Protection of Child Rights in India: Role of Teachers and Parents

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Abstract

Education plays a very important and significant role in the protection of rights not only the child rights but also the basic human rights which are universal in nature. A safe childhood is a human right. Across the world, children are denied their human rights. Childhood forms the foundation of human life. Children are particularly vulnerable and so they also have particular rights that recognize their special needs for protection. Child rights are considered to be one of those issue, in a world full of conflict and economic, social, intellectual and violent confrontations, on which we have achieved some consensus. The Convention on the Rights of the Child (CRC) firmly sets the focus on the whole child. Despite the existence of rights, children suffer from poverty, homelessness, abuse, neglect, preventable diseases and unequal access to education and justice systems that do not recognize their special needs. The main purpose of this paper is to throw light on the rights of children and discusses how the child rights are being violated irrespective of schools and homes both by educators and parents. Teachers and parents are becoming more conscious about education of their children. Almost all schools inflict corporal punishment on students for various reasons and most parents beat their children. In the name of discipline, children are physically ill-treated and humiliated. The present paper discusses the harms of corporal punishment to a child and how it takes the shape of hatred, terror and fear in the nascent minds. Examination stress, rising expectations from our children and students has led to increasing depression among students. This paper also focuses on the role of a teacher and parents as a leader, a torchbearer, a mentor or a guide with love, care and understanding of the child to provide best protection, opportunities and assistance in order to ensure them the best future.

Keywords: Child, Child right, Human Right, Teachers, Parents

Introduction

Child rights are fundamental freedom and the inherent rights of all human beings below the age of 18. These rights apply to every child, irrespective of the child’s parents/ legal guardian’s race, color, sex, creed, or other status. The essential message is equality of opportunity. All children should have the same rights and should be given the same opportunity to enjoy an adequate standard of living. Human Rights apply to all age groups; children have the same general human rights as adults. A safe childhood is a human right. Across the world, children are denied their human rights. Childhood forms the foundation of human life. Ensuring child rights is the first step, towards ensuring human rights. Child rights and its accordance is the pillar for national construction, a brighter tomorrow (Shehla, F.2012). Children are particularly
vulnerable and so they also have particular rights that recognize their special need for protection. Despite the existence of rights, children suffer from poverty, homelessness, abuse, neglect, preventable diseases, and unequal access to education and justice systems that do not recognize their special needs. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subjects of their own rights. Expectations are much higher than the ability of their child which sometimes lead to frustration on the parts of the parents and teachers and adopt the path of corporal punishment towards children (Rizwan, Rajendri & Ritu, 2012). Almost all schools inflict corporal punishment on students for various reasons and most parents beat their children. In the name of discipline, children are physically ill-treated and humiliated. The time has come to re-examine the saying 'spare the rod and spoil the child’ Children are the most vulnerable members in society. Every human being, young and old, has rights. A right is something that you are born with no matter where you live in any village, city, or country in the world. Children depend on adults for their wellbeing and need to be taken care of; because they need adults to help protect them, children have specific rights.

The United Nations Convention on the Rights of the Child (UNCRC 2006) sets out the rights that must be realized for children to develop their full potential, free from hunger and want, neglect and abuse. It reflects a new vision of the child. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child. According to UNCRC, child rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, color, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. All children are entitled to the rights guaranteed by the laws of our country and the United Nations Convention on the Rights of the Child. The UNCRC obligates all the governments to respect and ensure that children get a fair and equitable deal in society. The CRC under Article 4, states’’ With regard to economic, social and cultural rights, State Parties shall undertake such measures to the maximum extent of their available resources, and where needed, within, the framework of international cooperation.” Children status in society, among many other factors, also means that they are more vulnerable to sexual abuse and other forms of violence and exploitation and they do not have any political inconsistency to represent their interests (Sandeep & Madhumati 2003). To understand the interests of the child, one must know their rights. The Convention on the Rights of Child (CRC) adopted by the general assembly of the United Nations on 20th November 1989 defines basic rights of children covering multiple needs and issues. The constitution of India guarantees all children certain rights, which have been specially included for them. These include:

1. Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A)
2. Right to be protected from any hazardous employment till the age of 14 years.(Article 24)
3. Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength(Article 39(e)
4. Right to equal opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment(Article 39 F )

Besides these, they also have rights as equal citizens of Indian, just as any other adult male or female.

