

CHAPTER-1

Introduction

INTRODUCTION

Education is the right of an every individual. It has been recognized in the various national and international treaties such as, United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960), the International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1981) in India, it has been inserted in the Article 21-A of the Indian constitution that Every children should access to education as it is the right of an every child to get free and compulsory Education under the age group of 6-14 years. These entities affirm that education is to be given to promote the value of human rights, it is the aim the Education that it should promote personal development, and should make individual able to contribute to the society, develop understanding, friendship and tolerance. The aim of right to Education is not only to access Education to all but to eradicate all the imbalances related to access to education and to eradicate the discriminative attitude in all the Educational level. In addition there is need for the fulfillment of the Educational, civil, rights related to health and care, rights to related to sexual offences, so that the goal of Education for all (EFA) with quality Education can be achieved. . (UNICEF 2010).

As 86th amendment of the constitution laid the provision of the free and compulsory Education of all the children till the age of 6-14 years, it has also laid provision in the Article 51- A that imposes a fundamental duty upon parents or guardians to provide opportunities for education of their children/wards between the ages of 6 and 14 years. Child marriage is one of the great threat in India from very beginning. To eradicate this

malpractice from the family, government adopted the Child Marriage Restraint Act 1929 which prescribes a minimum age of 21 years for males and 18 years for females. It does little to protect children who have been married off, sometimes even before they can stand on their feet. The Child Labour (Prohibition and Regulation) Act was enacted in 1986, to specifically address the situation of child labour. By distinguishing between hazardous and nonhazardous forms of labour, and identifying certain processes and occupations from which children are prohibited from working, it leaves out a large range of activities that children are engaged in and thus continue to be exploited and abused. The large-scale exploitation and abuse of children employed in domestic work and hotels are cases in point. On August 1, 2006, the Ministry of Labour added the following occupations to the list of hazardous occupations: domestic servants, workers in dhabas, restaurants, hotels, motels, tea shops, resorts, spas or other recreational Centre's. The notification for this came into effect on 10 October 2006.

Discrimination against Children the Government has adopted a policy of affirmative action towards addressing issues of socially backward groups, such as the Scheduled Castes/Tribes and the Other Backward Classes as well as the girl child. New National Policy for Children India adopted a National Policy for Children in 1974, declaring children to be the nation's most precious asset. There is a great shift in adopting the child's rights based approach from 1974 till date. The Ministry of Women and Child Development is the Nodal Ministry responsible for all matters concerning children. With the objective of strengthening central level coordination, a National Coordinating Mechanism (NCM) was constituted way back in January 2000 through an executive order issued by the Ministry of Women and Child Development. (Savita Bhakhry 2006).

The constitution of India has assigned the special status to Scheduled tribes, the scheduled tribes such as Adivasi's, vanbasis, tribes or tribals. In India there is near about 8% of the tribal population. They have their own way of living, having their own language according to the regions they are residing in. According to the Census 2001 India has 74.6 million tribal population. The Indian state Madhya Pradesh have large number of Scheduled Tribes constituting 16.40 followed by Orrisa and Jharkhand. There were 16 million ST children (10.87 million of 6-11 years and 5.12 million of 11-14 years) as of March 2001, out of the total child population in India of about 193 million in the age group of 6 to 14 years (Selected Educational Statistics – 2000-01, Government of India). One of the important initiative taken by Indian government for the Education of Tribes in the National Policy on Education 1986. These are some considerations for the Education of the tribes.

1.1 Meaning and indicators of Marginalization

The term Marginalization has broader meaning, it has vast area to define what exactly marginalization is. It is a living condition which is affecting the millions of people of the world. The section of the population who have little control over the lives and resources available to them is called marginalized section. They are alienated from the mainstreaming of the society and cannot access the resources to get the share from the society (Ramesh 2013)

Indian society is divided on the basis of creed, color, caste, religion, region, gender, disability, sexual preferences etc. and there is also a social, political economic inequalities. If we talk about Marginalization, even after independence of India there is the vast section of people who are marginalized due to one and another reason. There are the large section

of the people who are suffering from poverty, hunger, ill-health, they are not accessing the facilities like other section of the society as well as they are not participating in the activities which are performed by the other sections. There is a need to make the marginalized population aware about their rights which will help them to develop insight amongst them regarding the need of Educational, civil, rights related to health and care rights of their children. The act such as Right to Information (RTI) can be helpful for the marginalized section to enquire certain aspects of their marginalization. Marginalized needs to be involved in the collective actions to resolve their issues. (Gatty 2012)

