

## COMPULSORY EDUCATION FOR CHILD

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### ABSTRACT

*The passing of the Right of Children to Free and Compulsory Education (RTE) Act 2010 marks a historic moment for the children of India. This act serves as a building block to ensure that every child has his or her right (as an entitlement) to get a quality elementary education and that the state with the help of families and communities fulfils this obligation. Few countries in the world have such a natural provision to ensure both free and child-centred, child-friendly education*

**KEYWORDS:** Education, Child Education, Compulsory Education, Right to Free and Compulsory Education Act

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) which was passed by the Indian parliament on 4 August 2009 describes the modalities of the provision of free and compulsory education for children between 6 – 14 years in India under Article 21A of the Indian constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. However, Government has to face several challenges in its implementation in many aspects.

The historic right to education law, providing free and compulsory schooling to children in the 6-14 year age bracket, came into force with Prime Minister Manmohan Singh asking the states to join in this National effort with full resolve and determination. One should laud the central government for taking on this momentous task of ensuring that every child in India has the right and equal opportunity to be in school. The right to education programme is going to be one of the largest public service exercises in the world. It is no doubt a noble venture at another level. It will be of interest to know how the RTE will impact the most vulnerable section of our society i.e. those who live in abject poverty. As rightly pointed out, children who have either dropped out from schools or have never been to any educational institution will be now enrolled in schools as education will be free. However, there could be those children who may be compelled to continue working to earn their living. For many people living in poverty, education could add the best offer of a Ray of hope and the more immediate need of food and shelter could push children into work i.e. to earn and take care of their hunger. It is therefore not surprising to learn that out of nearly 22 crore children in the 6 to 14 year age group 4.6 % of these children (nearly 92 lakh) are out of school.

The passing of the Right of Children to Free and Compulsory Education (RTE) Act 2010 marks a historic moment for the children of India. This act serves as a building block to ensure that every child has his or her right (as an entitlement) to get a quality elementary education and that the state with the help of families and communities fulfils this obligation. Few countries in the world have such a natural provision to ensure both free and child-centred, child-friendly education

There are only 13 countries throughout the world that provide free education completely. Chile is the highest-ranking country on the list. Britain and New Zealand provide free and compulsory education for the age of 11. France, Spain, Norway and Canada are among the list of 19 countries where free education is provided for children for age 5 to 15 or 16 years. 34 countries that provide compulsory education for children to the age of nine years included Japan, Finland, Russia and Sweden. Free and compulsory education is provided for the age of 8 years in 20 countries including Afghanistan, China and Switzerland. Saudi Arabia, UAE, Iraq and other eight countries provide free education for the age of 5 years. There is no constitutional provision for free education in neighbouring countries like Sri Lanka and Pakistan. The provision for compulsory education is in Bangladesh and Myanmar up to the age of 4 years and in Nepal up to the age of 5 years. There are more than 50 countries including America, South Africa, Malaysia etc. where there is no constitutional provision for free and compulsory education.

The government faces several challenges in its implementation, especially the availability of teachers and the setting up of neighbourhood schools. There is a shortage of nearly 5 lakh teachers where there are about 3lakh untrained teachers at the elementary stage. The right of children to free and compulsory education act, which came into effect from today, says there should be one teacher for every 30 students at the elementary level. At present, there are about 7lakh

teachers in all the 1.29 million recognised elementary schools in the country. Of the, nearly 3 lakh teachers are either untrained or undertrained. The model rules for the Act say that state governments and local authorities will establish schools within walking distance of 1 km of the neighbourhood. In the case of children for classes 6 to 8th the school should be within a walking distance of 3 km of the neighbourhood. Shortage of teachers and neighbourhood schools are the major challenges for the implementation of the Act, a ministry source said. In case of schools not having trained teachers, they will have to comply with the provisions within five years. As per the new law, the schools need to have certain minimum facilities like adequate teachers, playgrounds and infrastructures. As per the model rules, the local bodies and the state governments undertake household surveys and neighbourhood school mapping to ensure that all children are sent to school. Besides these facts, thousands of students are working as child labourers. Providing education to such cases, including the children of sex workers will be a challenge, the source said. At present nearly 92 lakh children have either dropped out of school or have never been to any educational institution. It will be binding on part of the local and state governments to ensure that all these children are brought back to schools. The implementation of the act would require rupees 1.71 lakh crore for the next five years. The sharing of funds between the centre and the state governments could be in the ratio of 55 - 45 the source said. A proposal to this effect will go to the expenditure finance committee soon before it goes to the cabinet. The finance commission has provided rupees 25000 crores to the states for implementation of the act over 5 years. HRD minister Kapil Sibal has already written to the states to join the mission for the national enterprises of education. Their feedback is positive, the source said. According to sources, the state governments are seeking 90% funding from the centre for implementing the act. The Act mandates that even private educational institutions have to reserve 25% seats for children from weaker sections. However, it will be implemented from next year from class 1. Certain schools have already challenged the law in the Supreme Court as being unconstitutional and violating the fundamental rights of unaided private educational institutions.

Though the implementation of RTE is not very easy there are many challenges. This law was challenged by some

schools in the supreme court as being unconstitutional and violating the fundamental rights of unaided private educational institutions also. The quality of education provided by the government system remains in question. While it remains the largest provider of elementary education in the country forming 80% of all recognised schools, it suffers from shortages of teachers, infrastructure gaps and several habitations that continue to lack schools altogether. Still, this law is a ray of hope for poor children. Sibal has also said that the legal process would not affect the implementation of the law. The government is in the process of preparing rules for the implementation of the act in the union territories. These will be ready in a few days. The government is in the process of revising the norms of Sarva Shiksha Abhiyan (SSA) to make them compatible with RTE norms. The SSA will be the vehicle for the implementation of RTE

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