

Violation of Child Rights in India : Role of Policy, Pedagogy and Culture

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Abstract

The paper tries to examine the violation of child rights in Indian educational institutions and society, figuring out the actors i.e. society, culture, and teachers which play crucial role in the infringement of child rights. It challenges also the education, pedagogy, syllabi, and teacher training, though seemingly empowering, which have been unable to protect children's rights completely till date. This theoretical study is based on the incidents occurring in the country i.e. corporal punishment, caste/gender discrimination, child marriage, child abuse etc. along with some literary narratives. The critical analysis engages a different approach/method to study the issues raised. The study succeeds to prove, despite guarantee of child rights and mechanism to safeguard these, that violation of child rights is apparent which is perceived as natural. The study proves that the syllabi, teacher training and culture play a crucial role for this naturalized violation of child rights. The culture, the major actor among all, is liable for this seemingly-natural-violation. Taking into account all the factors for violation of child rights, the study suggests that there must be redesigning of the syllabus and pedagogy which may protect child rights. The programmes/campaigns must be run to sensitize parents, teachers and society for this issue. Besides, there must be strict action on the violators and conviction be assured. Government not only must formulate policies for children's welfare, rather it must ensure the implementation of all these too. Only then the notion of strong nation can be realized.

Key words: Child, Rights, Violation, Education, Culture, Pedagogy

Introduction

“There can be no keener revelation of a society's soul than the way in which it treats its children.”

— (Mandela, n.d.a)

This is evident that treatment of children by its society is the real image of a society. Today's children are the adults of tomorrow. Thus Herbert Hoover (n.d.), 31st President of the United States of America argues that “Children are our most valuable resource.” But what is the modus operandi that may shape their mind and psychology; make them strong and productive wealth of nation. This includes good parenting, education and rights for children. The child rights mainly include: right to education and right to equality etc. wherein education is the only means to shape the future of nation in disguise. But unfortunately the same tool proves a mechanism to distort the mind and psychology of the innocent children. In this distortion, after education, culture plays a vicious role. Culture in practice, William (cited in Shuker Roy, 1994) argues, refers to only elite and ideals of dominant class. While, the education furthers the role of culture through pedagogy, syllabi and more importantly through teachers.

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Aim/objectives

Highlighting the child rights, this paper attempts to explore the violation of child rights in Indian educational institutions and society, figuring out mainly the actors i.e. society, culture, and teachers, which play crucial role in the infringement of child rights. It also seeks to question the education, pedagogy, syllabi, and teacher training, which even though seems empowering, but all of them have failed to protect the children's rights.

Hypothesis:

1. Educational institutions are the places of utopia.
2. Through education, its pedagogy, and syllabi; the sense of equality, fraternity and justice is inculcated.
3. Government enacted Acts and policies guarantee the protection of child rights.
4. Teacher-training is able to produce teachers who may be role-models, inspiration, and agency for change in society.

Methodology / Procedures

To find out the answers of the objectives and verify the hypotheses, this study banks upon the Constitutional provisions for children and government educational policies. The syllabi, role of teachers and practices in the schools are under exploration. The teacher training is under a close scrutiny as to what role does it play to turn the prospective teachers into humanitarian and egalitarian ones, taking into account different theoretical frameworks. Thus, the study is a theoretical one.

Discussion

Paulo Pinheiro (2007, para 2) in UN General Assembly argues "Children are sick of being called 'the future'. They want to enjoy their childhood, free of violence, now". Though, Pinheiro states this recently in the context of children but Constitution of India (1950) had recognized this need long back which resulted in some constitutional provisions for every citizen as Right to Equality (Article 14-18) on axis of caste, class, gender, race, law; Right to freedom of religious faith (Articles 25-28); Right to Cultural Education (Articles 29-30) to establish school and attendance of prayers etc; and more significantly, the enactment of Right to Education Act, 2009 to provide education to children in age group of 6 to 14. In addition to it, National Food Security Act, 2013 overcomes the undernourishment of disadvantaged students through Mid-Day-Meal programme in the schools. But despite these rights and provisions, the reality of educational institutions in India is heart rending. Students are still victim of corporal punishment, caste discrimination, sexual abuse which sometimes compels them even to commit suicide. Violation of right to equality is common in case of Dalit students while serving Mid-Day-Meal or in other activities at school (Reddy).