In every period of human history, social exclusion and marginalization found. After the second phase of the twentieth century various governmental, non-governmental agencies paid more attention to the situation of those who are excluded due to one and another reason. Social researches are also carried out in the area of social exclusion to advocate the sustainable changes. The issues like discrimination, racism, poverty, globalization, immigration, social welfare, health and human rights were to be considered in the studies. The individuals or groups who can be listed in the category of marginalization are: ethnic minorities, immigrants, disabled persons, isolated older persons, ex-prisoners, drug users, and people living with HIV/AIDS, psychiatric patients, sex workers, homeless people and marginalized youth. The common social, economic and individual problems are faced by these people, even if their backgrounds may be diverse and different. Seemingly different aspects may vary for marginalization for different setting and regions: for example poverty is the one factor of marginalization in the one particular country or region, there may be different indicator of marginalization for other country i.e. drug users, criminalization discrimination to the particular section etc.

(Eberhard Schatz Katrin Schiffer, 2008). Marginalized are those groups of individuals who denied access to important positions and processes related to economic religious, and political power in the society (Marshall, 1998).

Gender, culture, language, race, sexual orientation, lifestyle and the socio-economic position or class are also the factors of marginalization, which influence the position of an individual or a group in the society. At all marginalization can be defined while taking into consideration the Vulnerable groups like migrants and ethnic minorities, homeless people, drug addicts, sex workers, youth with risk behavior, isolated older people or people with disabilities, people residing in the far-flung and backward areas where there little access of resources than mainstreaming. The problems of these people can be related to homelessness, unemployment, poor access to social and health services, low health status and poor living conditions. (Schatz and Schiffer, 2008).

Marginalization and social exclusion are the terms related to each other. When the peoples or the individuals are excluded from the mainstreamed society and denied to full access of various rights opportunities and resources that are other group of the society are availing. In this way social exclusion is that which affected individuals or communities are prevented from participating fully in the economic, social, and political life of the society in which they live. Some of the expert's opinion is that the condition of poverty leads to marginalization, they said that entire community can be affected by poverty which is the factor of marginalization, the people are marginalized due to loss of land, affected by disasters, and they could be marginalized due to their exploitation by elite society such as Adivasi's and tribal community.

In Jammu and Kashmir the indicators of marginalization are tribal community such as Gujjar's and Bakarwals, Gaddi and people residing in the far-flung and hilly areas where there is little means of communication and transportation. This marginalization is affecting the children's rights to Education, their civil rights and child's related to health and care, and right of protection of children from sexual offences. As the aim of Right of Children to Free and compulsory Education Act 2009 to quality education to all the children's in between the age of 6-14 years cannot be attained unless Equal access of all the children is done. All the children from different social groups need be included in the mainstreaming of Education which will help in reshaping the destiny of the society and nation.

There are many incidence of child abuse and exploitation whether within the home, at school, at the workplace or in society at large is increasing in one and another way. Many children are being physically and emotionally attacked, sexually abused and inducted into drug abuse and crime, along with this denial of physical and emotional care, care related to their health and nutrition. In this regard parents and teachers needs to aware about the rights of the children so that their rights can be protected.

No section of society should remain discarded, all sections including scheduled Castes and Scheduled Tribes Dalits and Trials are also an integral part of our society. Scheduled castes and scheduled tribes faced marginalization in many spheres of activity – social political, economic. There are special provisions for the protection of the rights of scheduled castes and scheduled tribes and other marginalized population but the main hindrance is that they are not aware about their rights. It is the responsibility of the government to provide them a platform of awareness so that they can contribute in the development of society. If they are aware about their rights they automatically develop

insight amongst them to protect the rights of their children as well. The one of the hindrance of the integration is untouchability which is prevalent in most of the parts of country, this practice has very negative impact on the on rights of the individual such as rights to life and right to personal liberty. Our law should secure and protect the life of the individual from discrimination and untouchability. (UNDP, 2012)

1.2 Reasons behind marginalization

- There are several structural, cultural and personal factors are responsible for the marginalization.
- The another factor which is responsible for marginalization is formulation of government policies without the participation of marginalized section
- The one of the factor is marginalization due to far-flung and hilly areas. Along with this dominant culture that functions in an undemocratic way, without the inclusion of the oppressed.
- It is the prevalent practice that poor and disadvantaged groups are not included in the decision making process, which lags them in the awareness.
- This section needs to Educate and trained to bring change in knowledge, attitude and skills among the Marginalized, they need to be oriented to envision and work for promoting change in unjust social structures. (Gatty 2012).

