

Child Rights and Educational Policies for the Welfare of Children: A Study

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Abstract

The importance of child rights in a civilized society is paramount, as children are individuals who possess entitlements to protection, security, and the chance for complete growth. The development of human assets is a crucial aspect for any country, and it can be achieved through education, particularly by enhancing the foundation of education. Education is widely regarded as how individuals can advance and achieve personal growth and development. Free and compulsory primary education has been a constitutional guarantee of India since its independence. With the chance to build a system to educate as many Indians as possible after independence, the Indian people have been able to shape their educational policies and practices to better suit their needs and the nation's requirements. Despite the establishment of several policies, programs, and Acts, the educational rights of children have yet to be fully realized. They are refusing to acknowledge their entitlement to education. From home to school and then to society, individuals face discrimination. They are rejected for multiple reasons. This paper aims to examine the overall birth rights of children in the context of Independent India. This study will analyze the shortcomings that persist in the education system of India, which may be the causes of the infringement of children's prime rights. This article aims to investigate strategies and methods for achieving equal educational rights for all individuals.

Keywords: Child Rights, Govt policies, Govt schemes, Govt programs, educational implication.

Introduction

In the context of national, regional, and worldwide government goals and initiatives, it is essential to define and comprehend children's rights. In broad strokes, the UN Convention on the Rights of the Child (UNCRC, 1989) provides an international framework for maintaining the inarguable and widely accepted right of children to an education. Compared to other human rights, this one went into effect faster (Detrick, 1999). In this context, a child is defined as any individual whose age is less than eighteen, except for certain national legal laws that recognize individuals as adults before the age of eighteen (United Nations 1989). As a result of the adoption of the UNCRC by nearly all member states of the United Nations, children receive greater safeguards in terms of their legal human rights. Because of this, children can form their own opinions and support or oppose them when required. That is why grown-ups should be flexible and let children make their own choices when it comes to important matters. After that, youngsters need freedom just as much as adults need them; they're not stupid while they're in adults' care. Also, for their development as individuals to go off without a hitch, they need easy access to possibilities that are interpersonal, authentic, cognitive, and behavioural (Geeta, 2015). A stimulating and encouraging atmosphere is essential. Young children are vulnerable, self-sufficient, and in need of care and support as they grow up. Following the introduction this study aims to review different kinds of birth rights of children and the Government initiatives, especially in the educational sector to bring back those underprivileged children into mainstream of the society. Each bud is a real resource of society. However, due to socio-economic and financial restraints, these buds are exploited by the circumstances. So, fulfilment of prime needs is the primary goal taken by the government. Besides securing the journey of transformation from a neutral staff to a real human resource with the golden touch of education for all kinds of children is another vital step of

Government. Here, the details of those policies, programs, and schemes all over India are considered as the prime matter of discussion of this study.

Objectives

Here are the objectives of this study-

1. To briefly elaborate on the child's birthright.
2. To discuss different Govt schemes, policies, and programs related to a child's educational development.

Research Questions

1. How does the Indian Constitution address the right to one's birth?
2. What important steps is the government taking to ensure that all children, regardless of their social, economic, financial, or religious position, have access to free and compulsory education?

The rationale of the study

A child can't understand all their rights. But it is somehow easy for their parents to secure all kinds of rights for their children. In this situation, the most needed thing is consciousness or a concerned mind, which leads to feelings of realization that make the sense of perception. A revolutionary and rational change can only be made when there is a must-have touch of education, at least the sense of it. So-called educated parents with formal education have enough knowledge of their child's rights but problem arises for those parents who have informally educated themselves. Another big problem is for those children to whom nature or society is their only guardian or parents. No one will speak for their right. In that case, Govt's initiatives, schemes, plans, and programs are the only solution to their problem. But the Government's main moto is to bring education to every student so that the after-effect, the by-product that is self-consciousness itself gives an idea of their birth rights.

Methodology

This study is followed by a Qualitative study based on Secondary Sources. Secondary sources are retrieved from various Govt. Schemes, Policies, and Programs.

