

EDUCATION: A FUNDAMENTAL RIGHT OF CHILD

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Abstract:

The development of any society and Nation depends on education. That is why most of the countries of the world have accepted education as a fundamental right. A student of today should become a wise and enlightened citizen of tomorrow. School education should be compulsory for every student. The foundation of a student's education and personality is laid in school itself. His success in further education depends on the manners imparted on the students at school and the value education he receives. The importance of school education is unique as the future of a child depends on the education imparted in school. That is why the Government of India passed the Right to Education Act 2009 and it was implemented across the country from 1st April 2010 and education became a fundamental right of every child. This Act has given the right to free and compulsory education to children in the age group of 6 to 14 years. Today, ten years after the implementation of this Act, many children are still deprived of their basic right to education. In this research paper, we are going to understand the meaning of the concepts of education, child, fundamental rights and we are also going to study the success and failure of the Right to Free and Compulsory Education Act of children.

Keywords: *Education, Child, Fundamental Rights, Right of Children to Free and Compulsory Education Act (RTE Act. 2009)*

Introduction:

Man has been given life by nature. However, education can play an vital role in inculcating ways of living. Education is an important tool that enriches the human being, the society and the nation. The overall development of human life depends on his education. The direction of education is important for the overall development of a human being and his basic rights. Since the development of any society and nation depends on education, education is recognized as a fundamental right by most of the countries of the world. A student child of today should become a wise and enlightened citizen of tomorrow. School education should be compulsory for every student. The foundation of a student's education and personality is laid in school itself. His success in further education depends on the manners imparted to the student at school and the value education he receives. The importance of education is unique as the future of a child depends on the education imparted in the school. That is why the Government of India passed the Right to

Education Act 2009 which was implemented across the country from 1st April 2010 and thus education became a fundamental right of every child. This Act has given the right to free and compulsory education to children in the age group of 6 to 14 years. Today even after 10 years of implementation of this Act, many children are deprived of their basic right to education, in case of Maharashtra 74971 out of school children were found in the year 2015-16. In the presented research paper, we will understand the meaning of the concepts of education, child, and fundamental rights and also study the right of children to free and compulsory education act.

Objectives of the Research:

1. To understand the concepts of education, child, fundamental rights
2. To study the Right of Children to Free and Compulsory Education Act. 2009.
3. To study the problems in primary education

Research Methods:

The present research paper is completely based on secondary factual material. Information has been collected and analysed on the basis of secondary sources like various reference books, government and non-government reports, websites, magazines, newspapers etc. Descriptive research design has been used for this.

Limitation of the research paper:

Since the present research paper is based on secondary sources, the conclusion is also based on it.

Meaning of education:

Education is a change in the present. Every animal changes its current state according to the experiences it receives is called learning. The process of education starts from the moment a child is born and continues till the end of life. Even if it is accepted that education means change, that change should be in a desirable and proper direction. In other words, education is the change brought about by the superior in the inferior.

Etymologically, the word "Education" is derived from the Latin words "educare" and "educere". 'Educare' refers to "to bring up" or "to nourish", whereas the word "educere" means to "to bring forth" or "to draw out". Some others believe that the word has been derived from another Latin word "educantum" which has two components. 'E' implies a movement from inward to outward and "duco" refers to developing or progressing. An analysis of these words reveal that education aims at providing a learner or a child a nourishing environment to bring out and develop the latent potentiality hidden inside him.

Plato propagated that, "Education develops in the body and soul of the pupil all the beauty and all the perfection he is capable of",

Aristotle said, "Education is the creation of sound mind in a sound body. It develops man's faculty specially his mind so that he may be able to enjoy the contemplation of supreme truth, goodness and beauty."

Rousseau said, "Education is the child's development from within".

John Dewey said, "Education is not a preparation for life, rather it is the living. Education is the process of living through a continuous reconstruction of experiences. It is the development of all those capacities in the individual which will enable him to control his environment and fulfil his possibilities."

According to Swami Vivekanand Education means the manifestation of divine perfection already existing in man. He further says, "We want that education by which character has formed the strength of mind is increased, the intellect is expanded and by which one can stand on one's own feet."

According to Mahatma Gandhi, "By education, I mean an all-round drawing out of the best in the child and man - body, mind and spirit".

Education can be loosely and generally defined as all-round development of personality. Education is not only a means of obtaining useful knowledge and employment, but it is considered as a means of enriching and enriching the personality of a person in all its parts without limiting the scope and meaning of education.

Meaning of Child:

Etymologically, the term "child" comes from the Latin *infans* which means "the one who does not speak". For the Roman, this term designates the child from its birth, up to the age of 7 years. In the biological sciences, a child is usually defined as a person between birth and puberty or between the developmental period of infancy and puberty. Children below 14 years of age are generally called infants or children. According to the International Labour Organization (ILO) and The United Nations Convention on the Rights of the Child, The United Nations Convention on the Rights of the Child defines, "child as a human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier age. (Article 1) However, each nation has defined the term child by considering its social and economic status. In Singapore, a child is legally defined as someone under the age of 14 under the "Children and Young Persons Act" whereas the age of majority is 21. In U.S. Immigration Law, a child refers to anyone who is under the age of 21.