1.3 National Commission for protection of Childs Rights

The NCPCR was established in the month of March 2007, under the Commissions for Protection of Child Rights Act, 2005. The mandatory tasks of the commission is to monitor all laws, policies, programmes, and other mechanisms in the country to ensure the

rights of the children which are enshrined in the constitution. Along with National commission for the protection of child's rights protects the rights mentioned in the UN Convention on the child's rights. The Commissions for Protection of Child Rights Act, 2005 makes the provision of the appointment of the one chairperson and other six members in the Commission.

1.3.1 Functions of the National Commission for the protection of child's rights

The functions of the Commission as mentioned in the Act are as follows:

- It is one of the function of the commission to take into consideration the safeguards given under law for the protection of the child's rights and suggest some measures for their effective implementation.
- It reports to the central government upon working of the safeguards for the protection of the child's rights.
- The commission inquire into the cases related to the violation of the child's rights and recommend the initiation of the proceedings.
- It is one of the important function of the commission that it protects the rights of the children affected by terrorism, communal violence, trafficking, maltreatment, torture and exploitation, prostitution and recommend them appropriate measures of remedy.
- The commission looks into the matters in relation to special care and protection of the children. It protects the rights of the children in distress, marginalized children, disadvantaged children, juveniles etc. Along with this it protects the rights of the

children without family, children of the prisoners. The commission recommends the appropriate remedial measures.

- The foremost function of the commission is to review the existing programmes and policies, review and study the treaties periodically and other activities related to protection of the rights of the children and make recommendations for effective implementation of these policies and programmes.
- The commission makes provision to promote the research in the field of child rights.
- It makes provision to promote awareness of safeguards for the protection of the child rights among various sections of the society by publications, social media, seminars and other possible measures and means.
- The commission inspects the juvenile custodial homes and institution meant for the children. These institution whether formed under the central and state government in inspected by the commission for their optimal protection. It also suggests remedial action needed for the better treatment and protection. .
- It makes the inquiry of the complaints related to violation of the child's rights and matters related to violation of the children in one and another form. It takes into consideration the matters related to non-implementation of laws meant for the protection and development of the Child's rights.
- It also performs such other functions needed for the protection of Child rights.

1.4 Major Constitutional Provisions for the protection of children

- Article 14 of the constitution of India states that everybody is equal in the eyes of the law and everybody has equal protection of the laws under the territory of India.
- Article 15 of the India constitution states that there is no discrimination on the basis of the colour, creed, caste, religion etc.
- Article 17 of the Indian constitution prohibits the untouchability.
- Article 19 of the constitution states that all citizens have the right to freedom of speech and expression, they have the right to form associations and the union, every citizen can move freely throughout the territory of India and they have the right to settle in any part of the country.
- As per the Article 21 A is concerned, it states that there should be free and compulsory education to all children of the age of 6 to 14 year.
- Article 23 of the constitution protect the human beings from trafficking, beggar and forced labour.
- Article 24 of the constitution of India states that children below the age of 14 years shall not be employed in any hazardous employment or other factory, mine etc.
- Article 39 of the constitution protects the children from abuse. This article provides the opportunities and facilities to children to develop in a healthy manner, and to live with freedom and dignity.
- Article 45 talks about Education of all the children below the age of the fourteen years and early childhood care of the children.

- Article 46 of the constitution protects the care the educational and economic interests of the weaker sections of the people particularly the interests of the Scheduled Castes and Scheduled Tribes.
- Article 47 deals with raising the level of the nutrition and the standard of living of its people and also deals with efforts for the improvement of public health.
- Article 51A states that parents or guardian shall provide educational opportunities to the child between the ages of the 6 to fourteen years.

1.6 Prohibition of all forms of violence against children

To prohibit all forms of physical and humiliating punishment of children in school, it is essential to make strict laws and policies. There should be defined punishment for teachers who physically humiliate the students. The World Report on Violence against Children provides detailed recommendations for action to prevent violence against children in school. (UNICEF 2010).

1.5.1 Protect the children from poverty

Poverty exercises an adverse effect on the health and the nutrition of the children. The families having inadequate and irregular source of income leads to malnutrition of their children. They cannot afford the basic nutritional facilities to their children which are require for the sustainable growth and development. Data from the Planning Commission shows that in 1999- 2000, Orissa had the largest percentage of population below the poverty line (47.15), followed by Bihar (42.60). In numbers, Uttar

Pradesh and Bihar together had 96 million persons below the poverty line or 37 per cent of the country's poor.