Discussion

Before starting the discussion at first the researchers tried to analyse who is considered Children. Here is a brief discussion of it.

Who Gets to Be a Child? The Age of the Children in India: A Conundrum

No universal agreement has been reached over what constitutes a "child" in India. The problem that arises when laws impose age-based classifications on different people creates an awkward situation in which the same individual could be viewed as "a child" or "not a child." The substance of each child-related statute varies from one another. Several instances considering the constitutional standpoint in India are mentioned as follows:

As per the Census of India, an individual is categorized as a child if they are below the age of 14.

As stipulated in Article 23 of the Constitution, it is prohibited to employ individuals under the age of 14 in factories, mines, or any other occupations considered hazardous. The State is obligated under many articles of the Constitution, such as clause (3) of Article 15, Article 21, Article 21A, clauses (1) and (2) of Article 22, Articles 23 and 24, clauses (e) and (f) of Article 39, Article 39A, Articles 45, 47, and 51A (k), to perform its primary duties.

The primary obligation is to ensure the fulfilment of all children's requirements and the safeguarding of their fundamental rights.

As per the provisions outlined in the Juvenile Justice Act (2000) when a man does not turn sixteen years old, he is regarded as a juvenile. Likewise, a female is considered a juvenile if she has not attained the age of eighteen. "Children" are defined as individuals who have not yet reached the age of eighteen

under the Juvenile Justice Act of 2015. There is a differentiation made in the Act between children who violate legislation and those who need nurturing and safeguarding.

As to the Women and Children's Institutions (Licensing) Act 1956: Any individual who is not yet eighteen years old is considered a child.

As per the provisions outlined in the Child Labour (Prohibition and Regulation) Act of 1986, an individual who has not attained the age of 14 is classified as a child.

As per the provisions outlined in the Indian Contract Act, People who are not yet 18 years old are not legally able to form legally binding contracts.

The Labor Law states that to be hired as an apprentice, one must be at least fourteen years old and meet certain academic and health requirements.

Children are defined by the Family Law as a person who is a boy and has not turned 21 years old or a girl and has not turned 18 years old.

It is illegal for anyone under the age of fourteen to work in an industrial setting, **according to the Factories Act of 1948.**

The 93rd Amendment to the law establishes education as an inherent privilege for all children between the ages of 6 and 14.

The Government of India is now engaged in a comprehensive evaluation of its legislative framework and is contemplating the adoption of the concept of a child as outlined in Article 1 of the United Nations Convention on the Rights of the Child (UNCRC). By legal provisions, the term "child" refers to any individual who has not yet reached the age of eighteen years, unless otherwise specified by applicable legislation. The concept of early attainment of child maturity is relevant in this context. To make it consistent with CRC, the national government revised the Juvenile Justice Act (JJA) of 1986. This led to an expansion of the age bracket for children under 18 from the previous legal definitions of "child" as boys under 14 and girls under 16. (Nath, 2008)

An entirely new way of looking at child safety

Traditional Outlook	Modern Outlook
A strategy centred on requirements	A method grounded in the principles of human rights.
The provision of domestic and organizational care for children	Alternative initiatives that do not involve organizations and concentrate on communities
The well-being of youngsters	Children's advancement and growth
Support for individuals in a juvenile facility	Complete flourishing via excellent conventional parental care
Social marginalization and discrimination	Society's acceptance and integration
The youngster obtaining assistance and benefits	Children enjoy partnering in their evolution and personal choices

More than one worldwide meeting has voiced worries for children. Child rights have been recognized on a global scale since the turn of the twentieth century. The Convention of the Rights of the Child and their subsequent revisions were the first important documents to address child rights was implemented by the autonomous child forum and NGOs in 1923 to save the Children, which focuses on child care globally.