1. Right to equality( Article 14)
2. Right against discrimination (Article 15)
3. Right to personal liberty and due process of law (Article 21)
4. Right to being protected from being trafficked and forced into bonded labour (Article 23)
5. Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)

**Rights at Stake**

The purpose of the UNCRC is to outline the basic human rights that should be afforded to children. Four sets of civil, political, social, economic and cultural rights are insisted which cover every aspect of the lives of children; they are rights to Survival, Protection, Development and Participation which is being explained here in Figure I.

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**Figure I Rights at Stake**

- **Right to Survival**: A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity. (e.g. adequate standard of living, shelter, nutrition, medical treatment).
- **Right to Protection**: A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere. (e.g. special care for refugee children; protection against involvement in armed conflict, child labor, sexual exploitation, torture and drug abuse).
- **Right to Participation**: A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child. (e.g. the freedom to express opinions; to have a say in matters affecting their own lives; to join associations).
- **Right to Development**: Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical...
development (e.g. play and leisure, cultural activities, access to information and freedom of thought, conscience and religion).

Violations of Child Rights at School and Home

All children need protection because of their social, economic, or even geographical location; some children are more vulnerable than others and need special attention. The boy child is as much a victim of abuse-physical and emotional—as the girl child, although the girl child remains more vulnerable because of her lower status in society as a whole. Boys are victims of corporal punishment at school and at home; many are sent, and often even sold for labor, while many are victims of sexual abuse. Child abuse is not a phenomenon of a particular class or a community. It occurs across socio-economic, religious, cultural, racial, and ethnic groups. Research by various groups in the past have clearly brought forth some of the following child violation issues occurred at school and home e.g. Corporal Punishment and Examination Stress and Domestic Violence as also being explained in Figure II.

**Corporal Punishment:** Corporal punishment is the use of physical force with the intention of causing pain. It is often used as a measure to discipline children. Children are at the receiving end from parents, teachers and non-teaching school authorities. Right to discipline children cannot be at the cost of children’s right to development and participation. In fact children right to participation alone can set the tone for discipline. In any case there is no religion or law that allows corporal punishment. Victims of corporal punishment during childhood are more likely to hit their children, spouses or friends in adulthood. There are three types of corporal punishment as being explained here:

- **Physical Punishment:** It is the most ineffective form of discipline as it rarely motivates an individual. It does more harm than good to the child. This punishment may deter a child from repeating the act of indiscipline to some extent, but it cannot improve her/his understanding of the subject or make her/him more intelligent. In fact it has numerous negative consequences on the child. Many street and working children have pointed out physical punishment at school as one of the reasons for running away from school and also from their families and home e.g. Making them stand for the whole day in the sun, on bench; holding and twisting their ears, tying the hands, do sit ups, caning and pinching, keeping the school bags on their heads etc. Nobody has any legal or moral authority to physically punish children simply because they are unable to control the situation in any other way.
Emotional Punishment: The punishment of such kind leads to creation of anger, resentment and low self-esteem. It contributes to feelings of helplessness and humiliation, robbing a child of her/his self-worth and self-respect, leading a child to withdrawal or aggression it even has its effect on the academic performance of a child. It teaches children violence and revenge as solutions to problems e.g. slapping by the opposite sex, Scolding, abusing and humiliating, make them stand at the back of the class, suspending from school, Pinning and labeling paper on their back and removing the shirts of the boys etc.

Negative Reinforcement: This type of punishment has negative impact on the psychology of young minds as it usually takes the shape of hatred, terror and fear in the nascent minds. Children might imitate what the adults are doing. Children begin to believe that it is good to use violence and there is nothing wrong with it. Children may even assault their own parents or teachers in realization e.g. detention during the break and lunch, locking them in a dark room, call for parents or asking the children to bring explanatory letters from the parents, keeping the children outside the school gate, making the child clean the premises, Sending the children to the Principal, making them teach in the class, Giving oral warnings and letter in the diary or calendar, deducting marks, excessive imposition and make the children pay fines etc.