1.5.2 Protect the children from Sexual Violence

Sexual violence against children is another sensitive issue in which the Commission has taken concrete measures. As a result, the NHRC, in partnership with Prasar Bharati and UNICEF held four workshops for radio and television producers. The participants for these workshops were drawn from 20 States. It was during the course of these workshops that an idea of bringing out a guidebook for the media to address the issue of sexual violence against children emerged. Based on the deliberations of these workshops, the Commission and the Prasar Bharati, with support from UNICEF, jointly prepared A Guidebook for the Media on Sexual Violence against Children. The main objective of the guidebook is to encourage media professionals to address the issue of sexual violence against children in a consistent, sensitive and effective manner, consonant with the rights and best interest of children. The Commission currently is also in the process of preparing guidelines for speedy disposal of child rape cases.

- Primary schools should be opened in the Tribal areas.
- It focused on developing curricula and instructional material in tribal language so that maximum tribal' students can be enroll.
- It has been recommended that Ashram schools and residential schools will should be established in tribal areas.

- There is a need of providing Incentives in the form of financial assistance and in another way keeping into consideration the needs and lifestyle of tribes. (Vinoba Gautam 2003).

1.5.3 Protection of children by Elimination of child labour

To realize the children's Education right, it essential to eliminate the child labour. There are many evidences indicates that the child workers while attending school hours have less Educational outcomes than who are not working. There is need of legislative reforms to remove this barrier of educational achievement. It is found mostly in the poor and marginalized families that their children work on the shops, factories, mills, and other places. They do not send their wards to school because of financial crises. There are different policies and laws framed for eradication of child labour. Even the incentives is being given to the poor students in the school in the form of money, uniform, meal, and other stationary material.

1.5.4 Protect the children by making their Birth registration

It is the violation of the child right, if he/she has not birth registration it has been found in the report of UNICEF that, most of the children get denial place in school due to lack of birth certificates. Despite it has been clearly mentioned in the Convention on the Rights of the Child to ensure that every child is registered at birth, it has been reported that up to 50 million births were unregistered in 2003. It is essential to register all the children at birth which can be more beneficial to get accurate data to government and to plan accordingly. These are some reasons which are: Lack of parental documentation, inability

to pay the fees, lack of access to the registration systems, parental illiteracy and lack of understanding of the significance of holding a birth certificate all contribute to the failure to register children's births. At all government both central and state needs to introduce a universal requirement to register each and every birth.

1.6 Children and their Rights

Child Rights is a widely discussed, debated and investigated subject of the 21st Century. The United Nations Organization, United Nations Development Project, United Nations Educational Social Cultural Organization and other agencies have organized series of conferences and facilitated conduction of research and development activities in the protection of child rights all over the globe. Child rights assume great significance in a civilized society because children are human beings who have rights to safety, security and opportunities for development. (Nabi, Abad 2014).

Reflecting the exploitation that children face at their work place when forced into child labour, the latest government data on child rapes shows that in 25% of the cases, employers and co-workers are offenders. Conversely the same figure for women raped at their work place is less than 2%. According to the National Crime Bureau's (NCRB) data for 2015, as many as 8800 cases of rapes of children were registered across the country. In 2227 cases the offenders was found to be an employers or co-workers of the victim. This is the first time the NCRB as tabulated data in terms of the relationship of the victim and the accused. According to the data neighbors were the biggest abusers of children in 2015. In 3149 cases (35.8%) of rapes, neighbors were the perpetrators. In over 10 % cases, children were raped by their own family members. (Indian Express, Aug 31 2016).