Selective Acts in the Constitution especially concerned for children in India

India has established policies and regulations to safeguard and improve the position of children, such as the Guardianship and Ward Act 1890, Factories Act 1954, Hindu Adoption and Maintenance Act 1956, Probation of Offenders Act 1958, Bombay Prevention of Begging Act 1959, Orphanages and other Charitable Home (Supervision and Control Act) 1960, Bonded Labour System Abolition Act 1976, Child Marriage Restraint Act 1979, Immoral Traffic Prevention Act 1986, Child Labour Prohibition and Regulation Act 1986, Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, Juvenile Justice (Care and Protection of Children) Act 2000, These policies include the 1986 National

Education Policy, 1987 National Child Labor Policy, 2004 National Charter for Children, and 2005 National Plan of Action for Children.

Constitutional Safeguards for Children

Multiple constitutional clauses exist about children. These encompass the following items-

Article 14 guarantees equal protection of the law and equality before the law for all individuals in India.

Article 15(3) states that the State is allowed to establish particular regulations for women and children.

Article 21 stipulates that individuals shall not be deprived of their right to life or personal liberty unless it is done following the constitutional processes that have been implemented individual shall be denied his life or independence unless by the method established by law, as provided for in **Article 21**.

The prohibition of human trafficking and compulsion to labour is stipulated in **Article 23**.

According to **Article 24**, it is strictly forbidden to engage anyone under the age of fourteen in any form of labour within manufacturing plants, coal mines, or other occupations that pose significant risks to their well-being.

Articles 25-28 guarantee liberty of conscience, occupation, action, and spiritual promotion.

According to **Article 39(e) and (f)**, the State must prioritize protecting the physical and mental well-being of workers, men, women, and children, and preventing citizens from being pushed into unsuitable occupations due to financial pressure, their age or capability and that youngsters are given the chances and conditions to grow in Sound, unrestricted, and respectful manner so that children and youth are defended from extortion and emotional and physical desertion.

According to **Article 45**, it is the responsibility of the state to guarantee that every child has access to early childhood education and care until they reach the age of six.

Education: The silent but strongest weapon to ensure the birthright of a Child

A child can't understand all their rights. But it is somehow easy for their parents to secure all kinds of rights for their children. In this situation, the most needed thing is consciousness or a concerned mind, which leads to feelings of realization that make the sense of perception. A revolutionary and rational change can only be made when there is a must-have touch of education, at least the sense of it. So-called educated parents with formal education have enough knowledge of their child's rights but problem arises for those parents who have informally educated themselves. Another big problem is for those children to whom nature or society is their only guardian or parents. No one will speak for their right. In that case, Govt's initiatives, schemes, plans, and programs are the only solution to their problem. But the Government's main moto is to bring education to every student so that the after-effect, the by-product that is self-consciousness itself gives an idea of their birth rights.

No nation's educational system can be considered complete without also considering its social fabric. Aside from unequal economic development, concerns around access and equality in education are profoundly impacted by hierarchies of caste, gender, economic status, relations, and cultural diversity. The education system of children with different categories is one of the prior areas of the Indian constitution.

In the Indian school education system, In Education System, there are 5 stages namely- Pre-primary, Primary, Upper Primary, Secondary, and Higher Secondary. Here the first three are only a matter of discussion.

Pre-Primary School Education System (PSE): The pre-primary education is the main ladder to the formal or compulsory education. Governmental intervention in the pre-primary sector through the Early Childhood Care and Education (ECCE) Programme of Integrated Child Development Scheme (ICDS) to provide a functional Anganwadi in every settlement and ensure full coverage for the children. Primary and Upper Primary Education System: There are some plans and programs taken by the Government in the formal education system to make primary education compulsory for all children. Here they are-

1. **Sarva Siksha Aviyan (SSA):** It is a National Programme launched in 2001 to achieve Universal Primary Education by 2007 and Universal Elementary Education by 2010. SSA has brought

Primary Education to the doorstep of Millions of children including all kinds of disadvantaged children, and first-generation learners through fast-track initiatives.