Examination Stress: India’s education system has made the world inquisitive of the brains we produce. Strict discipline along with a competitive examination system has been the way to success. All parents want to put their children into schools that produce good results. The pressures of cut throat competition, rising expectations from our children and students, good results being the main stake for the reputation of a school or a teacher and inability to help children cope with all this has led to increasing depression amongst students, leading to growing number of student suicides. The brains are dying and if we do not open our eyes to this reality
now, we may lose out on a whole generation of bright young people very soon. The schools will have to make the first move and also perhaps start counseling the parents along with children.

**Domestic Violence:** Domestic violence is physical, psychological, or emotional abuse that occurs in or around the home between family or household members. Domestic violence includes all forms of abuse resulting from conflicts or misunderstandings that take place at home. Violence in the home is a serious threat to the well-being of children. It can happen in wealthy homes and in poor homes, and has serious harmful effects on victims, but can be difficult to identify. Violence between adults or other members of the household and against children can have negative effects on child development. In many communities throughout Uganda, violence in the home happens every day, and is often masked by silence. Domestic violence can include emotional, physical, or psychological abuse. Because cultural and social norms often allow for heavy punishments or child beating, domestic violence against children is often overlooked and under-reported. Children should be kept safe within their homes and should not suffer violence at home. There is no law on domestic violence in the country. However, in the year 2000 the Juvenile Justice (Care and Protection of Children) Act, recognized cruelty against children by people who have the charge of such children or control over such children as a special offence. Section 23 of this Act provides for punishment for cruelty to a child, which includes assault, abandonment, exposure or willful neglect that is likely to cause mental or physical suffering to the child.

**Role of Teachers in protection of Child Rights**

*GOOD TEACHERS ARE COSTLY, BUT BAD TEACHERS COST MORE.*

-BOB TALBERT

A teacher’s role in the life on an individual crucial and a good teacher occupies a very significant place in the minds of young students. After parents, it is the teacher who influences a child most, and contributes to the shaping of his or her personality. Children in every society are deprived of their rights by parents and teachers beating children in the home and classroom or discriminating against them because of their caste, religion or physical and intellectual inability. Children can be subjected to neglect, abuse, violence and exploitation anywhere. There is some abuse that may happen inside the school premises, while a lot of it is what children suffer at home and in non-school environments. A child in class may be a victim of violence/abuse/exploitation that happens outside the school. The teachers’ duty to protect children does not come to an end once they are out of the school premises. They have to prepare themselves to know more about the child problems and the means to bail them out of them. The teacher as a leader, a torchbearer, a mentor or a guide must also take on the role of a caretaker, a protector and a catalyst of social change. They should ensure that all children are protected from all forms of exploitation, abuse, neglect; inhuman and degrading treatment. They must receive the very best protection, opportunities and assistance in order to ensure them the best future. A teacher can take following steps to protect child rights:

- **Participation and enrollment campaign:** A teacher can run non-formal education centers for working children. He can conduct primary school enrollment campaign and encourage children’s participation in matters that affect their lives. He can build children’s capacities to participate effectively and involve children in organizing events. He should give them responsibilities and at the same time give them the required
guidance and engage children in discussions/debates/quiz and other recreational activities. He should encourage education and participation of girls through creative measures within the classroom. Training and sensitization activities with teachers on child rights must become a regular feature by various schools on a regular basis.

- **Motivating parents:** A teacher can orient the parents and community leaders to involve in the child labour education programme. He should motivate the parents of those children who have completed 5 years of age to join the regular schools and to encourage the school going children to continue their education. He should discuss child rights issues with the parents in the PTA meetings.

- **Develop leadership quality:** A teacher can sensitize the leaders of the people’s movement and trade union representatives.

- **Open to learning attitude:** A teacher can motivate the drop-out children below 15 years of age and enrolling them in the regular schools. He should make children feel it is worthwhile attending class. He should be a Friend, Philosopher and Guide to the child.

- **Check on child abuse:** A teacher should understand children’s rights as human rights. He can get information on abuse privately and giving comfort to the child and evolving peer groups to check drug abuse or any other form of abuse taking place within the school premise is a good practice that schools must adopt.