Scouting all the Districts of the State and several States in the country for about a month, Joint teams of Odisha Police and Women Child Development (WCD) Department has rescued at least 2610 children of the state who had either gone missing or had ran away from their homes for different reasons. According to Official sources 339 of these are girls including minors. (The Hindu, Aug 27, 2016)

If we recall the Universal Declaration of Human Rights, it has proclaimed by the UN that childhood needs to be entitled to special care and assistance. It considered that family is the most fundamental group of the society and it is that which create the natural and congenial environment for the growth and development of the children. Children needs proper care and attention and assistance in the family to grow up and progress. The Declaration recognized that harmonious development of the personality should grow up in atmosphere of happiness, love and understanding. **(Subramanian 2013)**

Geneva Declaration on the rights of the child of 1924 and Declaration of the Rights of the Child adopted by the United Nation in 1959, International Convent on the civil and political rights took into consideration care and welfare of the children. Along with this Universal Declaration on the Rights of the child adopted by the General Assembly of the UN 1959 indicated that children needs special care, protection, special safeguards before as well as after the birth. **(Subramanian 2013).**

1.6.1 Education as a right for all children

Right to education act 2009 is the good initiative of the Indian government which determine the free and compulsory Education of the children within the age group of 6-14 years. Even In 2004 more than twenty five countries has no specified age for compulsory

Education. As we said that family is the first school of the child, in this way the parents needs to aware about the right to education of their children , they should make involvement in the different educational activities of their children. A continuous involvement of parents makes them aware about the Educational achievements of their children. Marginalized children also has equal right to education as others. But there is a need of involvement of parents, it can only be if parents are aware about the different rights of their child, if they are conscious about the future of their child. Parents should be able to identify the hidden talent of their children.

1.6.2 Human Rights-Based Approach to Education for All

The aim of implementing right based approach to Education is to provide Universal Education without any barrier related to discrimination, access, equity, and attitudinal barrier. But its implementation faces different problems, it can be more effective if there is consultation with different stakeholders of the society to explore what will be the right approach to their environment.

Right based education approach means all sections of the society including who are lack behind due to some reasons, they may be marginalized sections, disadvantaged sections, girls, scheduled castes, scheduled tribes and other backward classes. They need to ensure equal access to education. Marginalized people cannot afford the requirements of their children to meet the Educational needs due to financial crises, in this regard government need to provide them financial support to get primary and higher Education and each action should be conducive to the full realization of the right to education for all. Role of parents is much more essential in Ensuring attendance, completion and reasonable

attainment in school, and respect for children's rights in school, including the abolition of physical and humiliating punishments. Along with this teachers and parents needs to ensure the food, water, shelter and medical treatment of the children so that their health and care rights can be preserved. Teachers are those who are the good motivator of the society can ensure the maximum number of children attendance of children's in the school under these difficult circumstances by motivating the parents.

1.6.3 Human rights and education

- Sometimes it is the argument of the teacher that giving respect to rights of the children can degrade his own rights. In this way it develop negative insight in the teachers that prohibiting physical punishments and participation of students in decision making degrade his position, and it will be very difficult to maintain the discipline in the class or school without imposing punishment.
- Parents needs to get aware about the mutual understanding of their children with teacher, without mutual understanding it is difficult to develop pedagogical relationship in the school
- It has been cleared in the Convention on the Rights of the Child that children must be protected from all forms of work that are harmful to their development or that interfere with their education. International Labour Organization (ILO) Convention elaborates that government can play a significant role the worst forms of child labour and obligations to protect all children from harmful work.
- It is the responsibility of the government to introduce legislation and policies that guarantee these protections and to introduce policies that address the poverty and

livelihood insecurity that force many children into work; and to make education sufficiently flexible and inclusive to allow those children to attend who have no choice but to work. (UNICEF 2010)

1.6.4 Right to Health and care of children

Having good health is the rights of the every children. The workshop on Human Rights and HIV/AIDS has been conducted by the commission.in this workshop Rights of the children were given most priority. Later, in the year 2004, the Chairperson of the Commission addressed letters to the Union Ministers for Human Resource Development, Health and Chief Ministers of all States/Union Territories suggesting them to take serious steps to prevent the children from various discriminations and violence, and it was the urge of the chairperson that focused to be given to equal right to Education and health and care. (Savita Bhakhry 2006)

India is the country having largest number of the children in the world, significantly larger than the number in China. The country has 20 per cent of the 0- 4 years' child population of the world. It would be very difficult to analyses the situation of the children and women in India without considering the disparities that exist within as well between the states. It is equally important to consider the inequalities amongst different subgroups of the population, especially women and girls, Scheduled Castes, Scheduled Tribes. It was revealed from the national data that approximately 100 million children are in the poorest wealth. One half of all the poor children belong to the Scheduled Castes and Scheduled Tribes groups and they continue to be at a significant disadvantage in terms of MDG. Vulnerabilities associated with rapid urbanization and the effects of violence also need to

be addressed to reduce inequalities in outcomes for children. Placing children at the heart of “Inclusive Growth” strategies will ensure India’s continuing progress on the economic, social and political fronts. (Savita Bhakhry 2006).

