provision believe that most of the underprivileged children admitted to private schools lack previous English medium education. This requires teachers to devote special attention to them, which slows down completion of the course. In fact, some feel that children from under-privileged backgrounds may not be able to survive the competitive environment of some private schools. Furthermore, some school authorities are apprehensive that children from sharply varying socio-economic classes may not "mix" appropriately.

IV. CONCLUSION

The Right to an Education: a fundamental and universal right

Education must be accessible to all children. Education is a human right which ought to be accessible to everyone, without any discrimination. All children must be able to go to school, and thereby benefit from the same opportunities to build a future. Additionally, educational instruction must be equally gratuitous so that children from disadvantaged environments will

be able to enjoy their right to an education. Educational instruction must be of an excellent quality. Beyond the question of accessibility, the right to an education also supposes that the objectives of learning will be attained. This means that all children have the right to benefit from a quality education adapted to their needs. Moreover, professors must be trained in techniques of teaching which combine pedagogy and play for the purpose of arousing children's interest. It is the responsibility of countries to guarantee each child's right to an education. They must focus their efforts on primary instruction so as to make schools accessible and free for all children and thus enable them to learn to read and write.
