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Manvi Bhargava
Student Master of social work,
Department of Humanities and
Social Sciences, Motilal Nehru
National Institute of Technology
Allahabad, India

Tauffiqu Ahamad
Research Scholar, Department of
Humanities and Social Sciences,
Motilal Nehru National Institute
of Technology Allahabad, India

Awareness of child rights among the parents, school and the children in Chandigarh district with special reference to national commission for protection of child rights

Manvi Bhargava, Tauffiqu Ahamad

Abstract

India is a youngest country in the world. According to the census 2011 children below fifteen year is 25.5 million in India. In the pursuance of National Commission for Protection of Child Rights ensures that all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India as well as in, the United Nation Convention on the Rights of the Child, which India ratified in 1992. The National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCRs) have been entrusted with the task of monitoring children's right to education under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009. In this article the major areas which are covered with respect to the awareness of child rights among the teachers, parents and the children. The study is basically based on survey among the different schools in Chandigarh and found that many of the schools didn't had the awareness about the standards relating to the protection of the children which are set by the National Commission of India.

Keywords: National Commission for Protection of Child Rights (NCPCR), Child Rights, Indian Constitution, Parents, Teachers, State Commissions for Protection of Child Rights (SCPCRs), RTE Act, 2009, Awareness and Protection.

1. Introduction

National Commission for Protection of Child Rights ensures that all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India as well as in, the United Nation Convention on the Rights of the Child, which India ratified in 1992.

The National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCRs) have been entrusted with the task of monitoring children's right to education under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009, which reads as follows:

2. Monitoring of child's right to education:-

(1) The National Commission for Protection of Child Rights constituted under Section 3, or, as the case may be, the State Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under the Act, also perform the following functions, namely:-

- (a) Examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) Inquire into complaints relating to child's right to free and compulsory education.
- (c) Take necessary steps as provided under Sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while enquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section(1), have the same powers as assigned to them respectively under Sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

Correspondence:

Manvi Bhargava
Student Master of social work,
Department of Humanities and
Social Sciences, Motilal Nehru
National Institute of Technology
Allahabad.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses(a) to (c) of sub-section(1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

As per Section 31.1 of the Right to Education (RTE) Act the NCPCR and SCPCRs are supposed to:

- (i) Examine and review the safeguards for rights provided by or under this Act and recommend
- (ii) Measures for their effective implementation;
- (iii) Inquire into complaints relating to child's right to free and compulsory education.
- (iv) Take necessary steps as provided under Sections 15 and 24 of the Commissions for Protection of Child Rights Act.
- (v) Under Section 32(3) and (4) of the RTE Act, the SCPCRs are the appellate authority to receive appeals from the aggrieved persons who would prefer such appeals when their grievances relating to children's right to education are not redressed by the designated local authorities under Section 32(2).

2.1 Functions of the commission

Under Section 13(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005, NCPCR has one or all the following functions:

- (a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- (b) Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- (c) Inquire into violation of child rights and recommend initiation of proceedings in such cases;
- (d) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- (e) Look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- (f) Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- (g) Undertake and promote research in the field of child rights;
- (h) Spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means.
- (i) Inquire into complaints and take suo motu notice of matters relating to,-
 - (i) Deprivation and violation of child rights;
 - (ii) Non-implementation of laws providing for protection and development of children;
 - (iii) Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring

welfare of the children and to provide relief to such Children, or take up the issues arising out of such matters with appropriate authorities; and Citizen's Charter of National Commission for Protection of Child Rights (2012-13)

3. Under Rule 17 of the National Commission for Protection of Child Rights Rules, 2006:

- (a) Analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child, undertake inquiries and produce reports on any aspect of policy or Practice affecting children and comment on proposed new legislation from a child rights Perspective;
- (b) Present to the Central Government annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards;
- (c) Undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
- (d) Ensure that the work of the Commission is directly informed by the views of children in order to reflect priorities and perspective;
- (e) Promote, respect and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child;
- (f) Produce and disseminate information about child rights;
- (g) Compile and analyze data on children;
- (h) Promote the incorporation of child rights into the school curriculum, teachers training and Training of personnel dealing with children.

4. Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009

National Commission for Protection of Child Rights has been mandated under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009 to examine and review the safeguards of the rights provided under the act and to recommend measures for its effective implementation; to inquire into complaints relating to violation of child's right to free and compulsory education and to take necessary steps as provided under Section 15 of the Commission for Protection of Child Rights, 2005. Towards realizing its commitment of Universalizing Elementary Education during 2013 onwards, the Commission has undertaken varied activities providing for equity, inclusive, quality and sustainable education in India. Examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;

4.1 Powers of the commission

The Commission, while inquiring into any matter under Section 13(1)(j) of Consumer Protection Child Right Act, 2005 has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:-

- (a) Summoning and enforcing the attendance of any person and examining him on oath;
- (b) Discovery and production of any document;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office;
- (e) Issuing commissions for the examination of witnesses or documents.

The Commission has also the power to forward any case to a Magistrate having jurisdiction to try the same and the

Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

5. Protection of Children from Sexual Offences (POCSO)

In order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children through less ambiguous and more stringent legal provisions, the Ministry of Women and Child Development championed the introduction of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The Act defines a child as any person below eighteen years of age, and regards the best interests and well-being of the child as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child. It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems a sexual assault to be "aggravated" under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis the child, like a family member, police officer, teacher, or doctor. People who traffic children for sexual purposes are also punishable under the provisions relating to abetment in the Act. The Act prescribes stringent punishment graded as per the gravity of the offence, with a maximum term of rigorous imprisonment for life, and fine.

Under Section 44 of the Protection of Children from Sexual Offences (POCSO) Act and Rule 6 of POCSO Rules, 2012, the National Commission for Protection of Child Rights, in addition to its assigned functions, also mandated:

5.1 POCSO monitor the implementation of

- To monitor in the implementation of the provisions of the POCSO Act, 2012;
- To monitor the designation of Special Courts by State Governments;
- To monitor the appointment of Public Prosecutors by State Governments;
- To monitor the formulation of the guidelines described in section 39 of the Act by the State Governments, for the use of non-governmental organizations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child, and to monitor the application of these guidelines;
- To monitor the designing and implementation of modules for training police personnel and other concerned persons, including officers of the Central and State Governments, for the effective discharge of their functions under the Act;
- To monitor and support the Central Government and State Governments for the dissemination of information relating to the provisions of the Act through media including the television, radio and print media at regular intervals, so as to make the general public, children as well as their parents and guardians aware of the provisions of the Act;
- To call for a report on any specific case of child sexual abuse falling within the jurisdiction of a CWC;
- To collect information and data on its own or from the relevant agencies regarding reported cases of sexual abuse and their disposal under the processes established under the Act.

- To assess the implementation of the provisions of the Act and to include a report in a separate chapter in its Annual Report to the Parliament.

6. State Commissions for Protection of Child Rights (SCPCRs)

State Commissions for Protection of Child Rights is state commission for protection of child rights which is in every state and all the Union Territories. The Delhi Commission for Protection of Child Rights (DCPCR) has been constituted under the Commission for Protection of Child Rights (CPCR) Act, 2005 vide a notification issued by the Govt. of NCT of Delhi on 7 July, 2008. It has six members and a Chairperson. The Commission started functioning from 8 September, 2008. The office of the Commission is at 5th Floor, ISBT Building, Kashmere Gate, and Delhi-110006.

The Act empowers the Commission to act as a Civil Court to undertake suo-motu enquiry and also look into complaints related to deprivation and violation of child rights and non-implementation of laws for protection and development of children. The Commission is mandated to intervene in matters where-ever there is a failure to implement policies, decisions, guidelines or instructions as per the perspective of the rights of a child enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. The Commission is actively and effectively monitoring rescue & rehabilitation of child labour specially involving migrant children, cases falling under Right to Education, medical crisis in schools, children's right to play in parks, promotion of adoption of girl child, prevention of sexual abuse of children, checking child trafficking, children in need of care and protection etc. State Commission for Protection of Child Rights (SCPCRs) constitutes 28 State and 7 Union Territory in India.