Good health and care is the right of the every children, as the children are totally dependent on the parents and on the caretakers. They are not aware about their nutrition, sanitation environment. In this regard it is the responsibility of the parents to consider each and every needs of their children is needed for their maximum growth and development. The State must be responsible to meet their health needs by making child-centric policies and sufficient allocation of funds. It has been addressed in the Supreme Court that there is no attention on the health care of the children in India. It is the duty of the state to ensure the health care rights of the children.

1.6.5 UNCRC and Child Health

The Committee on the Rights of the Child recognizes that a majority of mortality, morbidity, and disabilities among children could be prevented if there were political commitment and sufficient allocation of resources directed towards the application of available knowledge and technologies for prevention, treatment and care. In the Article of the 24 (1) of the UNCRC it is stated that States parties needs to consider the right of the child including the right to highest attainable standard of health. It has to create the facilities for the treatment of illness and other diseases. States parties shall strive to ensure that no child is deprived of his or her right to access to such health care services.

It has been mentioned in the Article 24 (2) that States parties shall take appropriate measures:

- To diminish infant and child mortality
- State parties shall ensure the necessary medical assistance and health care to all children.
- To combat disease and malnutrition of the children.
- To ensure the nutritious foods and clean drinking water,
- To take into consideration the risks of environmental pollution
- State parties shall ensure the appropriate pre-natal and post-natal health of the mothers
- State parties shall ensure access to education to parents and children and parents need to be supported in providing basic knowledge of child health and nutrition
- Parents awareness about the Importance of breastfeeding, hygienic food, environmental sanitation and the prevention of accidents
- State parties shall develop preventive health care, guidance for parents and family planning education and services.

1.7 Government Programs Targeting Child Health and Development

- The Integrated Child Development Services (ICDS) initiative was launched in 1975.
- Janani Suraksha Yojana (2005). The aim of implementing this scheme is to provide free care to pregnant and sick women. This scheme has been renamed in 2011 as Janani Shishu Suraksha Yojna
- The programme which was the good initiative of the Government of India was NHRM (National Rural Health Mission) in 2005. The aim of launching this

programme is to address the needs of undeserved rural population. Under this programme, there was the provision to establish mother and child wings, and free drugs and diagnostic services at district hospitals, Education, sanitation and nutritional issues of child and mother were also taken into consideration.

- Urban health mission, 2013
- Rashtriya BAL Swasthya Karyakram, 2013: It was started in 2013 to deal with the problems related to childhood developmental delay, disabilities due to any reason, as well as birth defects and other deficiencies. The aim and objective of introducing this programme is to screen over 270 million children ranging from 0-18 years. (R. N Srivastava 2015).

1.8 Responsibility of Parents and other Caregivers

It will be easy to say that family is the first institution in the society which can protect the rights of the children. As we can say that the civil rights of the Childs starts from family. It is the family in which child become social, and acquire values. Family is the essential agent for creating awareness and for preservation of human rights and respect for human values. The relationship between parental responsibility and Childs rights is widely investigated in the research by different scholars all over the world. The Committee on the “Role of the family in the promotion of the rights of the child” (1994) address some critical issues related to protection of Childs rights such as their responsibility of upbringing of the child in the congenial environment. It has been concluded in the committee that the protection of the rights of the children is the responsibility of the parents. . (Nabi, Aabid 2014). The care and protection of the children is very important to

philosophies and religion all over the world. Aristotle and Plato both have discussed the appropriate rearing of the children at different stages. The concern of these philosophers and philosophies is very similar to the parents of the today. **(Pachauri)**.

It is the responsibility of the parents and the other members of the society is to ensure the access to education to every child of the society. Parents and other caregivers have the initial responsibility to the initial stages for learning in the life of a child. These are some basic roles needs to be taken into consideration by parents for the protection of the Child's rights.

- Supporting and recognizing the right to education and the value of education for all their children.
- It is the responsibility of the parents to ensure that children should not get overburdened with domestic and other work which effect the schooling of the children. And it is the sole responsibility of the parents to create a space and time for children so that they can attend school and can do their homework.
- It is the responsibility of the parents to ensure that children are ready to go school or whether he/she is arriving in school on time.
- Parents should get involved in the work of the school and should support to school through participation in different activities organized by school.
- Parents has to advocate the educational right of the children. It is the responsibility of the parents monitor the progress of the children in the school and consider each and every right of the children.
- Along with this it is the responsibility of the parents to ensure the health of the parents, his nurturing, food and other basic needs of the children.

