

# Voicing for Child Rights

**PARD INDIA** joins national and international platforms voicing for the Rights of Children at the grassroots of Indian society, where their rights are being highly undermined.

## National Platform:

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide **free and compulsory education** of all children in the age group of six (6) to fourteen years (14) as a **Fundamental Right** in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school that satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory.' **'Free education'** means that no child, other than a child whose parents have admitted to a school that the appropriate Government does not support, shall be liable to pay any fee, charges, or expenses that may prevent them from pursuing and completing elementary education. **'Compulsory education'** casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance, and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a right-based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

### The RTE Act provides for the:

- ✚ Right of children to free and compulsory education till completion of elementary education in a neighborhood school.
- ✚ It clarifies that 'compulsory education' means the obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance, and completion of elementary education to every child in the six to fourteen age group.
- ✚ It makes provisions for a non-admitted child to be admitted to an age-appropriate class.
- ✚ It specifies the duties and responsibilities of appropriate Governments, local authorities, and parents in providing free and compulsory education and sharing financial and other responsibilities between the Central and State Governments.

- ✦ It lays down norms and standards relating, inter alia, to Pupil-Teacher Ratios (PTRs), buildings and infrastructure, school working days, and teacher working hours.
- ✦ It provides for rational teacher deployment by ensuring that the specified pupil-teacher ratio is maintained for each school rather than just as an average for the State, district, or Block; thus, there is **no urban-rural imbalance** in teacher postings.
- ✦ It provides for the appointment of appropriately trained teachers, i.e., teachers with the requisite entry and academic qualifications.
- ✦ It prohibits (a) physical punishment and mental harassment, (b) screening procedures for admission of children, (c) capitation fee, (d) private tuition by teachers, and (e) running of schools without recognition.
- ✦ It provides for the development of a curriculum in accordance with the values enshrined in the Constitution, which would ensure the all-round development of the child, building on the child's knowledge, potentiality, and talent and making the child free of fear, trauma, and anxiety through a system of child-friendly and child-centered learning.

(Source: <https://dsel.education.gov.in/rte>)

## International Platform:

International As per UNCRC, Children should have the right to special protection because of their vulnerability to exploitation and abuse. Four articles in the convention are seen as special among all 45 Articles. They're known as the "General Principles" and help interpret all the other articles and play a fundamental role in realizing all the rights in the Convention for all children. They are:

1. **Non-discrimination (Article 2)**
2. **Best interest of the child (Article 3)**
3. **Right to life survival and development (Article 6)**
4. **Right to be heard (Article 12)**

### Summary of UNCRC (United Nations Convention on the Rights of the Child):

- **Article 1:** Everyone under 18 has all the rights in this Convention.
- **Article 2:** The Convention applies to everyone, regardless of race, religion, abilities, thoughts or opinions, or family background.
- **Article 3:** All organizations concerned with children should work towards what is best for each child.
- **Article 4:** Governments should make these rights available to children.
- **Article 5:** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.



- **Article 6:** All children have the right to life. Governments should ensure that children survive and develop healthily.
- **Article 7:** All children have the right to a legally registered name and nationality. They have the right to know and, as far as possible, to be cared for by their parents.
- **Article 8:** Governments should respect children's right to a name, a nationality, and family ties.
- **Article 9:** Children should not be separated from their parents unless it is for their own good (for example, if a parent is mistreating or neglecting a child.) Children whose parents have separated have the right to stay in contact with both parents unless this might harm the child.
- **Article 10:** Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.
- **Article 11:** Governments should take steps to stop children being taken out of their own country illegally.
- **Article 12:** Children have the right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account.
- **Article 13:** Children have the right to get and share information as long as the information is not damaging to them or to others.
- **Article 14:** Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.
- **Article 15:** Children have the right to meet together and to join groups and organizations, as long as this does not stop other people from enjoying their rights.
- **Article 16:** Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.
- **Article 17:** Children have the right to reliable information from the mass media. Television, radio, and newspapers should provide information that children can understand and should not promote materials that could harm children.
- **Article 18:** Both parents share responsibility for bringing up their children and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work outside the home.
- **Article 19:** Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.
- **Article 20:** Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