2. **Compulsory Elementary Education:** Keeping in view the thrust need for the Universalisation of Elementary Education, primary education has merged with it. According to the Constitutional commitment in India, free and compulsory education up to the age of 14 is the main concern of this scheme.
3. **Operation Blackboard:** The scheme is surely intended to improve school infrastructure by providing essential facilities like the construction of classrooms for two teachers. One female teacher provision of giving other teachers equipment to attract the children to school.
4. **Mid-Day Meal Scheme:** It is a centrally sponsored scheme revised in 2004 to support the Universalization of Primary Education, to support the nutritional status of children at the primary stage.
5. **A Free Schooling: Eklavya Model-Residential School (EMRS)-** A project of Indian Govt. It is a very recently introduced project of Govt. for the backward classes, especially for SCs and STs with almost every type of modern facility.
6. **Kasturba Gandhi Balika Vidyalaya (KGBV):** The KGBV launched in July 2004 focuses on providing education to children, especially the girls from upper primary level. It is placed in rural areas where there is a strong demand to enrol girls who are not in school and where the rate of absence is high.

For the betterment of children, the Govt. has drastically revised the Non-Formal Education Programme. This program is called the Education Guarantee Scheme (EGS) and Alternative and Innovative Education (AIE) is being implemented with more vigor.

AIE Interventions

Some examples from all over India-

1. **Low Free Private Schooling – Prachi Srivastava:** This project is adapted from Ghana, Kenya, and Uganda. Dr. Srivastava was the first who begin research on the topic of UP in 2001. Then it was a private un-aided school but now it is an independent Govt. aided school. The school was mainly formed for those socio-economic disadvantaged children who work as child labour.
2. **Bonga Shala- Bringing the School to the Children:** In Marathi “Bonga” means temporary hut and “Shala” means school so Bonga Shala is a school Run in a temporary hut. Still, with the help of Maharashtra Govt. and SSA there are now 250 centres under this scheme. It is especially for those children who cannot attend mainstream schools but are taught in a non-formal, open atmosphere, sing songs, dance, and play activities.
3. Hard to reach children's Centres (Assam)
4. Seasonal schools and residential camps for migrating children (Maharashtra)
5. **Mobile Schools and Siksha Ghar** for migrating children and human development centres for urban deprived children (Madhya Pradesh)
6. **Flexi Schools, Tent Schools, Mobile Schools, Sandhya Kalika** (Karnataka)
7. Residential Camp for Older Children (Gujrat)
8. Learning Centres and Residential Bridge Courses for Street Children (Delhi)
9. Residential Bridge Courses for Domestic Child workers and Boat Schools for Fisherman Communities (Andhra Pradesh)
10. Tamil Nadu has pioneered a program of **Activity Based Learning (ABL)**
11. Children from Tribal Communities in Andhra Pradesh in India are benefiting from a **Multi-lingual Education Programme (MIE)**
12. In Punjab, Haryana, Gujrat a **Child-Friendly School (CFS)** Programme has supported 300 Govt. Schools to create Child Oriented Environment to improve primary education, especially for girls and first-generation learners.

Prime Minister's New 15-Point Programme for the Welfare of Children:

On February 25, 2005, the President declared that the Government would revise the 15-Point Programme for the Welfare of Minorities to include program-specific initiatives. On

Independence Day 2005, the Prime Minister highlighted plans to modify and modernize the 15-Point Programme for Minorities. The new 15 Point Programme aims to achieve established objectives within a set time limit.

The initiative aims to:

- a) Increase educational possibilities.
- b) Assure that minorities have an appropriate share of economic activities and

Career possibilities include existing and new initiatives, greater funding for working for yourself, and employment for State and Central Government jobs.

Enhancing Opportunities for Children

1. Ensuring fair access to ICDS services: Part of the initiative is to place ICDS projects and Anganwadi facilities in areas where there is a high concentration of low-income residents, and the other part is to make sure that everyone may reap the advantages.

2. Enhancing the availability of classroom learning: A specific proportion of schools, including those operating under the SSA and KGBV initiatives, as well as other government schemes, shall be established in villages or blocks with a significantly disadvantaged population.

3. Enhanced provisions for instructing a certain language: Enlisting and assigning teachers specialized in a particular language to primary and upper primary schools.