- It is the responsibility of the parents to ensure that local traditions and customs, such as child marriage, orthodoxy related to girls Education do not prevent their children from going to school.

1.9 Creating Human Rights Awareness in Children

An awareness in human rights can be created among children in the following ways:

1.9.1 By developing human rights education programmes of all levels of education:

The aim of human rights Education in pre- school and lower primary Education should be to foster the feelings of tolerance and confidence and the aim of human rights education at Secondary level should be building of trust. There should be an integration of Human rights of Education with the subjects already taught in the schools. Human rights culture needs to develop in the whole process of curriculum.

1.9.2 Providing conducive environment to inculcate faith in the human Rights.

The students should not only “learn about “human rights but should also “learn in” human rights. It is essential that school and classroom environment should respect the human rights. For promoting the concepts of education teachers should involve students, school administration, parents, education authorities and members of community in which they live.

1.9.3 Avoid child's rights violation

A committee can be constituted at school level which comprises of teachers, senior students, parents to take into consideration the rights of children. It can perform functions like, investigation, evaluation. It can also advice the school in matters pertaining to violating of the rights of the child. It can also considers the matters of discrimination on the name of sex, caste and creed, in admissions or in the selection of candidates for participation in the different curricular and co-curricular activities. The matters like favoritism in examination, exploitation and child abuse and corporal punishment can be taken into consideration (Naseema, C. 2008).

1.10. International Instrument on parents, Students and Teachers.

Article 12 of the Universal Declaration of the Human Rights prohibits the arbitrary interference with one's family and home. Article 16 in the International Convent on economic, social and cultural rights establishes entitlement of the family to protection by society and state. Along with this Article 26 (3) declares that parents have the prior rights to choose the kind of education for their children according to their interest. It has been asserted in the Universal Declaration of the Human Rights free Education will be given to the children at elementary stages and fundamental stages, enjoins states to make technical and professional education generally available and requires equal accessibility to higher Education on the basis of merit. (Article 26). Declaration of the Rights of the child, the declaration on the promotion among youth of the ideals of the peace, Declaration the rights of the mentally retarded and Disabled persons carry ramification for the rights of children (students) (Naseema, 2008).

1.11 Human Rights Education and Training of Teachers

It has been mentioned in the Article 26 of the Declaration of Human Rights that Education is the Human Right. This Article considers the Education as right of every individual. It is evident to say that National Education System needs to be designed in such a way that the students not only get the knowledge but it should make them enable to make utilization of that acquired knowledge. As per the Indian Education system is concerned, National Policy on Education and revised National Policy on Education are more concerned in this regard. The commission lay the first initiative in the history of education by to formulate the National Curriculum Framework for National system of Education. Teacher training programmes should enable the teachers to consider each and every right of the student in the school and class. Teacher can play a significant role in creating a sense that each and every student has his/her own worth. Teacher should be prepared in such a manner that they may be able to organize different programs like Singing, dancing, painting, clay modeling, dramas etc. to make children perceive the worth of the human beings. It is more important for the teachers of 6th to 8th class to be aware about the human rights. Teacher Education curriculum should be revised accordingly and it should include the content related to human rights and child's rights, and some training programmes can be organized by teacher education institution to get practical knowledge of human rights education. There is a need of inculcation of human rights education in teacher training courses. Some of the states in India introduced the human rights education in the B.Ed. and M.Ed. courses but it should be the responsibility of the NCTE to make it mandatory for all teacher training Institution to include the human rights education. **(Naseema, C. 2008).**

1.12 Steps taken to Save the Children in J&K

There are efforts made by the J&K government to the children from the abuse, exploitation, and violence. Juvenile Justice (Care and Protection of Children) Bill, 2013 has been passed in the Jammu and Kashmir Legislative Assembly with a minor amendment. Under this law J&K would now officially recognize an 18 year old teenager as minor. The Juvenile Justice Act was enacted in J&K, 1997. All the features of the Act have been introduced at the Centre and thereby in other states in 2000 and amended in 2006. Now, on 28 March 2013, a historical decision has been taken by the state government by amending the JJ Act and bringing it at par with the National Act.

- Training of all district social welfare officers.
- Save the Children and social welfare department worked on a comparative analysis of national and state acts and presented the findings to the state government.
- Advocated with Chief Minister, concerned ministers, MLAs and government officials.
- Training provided to police personnel and NGOs.
- Worked closely with the Media on this issue.

