



STUDY OF THE STRUGGLE FOR CHILDREN'S EDUCATIONAL RIGHTS IN INDEPENDENT INDIA

Aji P R

Research Scholar

Department of Social Work

Sunrise University, Alwar, Rajasthan.

aji.pr2013@gmail.com

Dr. Dilip Keshwrao Bardagade

Research Guide

Department of Social Work

Sunrise University, Alwar, Rajasthan.

ABSTRACT

Children are seen as human beings with rights to protection, security, and chances for complete development, thus protecting their rights are very important in civilized societies. Human resources are an integral aspect of every nation and may be improved via education, particularly through enhancing the fundamentals. It is believed that education is the key to an individual's growth and development. As India gained independence, the constitution made primary education both free and required. On August 15, 1947, India gained independence from British rule.

After gaining its independence, India had the chance to create a system or platform that would enable it to educate the greatest number of its citizens. Indians also had the chance to alter their past educational systems and policies in accordance with the demands of the nation. Several more policies, programs, Acts, and commissions have been established since the University Commission, Secondary Education Commission, and Hunter Commission, but the educational rights of children are still not being met.

In many ways, they are denying them the right to an education. They face discrimination and rejection for a variety of reasons, starting from the family to the classroom and from there to society. The purpose of this essay is to analyze children's educational rights in the context of independent India. The current study will consider the flaws still existent in India's educational system that may be the cause of violations of children's educational rights. In this essay, the researchers will look for measures to ensure that all children in India have equal access to education, which is currently being violated.

Keywords: Educational rights, Independent India

INTRODUCTION

Making education available to all people without prejudice was the government of India's top aim soon after the country attained independence in 1947. There is prejudice in India based on caste, color, race, gender, and religion since the country is the epicenter of discrimination. Yet, the Indian constitution has restrictions that restrict the rights of all citizens. As stated in Articles 14 through 18 of the Indian Constitution, everyone is equal.

There is no discrimination based on factors like gender, creed, race, or sexual orientation. Elementary education has also been declared a basic right for children between the ages of 6 and 14 by the 86th constitutional amendment. In Indian schools, sexual abuse, emotional abuse, physical abuse, corporal punishment, and other forms of abuse pose a serious danger to the preservation of children's educational rights.

India has a younger population than any other nation. In India, there are 25.5 million children under the age of fifteen, according to the 2011 census. All children's rights in India are protected by the National Commission for Protection of Child's Rights. In accordance with the Right of Children to Free and Compulsory Education Act of 2009, the National Commission for the Protection of Children's Rights and the State Commissions for the Protection of Children's Rights strive to uphold children's right to education.

According to the most recent statistics on child rapes, 25% of incidents include coworkers or

bosses as the perpetrators. According to statistics from the National Crime Bureau (NCRB), 8800 incidents of child rapes were reported nationwide in 2015. The NCRB compiled data about the relationship between the victim and the accused for the first time in 2015 at this time. According to the research, neighbors were the worst perpetrators of child abuse in 2015. Out of 3149 incidents, it was discovered that 35.8% of the perpetrators were neighbors, and over 10% were family members who sexually assaulted the kids.

In India, a lot of families struggle to provide for their members' basic needs, which push parents to sell their kids and prevent them from receiving an education. According to Indian law, a child marriage occurs when either the lady is under the age of 18 or the male is under the age of 21.

Yet, in India, the majority of child weddings involve young girls, many of whom are living in substandard circumstances. One of the obstacles to the nation's educational progress is child marriage. An estimated 14 million teenagers between the ages of 15 and 19 give birth each year. It is clear to state that they are not only being denied their educational rights but also their civic and personal rights.

Data Source or Methodology

A range of secondary sources, including books, journal articles, reports from different governmental agencies and commissions, periodicals, newspapers, etc., were used to compile the secondary information for this conceptual paper.

"All states shall endeavor to provide within 10 years of the commencement of the constitution free and compulsory education to children until they reach the age of 14 years," was incorporated into the "directive principles of state policy" of the Indian constitution just after Independence and during its implementation in 1950. (Constitution, 1950). India had a 16% literacy rate at the time. It was clear that the state was responsible for ensuring that students had a basic education, and that the Center was in charge of higher education.

The government also changed the status of education in 1976, making it a concurrent topic. As a result, the state and the center are now simultaneously responsible for managing the education system. The National Policy on Education (NPE), which was introduced in 1986, outlined and advocated for Universal Elementary Education after that. The NPE of 1986 placed particular emphasis on issues including universal access, retention, and completion of elementary education. Common School System was further advised by the National Policy on Education. Nevertheless, the majority of the policies were merely written on paper; they were never put into practice, and India's goal of providing universal elementary education was abandoned. The right to get an education has not yet been realized.