4. Reconstruction of Madrasa Education: It is an initiative aimed at improving the fundamental educational facilities in places where there is a high concentration of financially and academically disadvantaged youngsters.

5. Scholarships for deserving students from disadvantaged backgrounds: developing plans to award pre-matriculation scholarships to deserving students from disadvantaged backgrounds

6. Increasing the impact of the Maulana Azad Education Foundation's work for children's welfare by enhancing the environment for learning.

7. Improvement of abilities through technical training: Many minority communities rely on minimal technical jobs or handicrafts to support themselves. Providing vocational education to these individuals can improve their abilities and earnings potential. New ITIs will be located in minority-dominated areas while existing ITIs will be elevated to 'Centres of Excellence' based on similar criteria.

8. Additional funding for teaching Urdu: Central support will be given for the hiring and placement of Urdu language instructors in elementary and middle schools that serve a population, of at least 25% of whom are speakers of that linguistic group.

9. Increased credit assistance for financial operations: The National Minorities Development & Finance Corporation (NMDFC) was established in 1994 to support financial growth among minority populations. The government aims to improve the NMDFC by giving more equity support to help it achieve its goals.

10. Hiring for Regional and government positions: A unique program will be introduced for individuals from underrepresented groups to offer credible tutoring services in both public and private coaching establishments.

Besides all these points, here is a sum of all the schemes and activities under this Prime Minister's new 15-Point Programme.

A. Increasing possibilities for learning via

- Fair distribution of ICDS services through the Anganwadi Centres program.
- Better access to school education through the Sarva Shiksha Abhiyan, Kasturba Gandhi Balika Vidyalaya Program, and other comparable government initiatives.

B. Equal participation in economic activities and employment

- Self-employment and wage employment for the poor
- Swarnjayanti Gram Swarajgar Yojana (SGSY).
- Swarn Jayanti Shahari Rojgar Yojana (SJSRY)
- Sampurna Grameen Rozgar Yojana (SGRY)

C. Upgrading vocational abilities through innovative and existing vocational education Institutes (ITIs).

D. Increased financing assistance for economic operations.

- Financial assistance from banks for priority sector financing.
- Improving the living conditions for minorities.

E. Fair involvement in rural housing projects

- Indira Awaas Yojana (IAY)

F. Strengthen housing conditions for minority communities through Integrated Housing and Slum Development Programme (IHSDP) and Jawaharlal Nehru National Urban Renewal Mission (JNNURM) initiatives.

Conclusion

Based on our findings in the previous section, the researchers have analyzed the current state of children's health, education, and maltreatment. Child malnutrition, dropout rates, child labour, sexual assault, and other forms of child abuse, as well as the overall rate of child mortality, is an alarming violation of children's rights. By creating numerous indices, researchers may accurately assess the extent to which diverse economic and social variables contribute to the violation of those Rights. Although there are limited legal restrictions, researchers have witnessed shocking Child welfare problems multiple times. In some instances, the absence of appropriate rights can hinder the protection of children. Nevertheless, the rights outlined in the articles exist only in written form; it is the effective enforcement of these rights that holds more significance. The presence of "right protecting agencies" is just as essential as that of "rights implementing agencies" to ensure the effective implementation and preservation of rights. Researchers opine on breaking free from the constraints. To reform the policies for a more promising future, we need to challenge the conventional framework of ethics and thinking. Child Rights places a high priority on child health and states that lag should receive special attention. Bihar Madhya Pradesh, Assam, Rajasthan, and Uttar Pradesh (BIMARU states) need special attention. Otherwise, regional contrast will eventually lower the national average to a catastrophic level.

Educational institutions, print, and electronic media should educate children about their rights, enabling them to protest or report violations. Sex education for Adolescent children is also important and demands attention.

Finally, the researchers like to end with the optimistic hope that the study would highlight the authority, which would give the states that are doing well a boost of confidence in their accomplishments, make the states that aren't doing so well fix their mistakes, and provide a more current perspective to the plans for the future of child development through securing their birthright.

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