1.13 Overview of District Udhampur of Jammu & Kashmir

The state of Jammu and Kashmir is divided into three divisions namely, Jammu, Kashmir and Ladakh having the area of 2.22 lakh sq. km. The total population of the state is 1, 25, 48,926. As per the District Udhampur is concerned it lies in the Division of Jammu, Situated among lush green forests of Eucalyptus. The district of Udhampur is located in the Shivalik range of Himalayas and the terrain is mostly mountainous. The total

population of the District Udhampur is 5, 54,855 in which Rural population is 446777 & Urban population is 108208. The Scheduled Castes population in the district is 138569 in which rural population of scheduled Castes is 138569 and Urban population of the Scheduled Castes 15827. The total population of the Scheduled Tribes in the District is 56309 divided into Urban and Rural is 2673 and 53636. (District Administration, 2016)

1.14 Statement of the problem

Children are very important section of mankind. Childhood has also emerged as an important area of study in social sciences including human development. There is a striking absence of investigation about the role of Marginalized parents in the protection of child rights in India and other developing countries. Family is the first and foremost institution to access the Educational Rights and rights related to health and care of the children. There is less enrolment and retention of marginalized children in the school of Jammu and Kashmir than mainstreamed section. Here the researcher wanted to explore the level of awareness and problems faced by parents to access the Educational rights and rights related to health and care. The present aims to find out the awareness among the parents regarding the child rights. So the researcher has decided to state the problem as *“Marginalized children and their Education: A study of parental Awareness towards child’s rights in Udhampur District”*.

1.15 Need of the study

National commission for the protection of the Childs rights create a platform for the protection of the Childs Rights. Along with this every state appoint State Commission for the protection of the Childs rights. The commission protect and ensure the rights of the children but still the children in India depriving their rights in one and another form. Parents can play an important role in the protection of the Childs rights (**Jane & Prkachin 2013**). Family is the basic institution in society for the survival, protection and development of the child. It is the responsibility of the parents to ensure the Rights of their children (**Carolyn L. Scholz 2011**). Many of studies have been conducted to check the awareness of parents about child rights in the Urban and rural area, all over India. But there is no study in the state of Jammu and Kashmir especially on the deprived section of society in the rural area of District Udhampur. Therefore the researcher has decided to check the awareness of parents from deprived sections of society about child Rights in the Rural area of District Udhampur. The researcher felt need to check the awareness among the parents of deprived section of society, so that researcher would be able to know, the awareness among parents about their child's rights and to identify the problems which mothers and fathers faced to access the Educational Rights and rights related to health and care of their children. The study can be helpful to recommend some suggestions on the basis of the results.

1.16 Objectives

1. To study the awareness among parents towards Childs rights.
2. To study the awareness among parents towards Educational child rights of the children.
3. To study the awareness among parents towards Rights related to health and care of children.
4. To identify the problems faced by parents to access the Educational rights and Rights related to health and care.

1.17 Research Question

1. Are the parents aware about the Educational rights of the children?
2. Are the parents aware about Rights related to health and care of the children?
3. What are the problems, parents are facing to access the Educational rights and Rights related to health and care of the children?

1.18 Operational definitions

- **Marginalized children:** In the present study, children of Scheduled Castes and Scheduled tribes are considered as marginalized children who are living in the rural area of District Udhampur of state Jammu & Kashmir and which area is to be considered as backward rural area of the District.
- **Parents:** In this study the researcher considered the parents of marginalized children having the category of Scheduled Castes & Scheduled Tribes. The

researcher considered the parents of children having the age of 6-14 years and whose children are studying in Elementary school i.e. First to Eighth class.

- **Child's Rights:** In this study the researcher considered Educational rights of children and rights related to health and care of the children as child's rights.
- **Awareness:** In this study researcher considered the awareness of Parents towards child's Rights. Awareness here means the understanding attitude of the parents towards child's rights.
- **Favorable responses:** Favorable responses are those responses which are in the favor of the statements putted by researcher while interview
- **Unfavorable responses:** Unfavorable responses are those responses which are not in the favor of statements putted by researcher while interview.

1.19 Delimitation of the study

1. This study was delimited to the Udhampur District only
2. This study was delimited to Marginalized children of rural area only
3. The study was delimited to the Marginalized parents of the rural area only
4. This study was delimited to the Scheduled Castes and Scheduled Tribes only