Millions of youngsters in urban slums and rural regions are reportedly denied access to even the most basic education, and obtaining an education is merely a pipe dream for them. Notwithstanding various education-related initiatives and laws that have been introduced in the Indian Parliament since the country's independence in 1947. Because the government asserts that its "revolutionary" "Right to Education Law" (RTE) would address the issue of ensuring that every kid between the ages of 6 and 14 has the right to a free, public education.

Issues and Challenges

Child Marriage in India Causes Education Denial: The legal age of marriage in India is 18 for females and 21 for boys, according to the constitution. Any union that is formally dissolved

before this age is referred to as a child union. Both boys and girls are impacted. It becomes a barrier to receiving the required education. It has been determined that the tendency of child marriage is frequent among Hindus and Muslims, despite child marriage being reduced since 2001 but remains widespread. In India, 70.8 million girls were married before becoming 10 years old. According to the most recent Census data (2011), child marriage is quite common. According to census statistics from 2011, which forces the kids to quit school, the proportion of underage marriages is thought to be lowest among Sikhs and greatest among Hindus. What forces exist in India that drive child marriage rather than education is the topic of discussion. Poverty, Orthodoxy, and a lack of knowledge of the long-term advantages of education and how it supports individual, social, and societal development may be the causes.

The time is right to lay the groundwork for future education. Yet even after 70 years of independence, a nation like India has no control over child trafficking. Regulations and regulations have been developed, however they have not been properly implemented. According to estimates, 15,212 children were kidnapped or abducted in India in 2014. Here, the issue of who will safeguard these children's futures emerges. Who is in charge of looking out for them? How can India fulfill the objective of elementary and secondary education for all citizens?

In India, human trafficking affected approximately 20,000 women and children in 2016, up nearly 25% from the year before. The biggest number of victims was reported in the eastern state of West Bengal, with the Ministry of Women and Child Development informing parliament that 19,223 women and children were trafficked in 2016 as opposed to 15,448 in 2015.

Domestic violence and Children: Domestic abuse is a factor that affects children's educational opportunities. Children, adolescents, and teens who engage in a pattern of violent and coercive behavior in personal relationships including physical, sexual, and psychological assaults show less academic improvement and behave more disruptively or unfocusedly in class. The likelihood of effective school performance is lower for children from dysfunctional households (Valerie Garnett 2013).

According to statistics on the victimization of children by domestic abuse, more than 275 million children are victims of domestic violence each year. And the majority of these criminals are parents and other members of the immediate family.

The UNICEF has also said that domestic violence causes long-term physical and psychological harm that hinders children's capacity to study and socialize, making it challenging for pupils to succeed in school. There is a clear link between violence against women and violence against children, according to studies from some of the biggest emerging nations, including China, Colombia, Egypt, India, Mexico, the Philippines, and South Africa.

Child sexual abuse causes violations of educational rights. Bahadur Singh performed a research using a well-designed approach that included 13 states, from those with the highest to those with the lowest rates of child abuse crimes. 18% to 20% of child sexual abuse incidents take place in families, and around 50% of these instances are reported in institutions (Jyoti Balpur). Sexual assault is more likely to happen to girls. Poverty and sexual exploitation are closely associated. (Bahadur Singh and Jyoti Belur 2015). India has 49.9% of

the 4320 students who are sexually assaulted in schools, according to recent statistics on the frequency of sexual abuse in schools and/or anyplace in South Asia.

Child Labor and Children's Educational Rights: India has the highest prevalence of child labor. From Kashmir to Kanyakumari, children have been seen working in the unorganized sector, workshops, businesses, mines, and sometimes as household helpers, whether paid or unpaid. The age that marks the beginning of formal schooling is spent working as rag-pickers, shoe shine boys, shop workers, and even found begging. Yet it is clear that the majority of children are pushed into labor, either by their parents or as a result of the death of their parents. In this sense, it is common for kids to quit school and move live with their parents while finding other ways to make money.

Although though India's Right to Education Act of 2009 outright prohibits physical punishment in schools, this practice runs counter to a human rights-based approach to education. However, it is not only limited to schools; it may also include physical harm done to children at home by their parents or any other kind of severe punishment. Corporal punishment may take many different forms, such as forcing the kid run around the schoolyard, making them sit like chairs for extended periods of time, hitting them with sticks, pinching or slapping them, etc. Other practices that violate children's rights include sexual abuse, tormenting, and shutting kids up by themselves in schools. It may result in the children's bodily, emotional, or even death in certain circumstances.