7. Work and Experience

The National Commission for Protection of Child Rights in Protection of Children from Sexual offences (POCSO) section which is one of the most sparking sections of the commission. The specific objective of my internship was to analyze the awareness level about the child rights among the stake holders. To for fill these objectives I needed to acquire the necessary knowledge and skills which means to read much literature on right to education and the Protection of Children from Sexual offences (POCSO) and absolve a lot of training. In the first week I got in touch with my supervisor and my predecessor they lead me through the paperwork and introduced me to the most of the literature. My working hours were 9:00a.m–5:00p.m. During the first weeks I had read the literature and to make a summary of what I have come across, and decide my topic of the internship. Second week I was busy with developing the questionnaire for my study survey, which required a lot of effort and approval from the Member Secretary. Third week the questionnaire got approved and I got the permission from the commission to visit the schools of Chandigarh. I collected the data and in the fourth week of my internship I started piling up my work and made a report and analyzed my collected data on MS-Excel, spreadsheet. During the whole internship I felt as a full-fledged member of the commission. I particularly appreciated, that my supervisor would let me work independently, and included me in some decisions. At the end, I must say that it was a wonderful experience in everything. It gave me a new vision for my work. I would like to thank the mentors of this program, and I wish that many other students may have the chance to join in next year. I developed a questionnaire with 50 questions in it.

It was basically for the parents, schools, and children. It was basically for assessing the awareness about child rights. I visited 20 schools in Chandigarh, Punjab. I collected the responses of 180 people in total, as my questionnaire was divided into three sections.

8. Findings

8.1 View point of parents

- Out of 60 samples, 25 students studied in public school and 35 students were from Govt. school.
- Out of 60 children 30 belong to 6-7 year slot, 17 belong to 8-9 year slot, 3 belong to 10-11 year slot, and 10 belong to 12-13 year slot.
- Out of 60 sample mode of transport used were like, school bus was used by 33, school van was used by 13, and 14 of them used their own vehicle.
- Out of 60 samples it was found that 25 parents said yes to the school authority protection for their children for to and fro journey for school. And 35 of them said no to the asked question.
- Out of 60 parents 23 of them said that there is the appointment of lady conductor for the buses and 37 of them said that the children are dropped on the exact point where they have been picked up.
- Only 23 people said that the appointment of the lady guards is the safety measure marked in the school bus/van.
- Only 14 parents said that their child goes via private cabs.
- Out of the 60 parents 27 of them said that the cabs are not registered with the detailing of the cab drivers.
- All the parents agreed that there should be at least one female guard to present on the bus until the last child is dropped home, irrespective of whether the child is a girl or a boy.
- 54 parents agreed that it's the responsibility of the parents to teach the children about their personal safety, and 6 of them disagreed and said school is responsible to do so.
- All the parents agreed to the question concerning the rapport of a parent with their children.
- All the parents agreed to the question of the counseling of a child when there is any emotional problem.
- Out of 60 parents, 50 parents said that the class teacher of the children cares about them as an individual, and 10 of them said no to the question asked.
- Out of 60 parents, 8 of them agreed that that the other subject teachers care about their children as an individual and 52 of them said no to it.
- 51 parents agreed that they have coordination with the class teacher of their child over phone, and 9 of them said no to it.
- Out of 60 parents, 54 of them agreed that they get involved in day to day decision relating to their child at school, and 6 of them said no.
- All the parents agreed that they help their kid to react against the violation of their rights.
- All the parents agreed that their kids tell them about any misconduct at school.
- Out of 60 parents, 57 parents said that they will inform the police if there is any misconduct at school and 3 of them said that they will inform the childline 1098.

8.2 View point of the Teachers

- 46 Schools said that their mode of communication that they use currently with the parents is diary, 4 of them said via phone calls, and 10 of them said via meetings.