- **Create interest:** A teacher should make the classes interesting and informative.

- **Avoid punishments & Discrimination:** A teacher should avoid corporal punishment and discrimination. He should use positive reinforcement techniques like dialogue and counseling to discipline children. He can take active steps to reach out to children from minority and other discriminated groups.

- **Democratic outlook:** A teacher should be democratic but not unstructured.

- **Providing conducive environment:** A teacher should create child-friendly environment in school. ‘Spare the rod and save childhood’ should be the slogan and message for children. All teachers can help in creating and strengthening a protective environment around children.

- **Check dropout rate:** A teacher should follow-up on girls who drop out or attend irregularly to ensure it does not continue.

- **Keen observer:** A teacher should be a keen observer because observations are important, as they alone will help to assess the growth and progress of a child.

- **A good counselor:** A school must have a trained counselor to help both the children and their parents/guardians. A teacher should help the child express her/his problem either through drawing and painting or by writing a story or simply talking to the school counselor/social worker or to a friend in the class.

- **Regular and periodic PTAs:** a teacher can suggest the school authorities to provide a platform for dialogue between teachers and parents on the child’s overall development.

- **Provide facilities:** Basic facilities like toilets and drinking water for children of both the sex must be made available within the school premises. Adequate breaks for toilet and drinking water must form a routine. Disabled-friendly infrastructure and teaching-learning materials should be made available.

- **Co-operation with the school management:** Organize meetings of children with school authorities and ensure children are protected within the school as well as in the community, even if it requires calling the police and taking/facilitating legal action. Most of these steps need co-operation of school management. Teachers must take school
administration in confidence to make child rights protection campaign a success.
Guidelines are set up and followed for disciplinary enquiries and action against teachers
or other school.

Role of Parents to protect Child Rights

Parent’s role is even more critical than what it is expected. They should protect the
child’s rights by creating positive environment in the home and children must get an opportunity
to live comfortably and realize their full potential in life. Their natural development rests on
proper nurturing of their innate abilities. Families can support the care and development of
children, discuss with children issues affecting them, and report child rights abuses to the local
authorities. There are some more ways by which parents can protect their children:

- Create a relationship where children can express their views, concerns, anguish, fear etc.
  and try to engage with children in informal discussions.
- Be a good listener. Share and discuss various issues and problems which children are
  facing either in school or at home.
- Avoid discrimination between male and female child.
- Stop use of child labor in your home and workplace.
- Check whether the child is under any pressures from family, relatives, friends or teachers.
- Spend some time with the child privately, without being imposing, humiliating &
  creating embarrassing situation for the child.
- Take children to nearby places for picnics and pleasure trips.
- Encourage them to put forward their views before the adults and the community.

Conclusion

“The future of a nation can be seen through the eyes of the children.”

- Pundit Jawaharlal Nehru

Children’s rights are about treating children with the equality, respect and dignity to
which they are entitled, not because they are the “adults of tomorrow” but because they are the
human beings today. The Rights of the child is an expression of the interconnection of all rights
that ensure human dignity of the child. They are necessary for the complete and harmonious
development of the child’s personality, including civil and political, social and economic rights
of children. Human Rights apply to all age groups; children have the same general human rights
as adults. But children are particularly vulnerable and so they also have particular rights that
recognize their special need for protection. There are many places and many instances where
these human rights are deliberately ignored. The greed for power and the false pride of being
better than the other, makes one forget the rights of others. Before anyone tries to violate the
fundamental human rights of any individual, one should spare a thought that the same thing
could soon happen to them too. There is urgent need to protect child right. There is nothing more
sinful than taking away or denying the right to education from a child. Education, as a tool to
protect rights helps to promote the welfare of the society. The basic values of the society can be
achieved through it. Everyone in society has a duty to protect children and their rights, including
children themselves. In this 21st century, when we Indian are busy counting our economic and
political success both at national and international level, still is much needed to be done to
improve the status of children in India for the coming future (Narula, G. 2005). Parents, teachers, community, members, local leaders, religious leaders, doctors, members of parliament, and even the president all play a role in protecting children. The family, especially parents and guardians, have the primary responsibility to raise children and ensure their safety.

References