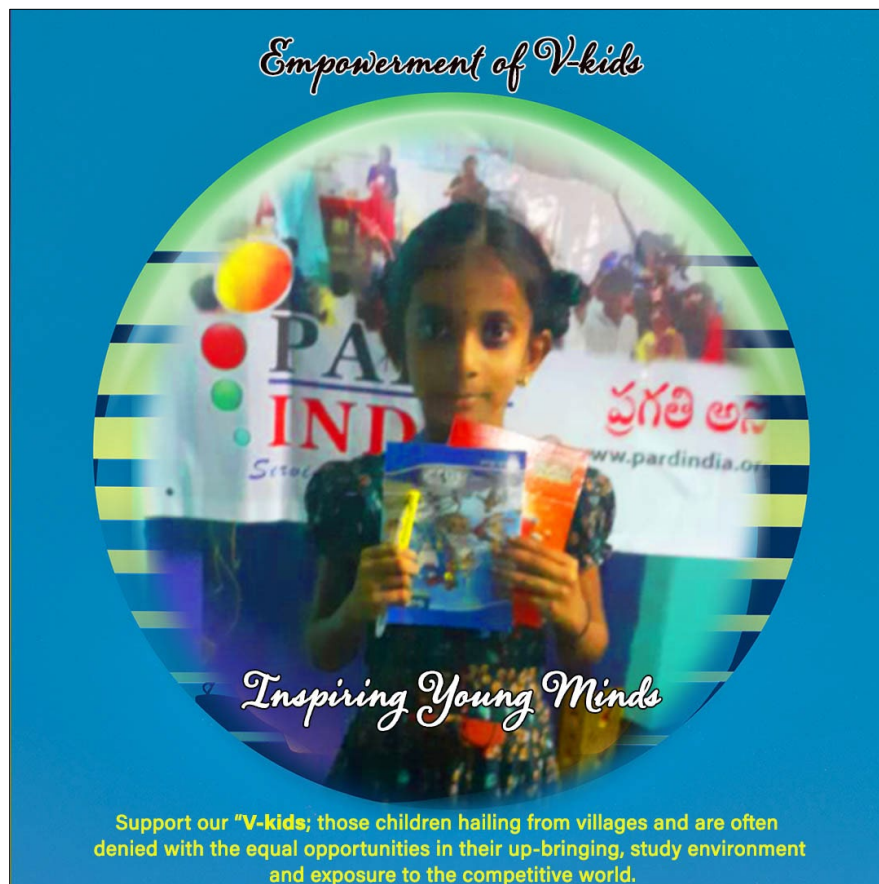


- **Article 21:** When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born, or if they are taken to live in another country.
- **Article 22:** Children who come into a country as refugees should have the same rights as children born in that country.
- **Article 23:** Children who have any kind of disability should have special care and support, so that they can lead full and independent lives.
- **Article 24:** Children have the right to good quality health care, to clean water, nutritious food, and a clean environment, so that they will stay healthy. Rich countries should help poorer countries achieve this.
- **Article 25:** Children who are looked after by their local authority, rather than by their parents, should have someone review the situation regularly.
- **Article 26:** The Government should provide extra money for the children of families in need.
- **Article 27:** Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.
- **Article 28:** Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.
- **Article 29:** Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.
- **Article 30:** Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.
- **Article 31:** All children have a right to relax and play, and to join in a wide range of activities.
- **Article 32:** The Government should protect children from work that is dangerous, or that might harm their health or their education.
- **Article 33:** The Government should provide ways of protecting children from dangerous drugs.
- **Article 34:** The Government should protect children from sexual abuse.
- **Article 35:** The Government should make sure that children are not abducted or sold.
- **Article 36:** Children should be protected from any activities that could harm their development.
- **Article 37:** Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.



- **Article 38:** Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.
- **Article 39:** Children who have been neglected or abused should receive special help to restore their self-respect.
- **Article 40:** Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.
- **Article 41:** If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.
- **Article 42:** The Government should make the Convention known to all parents and children

(Source: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>)



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