Corporal punishment, which is quite common in schools and teachers believe strongly in it as the only tool to educate and discipline students. Taking it into account which is violation of child's right to Freedom under section 21, Delhi High Court, in 2001, decreed that "corporal punishment undermines the dignity of a student. . . . It was cruel to put children under corporal punishment in the name of discipline" (HT, 2017). Recently in July 2019, Women and Child Development Ministry warned teachers who resort to corporal punishment which is a serious offence, "Spare the rod, or end up in jail" (NDTV, 20 July

2019, para 1). This intervention of government in children's rights began after "the death of Rouvanjit Rawla, the 12-year-old who committed suicide in February, days after being humiliated and caned by the principal of his school, the prestigious La Martiniere School for Boys in Kolkata" (NDTV, 20 July 2019, para 4).

The corporal punishment is misunderstood by people and stakeholders. However, any punishment, physical or non-physical that causes even slightest pain—emotional, psychological or physical—is corporal punishment as the Committee, constituted by Unicef India (2006) defines. Corporal punishment is the main reason for suicide. Neerja Birla (2018), the founder and chairperson Mpower, in this connection writes that "every hour a student commits suicide in India" (para 2). Reasons are various such as "poor results, racial, sexual or religious discrimination, body-shaming, sexual challenges, emotional issues, low self-esteem or insecurities, family or financial problems, substance addiction, and even hormonal changes" (para 5). Besides corporal punishment, sexual abuse of children by teachers is also violation of one's human rights. It includes lewd remarks, assaults, rapes, harassment, demanding of sex on pretext of various grounds. In India, "every other day some or the other child, in any of the schools across the country, becomes a victim of sexual abuse" (India Today, 2019). Not only sexual but children undergo physical and psychological exploitation, injury and treatment negligence. Kailash Satyarthi's says "the reporting of sexual crimes against children have increased by 34 per cent in the past three years, but the number of investigating agencies or courts have remained the same" (as cited in India Today, 2019). Teachers in schools, wardens in hostels and tutors are found guilty of sexual abuse.

This is worrisome, for this happens in schools. The education which is the only tool to empower the powerless has become a medium of exploitation and enslavement. Whereas Durkheim (1922, p. 5), regarding the role of education, opines that "education is above all a social means to a social end - the means by which a society guarantees its own survival" (as cited in Pukallus, 2008). Whereas Nelson Mandela (n.d.b) emphasizes that "Education is the most powerful weapon which you can use to change the world." Durkheim (1922) points out the major role of teacher in whole process of education and socialization, therefore he argues that "The teacher is a social agent—the critical link in cultural transmission—who creates social and moral beings whom the society aims to. That is the task and glory of education" (p. 5). He stresses that supply of new beings to fulfill the needs of the society is the implicit function of schools.

Such inhuman treatment of children raises questions as to why this happens in the educational institutions. These institutions fail not only to groom students to lay foundation of egalitarian society but also to deconstruct the dominant structures of caste, class, culture, gender and race etc. themselves. Boocock (1972), regarding role of education, argues that Education reproduces social classes and, in fact, does never challenge the dominant socio-cultural structures. It happens, Bourdieu (1977) reasons, because education involves all types of socialisation processes including one that occurs within family structure. In this regard, Bourdieu (1977) in his social reproduction theory contends that "schools, actually, are not institutions of equal opportunity but mechanisms of perpetuating social inequalities" (Singh 49). Cultural hegemony dictates not only social and cultural life of people but equally do the education. Bourdieu (1977), comprehending this interplay of culture and pedagogy attests pedagogical practices as the promoter of the dominant class's cultural capital. Contrarily, the cultural endowments of lower class are neither valued and institutionalized nor are as useful as the endowments of upper strata which "confer distinction and privilege to those who possess and deploy

them” (as cited in Tzanakis, 2011). These cultural codes, aesthetic values, practices and dispositions are as Tzanakis (2011) cites “transmitted through the process of family socialization or in Bourdieu’s term *habitus* and through pedagogy and syllabi.”