In India, there is no consensus regarding the term child. Some Acts in India define who is a child as follows -

According to the Juvenile Justice Act 1986, "juvenile" means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years"

According to The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 Section 2 (b) ,"child" means a person who has not completed fourteen years of age."

According to The Factories Act (1948), The Plantations Labour Act (1951) and The Minimum Wages Act (1948), Section 2 "child" means a person who has not completed his fifteenth year of age".

Education as a Fundamental Rights:

The Fundamental Rights are an integral part of the Indian Constitution. The basic human rights of all citizens are defined as Fundamental Rights. Article 12 to 35 contained in Part III of the Constitution deal with Fundamental Rights. These are:

Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights and Right to Constitutional Remedies. 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 to fourteen years 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 which satisfies certain essential norms and standards.

Right of Children to Free and Compulsory Education Act, 2009 (Right to Education Act):

In the of December 2002 86th Amendment done in the Indian Constitution. via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. Right of Children to Free and Compulsory Education Bill, 2008, passed in both Houses of Parliament in 2009. The law received President's assent in August 2009. Article 21-A and the act came into effect on 1st April 2010 and it clearly states education is a fundamental right of every child.

Main Features of Right to Education Act (2009):

1. Free and compulsory education to all children of India in the 6 to 14 age groups.
2. All private schools must keep 25% of seats reserved for children belonging to weaker sections of society.
3. No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.
4. Financial burden will be shared between state and central government.
5. There should be strict criteria for the qualification of teachers and student-teacher ratio should be 1:30
6. RTE Act also prohibits the unrecognized schools from practice and makes provisions for no donation or capitation fees and no interview of the children and parents for admission.

Current Scenario:

The new estimates by the Global Education Monitoring Report and the UIS show that 244 million children and youth between the ages of 6 and 18 worldwide were still missing out on school in 2021. The top five countries with the most children excluded from education are India, Nigeria, Pakistan, Ethiopia and China. Sub-Saharan Africa is the only region showing increasing numbers of children out of school as attendance rates are falling more slowly than school-age population growth rates.

National Coalition for Education NCE (2020) highlighted the worrying drop-out rate in India, which stands at 19.8 per cent overall. In urban areas, around 40 per cent of students cannot complete their secondary education, and the figure is even higher in rural areas, at 70 per cent. According to the Indian Government's Unified District Information System for Education Plus (UDISE+) report for 2019-20.⁵ the drop-out rate at the secondary school level in India is 16.1 per cent, while the drop-out rate at primary and

upper primary levels is 1.5 per cent and 2.6 per cent respectively. The report also highlighted that approximately 30 per cent of students in India do not make the transition from secondary to higher secondary education. The drop-out rate for boys in primary classes was 1.7 per cent as against girls' 1.2 per cent. Similarly, the drop-out rate for boys was higher in secondary classes (18.3 per cent) than for girls (16.3 per cent). The report also revealed that only 22 per cent of schools in India had internet facilities in the academic year 2019-20, highlighting that the vast majority of schools would have fallen short in ensuring learning continuity for students through digital media as necessitated by the COVID-19 pandemic. The survey also revealed that less than 12 per cent of government schools had internet facilities and less than 30 per cent had functional computers.

In India, assessing the situation in general, the enrolment figures show an upward trend at all levels. Statistics of 2018 mention that 1291 lakh students for the primary have been enrolled in 2015-16 and 676 lakhs for the upper primary, 391 lakhs for the secondary, and 247 lakhs for the senior secondary have enrolled in 2014-15⁶

Conclusion:

It has been more than 12 years since the Right of Children to Free and Compulsory Education Act came into force. The Act mentions that free and compulsory education should be given to all children between the ages of six and fourteen. Its full responsibility lies with the state government. But the government has not made any arrangements to provide free education to children between three and six. According to UNESCO's Education for All Global Monitoring Report 2018, India ranks fourth in the list of out-of-school children. According to The National Sample Survey Organisation's 2017-18 household survey put the number of out-of-school children in India (6-17 years) at 3.22 crore. There is no consensus on the curriculum in pre-primary schools. Experts are not consulted while determining the course. There is no unanimity and equality in the process of creating a taste for school in the minds of students. Urban and rural areas have different conditions. Today, under RTE, 25 percent reserved seats have been reserved for children from poor families, Scheduled Caste and Tribe families in all private schools. But very few people know about this. Many parents admit their children through such quotas by under-reporting their income, so the possibility of needy children being deprived cannot be ruled out. Therefore, the government should create a mechanism to check whether only those who are really in need are admitted or not. Otherwise the main purpose of this Act will not be achieved. The right to education is a fundamental human right. Every individual, irrespective of race, gender, nationality, ethnic or social origin, religion or political preference, age or disability, is entitled to a free elementary education.

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