- None of the schools had a forum for the children to express their ideas or opinions.
- All the schools agreed that the main source from where the child gets the information about their rights is textbooks, family and 7 opinions were from peer group.
- All the schools agreed that the moral science should be the mandatory part of the child's education.
- Opinion asked from the school that how far they think that moral studies aware the children about their moral duties and positive activities.
- Only 27 schools had counseling centre in the premises, and 33 of them didn't have this facility.
- Out of 60 schools 27 said that there are full time counselor recruited in the schools.
- All the schools agreed that the right of the children should be taught in the school.
- This question had an interesting opinion as 30 schools said yes that the child right curriculum fits the learning goals of the school system, and 30 of them said no.
- 48 schools agreed that there is a proper antecedent verification of the male and female working staff is done along with their educational verification, 12 schools said that they check the background of the staff on a superficial way.
- Parent- teacher assessment is done by 60 schools as to involve the parents in the life of the schools and their protection experience, and 27 of the schools also said that they involve parents as a volunteers.
- All the schools said that assess the concerns of parents with respect to the safety of their children by either word of mouth or meetings.
- Out of 60 schools 15 had the facility to lodge complaints of child rights violation, but 45 of them didn't had any.

8.3 View point of the Children

- None of the schools conducted any seminar to make students aware of their rights.
- None of the schools had any child protection policy displayed at the reception or main lobby area of the institution along with the 1098 childline number.
- The teacher supports the child opinion, and softy counsels him/her. Teachers also involve the parents of the children.
- Only 36 children said there is a emotional humiliation that they face in school in the form of shouting.
- Out of 60 children 20 said that mocking at physical appearance is practiced, 17 of them said on the basis of gender, 5 said on being blamed for what is not your fault, and 18 said on academics standards there is a comparison among the children.
- Out of 60 students 38 of them said that they face physical tease/punishment in day-to-day activities at bus or at school, and 22 said no to it.
- Out of 60 children said that 18 students will inform their parents/teacher in case of any tease or punishment, and 42 of them said that wont inform their parents neither their teacher.

9. Recommendation

Due to the lack of the facilities available in the school with respect to the human rights to the children, the following recommendations are made concerning compensating the Management, Staff training and revising the Guidelines. It is recommended that States effectively evaluate the impact of migration and any other policies, programmes, practices and

decisions on the rights, well being and development of all children directly or indirectly affected by international migration and ensure that the fundamental principles of the Convention are effectively prioritized and meaningfully implemented with respect to migration policy and other considerations, and that results are reflected in further developing migration policy as well as child protection policy. It also increased political will, implementation, research, education, inclusion and participation of children and society at large in rights initiatives. There is a Positive proactive response to advocacy by family, community, funders, politicians, etc. and the realization of children's rights and improved well-being. There is need to facilitate monitoring and collection of information, with a specific mandate to address the needs of children. schools should conduct individual assessments and evaluations of the best interests of the child at all stages of and decisions on any migration process affecting children, and with the involvement of child protection professionals, the judiciary as well as children themselves. Schools should ensure the availability of information on Children risks and rights, health and mental health support, legal representation and guardianship, interviews and other processes in a child friendly and culturally sensitive manner.

10. Conclusion

I have concluded that some facilities provided by every School for every child are of same level, where as some facilities which concerns the protection of child rights are of different level.

School also pay a proper attention to some of the mandatory rules which National Commission for Protection of Child Rights enforce on them for the improvement of desired facility like as lady conductor, and teaching of human rights to the children at an elementary level. Management should also try to fulfill the gap of facilities level to make a good balance between students and the school. All children in school need to be protected through the full application of the Convention on the Rights of the Child and without discrimination of any kind. The schools have recommended prohibition of physical punishment in the schools, and to introduce educational campaigns to encourage positive, non-violent child-rearing and education. Participation of children in school life, the creation of school communities and student councils, peer education and peer counseling, and the involvement of children in school disciplinary proceedings should be promoted as part of the process of learning and experiencing the realization of rights which leads to healthy growth of the children.

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