The text books and syllabi contain and promote exclusively dominant culture. This total representation of dominant culture contorts the self of disadvantaged students. In this connection, Dalit-Bahujan thinker Kancha Illaiah (1996) debates that marginalized self do not get proper formation and integration within the existing educational/pedagogical structures. As a testimony, he records the reading of the text books with stories of Rama and Krishna as “For Brahmin-Baniya students these were their childhood stories, very familiar. . . . The boys bore the names of these Gods; the girls the names of the Goddesses. I distinctly remember how alien all these names appeared to me. . . . The name of Kalidasa was as alien to us as the name of Shakespeare” (as cited in Singh, 2019). Illaiah continues, “. . . our alienation from the Telugu textbook was more or less the same as it was from the English textbook in terms of language and content. . . . a Telugu textbook which talked about Kalidasa’s *Meghasandesham*, Bommera Potanna’s *Bhagavatam*, or Nannaya and Tikkanna’s *Mahabharatha*. . . ? We did not share the contents of either; we do not find our lives reflected in their narratives” (as cited in Singh, 2019).

Kancha Illaiah experiences alienation in school, for education neither is student centric and critical nor socially reforming and liberating. Durkheim (1992) comprehends education as a process to socialize the young ones for social continuity as per its agenda. The marginalized students face unbridgeable gap between the textual framework and social framework. Laxman Gaikwad (2009) lays bare the divergences between his painful life and printed life. Attesting Illaiah and Durkheim’s concepts on education and pedagogy he reveals that “When I opened the text-book for Marathi on the first page, I used to see: ‘India is my country, All Indians are my brothers and sisters, I am proud of its rich and varied heritage’” (as cited in Singh, 2019, p. 49). He continues saying that “I used to wonder if all this were true, we were being beaten with false allegations of theft, when in fact we had committed no theft; why they beat my mother, pulled at her sari and asked her to hand it over alleging it to be stolen property” (as cited in Singh, 2019, p. 49). He, frowned upon the society questions. “Even now I wonder why if Bharat is our country we are discriminated against, why our race is branded and treated as a thieves’ community. If all Indians are brothers and sisters, why are not my brothers given jobs? Why do we not get land, decent houses? If we are all brothers, why are my brothers forced to resort to thieving in order to feed our people at home (as cited in Singh, 2019, p. 49)”

Hence the education preserves the pride and prejudice of dominant sections. This is why school education is unable to loosen the stronghold of cultural and social hierarchy which trains children parallel to the school education. For this reason, the indelible imprint on the young minds carry on throughout life and no training is able to purge it off. The involvement of teachers, in discussed inhumane activities, manifests not only the pedagogy and syllabi but ‘teacher training’ as also faulty, as it is unable to bring significant humanistic changes in the attitude of teachers. Regarding teacher training being ineffective, Krishna Kumar (as cited in Shri Krishan, 2017, 14) reasons that “Teacher training makes no difference.... On values and attitudes, the training process makes no impact; indeed, it is not intended to. The values imbibed from the dominant worldview of society are never challenged, so the young, trained teacher does not relate to policies which require a radical shift in values and attitudes.”

Results

From the detailed study and discussions done above, the following results are drawn.

1. Educational institutions in India have not proved the places of utopia for the marginalised section's students. In ancient times, they were not allowed to get education and now they face such discrimination.
2. The education and pedagogy have not brought the desired changes in the society so far. These have been a tool to perpetuate the dominant culture and structures.
3. Government enacted Acts and policies do not protect child rights in the absence of proper implementation. The poor implementation is rooted in dishonesty of the law enforcement officers which is result of inadequacy of the education.
4. Teacher-training has not been able to undo the impact of school education on the trainees which is why we find them absent from schools, agent of discrimination, and involved in abuse of children. They have not been able to bring any significant change in the society.

Suggestion

Thus, this study suggests that the educationists must design inclusive syllabi and pedagogy which is inclusive, egalitarian, just, and transformative whereas government agencies must formulate policies to achieve these targets. Further, the government must ensure strictly the implementation of the policies and Acts and all the violators be punished heavily. It also suggests the restructuring of 'teacher training' programme which may certainly produce honest, humanitarian and egalitarian teachers undoing the impact of school and education on them. And recruiting the teachers, the recruitment agencies must evaluate their psychology and social and professional attitude rather than the content knowledge and teaching aptitude. Only then the dream may come true and educational institutions may become utopian.

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