Solution to Equal access to Education with Equal Educational Rights

India is the only nation where 45 percent of females get married before the age of 18. The bulk of females who get married before turning 18 are from low-income or BPL homes. India is unable to eradicate this social vice from society, which is a major barrier to the development of the country. Since it has been discovered via reading reports and studies, it is important to advise that the poverty and illiteracy that are the causes of child marriage need to be brought to light.

The policies must be put into practice at the local level in order to achieve this. It is necessary to set up a system at the village or gram level to track cases, and financially disadvantaged families must be helped so they can send their kids to school. And others who do the same offenses ought to face harsh punishment. While the Indian government has opened schools in every remote and rural location, enrollment is extremely low, and dropout rates are high. These issues are due to a combination of socioeconomic factors, poverty, and illiteracy.

Again, when it comes to child trafficking, it is clear that the causes are either poverty, social isolation, illiteracy, and lack of knowledge on the part of society and parents. As the researcher who cited the statistics of children trafficked in India said, it is necessary to have rigorous laws, rules, and regulations as well as the desire of all stakeholders to stop child trafficking. Researchers are once more recommending, based on evidence, that poor families receive financial assistance so that the parents do not send their kids to work in dangerous environments, which is against their rights, and that they be made aware of the importance of education for future development and societal building.

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psychological harm that hinders children's capacity to study and socialize, making it challenging for pupils to succeed in school. This is one of the reasons why children's educational rights are violated. The children's education is impacted by domestic violence. In order to prevent domestic abuse against children, local authorities should look after their community.

For this reason, panchayats may play a key protective role. The government should order local authorities to take these matters into consideration. The local authority should also make sure the kids are kept. The management committee of the school should have the power to investigate allegations of domestic abuse and violations of educational rights.

According to the researcher who was quoted above, the prevalence of sexual abuse against children in the home and at school results in violations of children's rights to an education. Females are more susceptible than boys in respect to sexual abuse. Once again, the core issue of poverty has to be addressed. Every stakeholder's top priority is to end the nation's poverty, which is the root cause of all violence in Indian society.

India has the highest prevalence of child labor. From Kashmir to Kanyakumari, children are not receiving their fair share of education. Every educational policy in India is failing, and child labor represents one of the biggest threats to the nation's development that must be addressed. While India attained independence on August 15th, 1947, the issue of child labor has not yet been resolved. Families living below the poverty line should get financial assistance, and particular programs for their children need to be put in place.

In Indian schools, corporal punishment poses the greatest hazard. Due to a lack of study skills and in the name of castes and religion, corporal punishment is used. The children's educational rights are violated by the instructors' intolerance. In India, there are several instances when instructors have been accused of pressuring their pupils towards suicide.

Thus, it is essential to include topics relating to children's rights and the defense of human rights in teacher education curricula, as well as to organize in-service programs and seminars to raise awareness of children's educational rights. Certain guidelines that must be observed in schools. Children's safety in schools should be ensured by the panchayat and local education committee.

CONCLUSION

On August 15, 1947, India gained independence from British rule. After gaining its independence, India had the chance to create a system or platform that would enable it to educate the greatest number of its citizens. Indians also had the chance to alter their past educational systems and policies in accordance with the demands of the nation. Several more policies, programs, Acts, and commissions have been established since the University Commission, Secondary Education Commission, and Hunter Commission, but the educational rights of children are still not being met.

The researcher discovered that children are denied their access to an education for a variety of reasons when they examined several reports from governmental and non-governmental organizations about children's rights. Child Marriage, Child Trafficking, Child Victims of Domestic Violence, and Violation of Rights of Education Due to Child Sexual Abuse Either in the Home and School, Corporal Punishment, and Educational Rights of Children are Considered by Researcher are some examples where Children are the Victims of Violence

Either in the Home, Society, School, or in Other Institution.

Teachers often beat pupils in Indian schools for a variety of reasons, and the majority of parents also beat their kids. Children are often physically mistreated and humiliated as a form of discipline. It is simple to conclude that, despite the presence of several commissions, laws, rules, and regulations, India still falls short in protecting children's rights on the basis of reports and data gathered from various sources. The topic revolves on the fact that 19,223 women and children were trafficked in India in 2016. How can the educational rights of young kids in an independent India be protected?

The topic of discussion is what causes child marriage to be forced in India and to become a barrier to education.

Poverty, Orthodoxy, and a lack of knowledge of the long-term advantages of education and how it supports individual, social, and societal development may be the causes. Also, according to UNICEF research, children who experience domestic abuse suffer long-term physical and psychological harm that hinders their capacity to learn and interact with others and makes it challenging for them to succeed academically. It is clear that India needs to ensure the safety of its children. India has a long way to go even after 70 years of independence. The youngsters are vulnerable in many ways because they cannot access their fundamental educational rights.

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