



**RIGHT TO EDUCATION:
CHALLENGES FACED AND WAYS
FOR EFFECTIVE IMPLEMENTATION**

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ABSTRACT

Education helps people to be a good citizen of the country. Education makes us understand what is right and what is wrong. It helps us to become a better person and it assists us to follow the rules and regulations. It also helps us to have a peaceful life. Education helps us to be a law-abiding citizen. Educating a society is very important. Education shapes the society and it definitely plays an important role in developing the society. It develops each individual in the society. Education helps the people to grow and develop and achieve great things in life. Education makes a person well informed and it provides for the wellbeing of the people and the society. Educating the society is important for the welfare of the society and its people. Right to education is a very important human right and it is a basic right that is available to each and every human being. It is one of the fundamental rights of an Indian citizen. Article 21-A in the Indian constitution provides for the free and compulsory education of children from age six to age fourteen. Even though right to education is a fundamental right, many children in the country still do not go to school and therefore their right has to be protected. This paper deals with the issues faced by the children for not attending school and how these issues can be solved and how their right to education can be protected.

Right to education: right to education is one of the most important right of a human. Article 26 of the universal declaration of human right is about right to education. It states that every human has right to education and states that education must be free at least at the elementary stage. It also states that elementary schooling shall be compulsory. right to education is considered as a basic human right. An educated society is very important for a country because only education can help the country grow both economically and socially. The international organizations also give more importance to education and are helping countries around the world to get their citizens educated. Education empowers a person to think rationally. Education helps a society to move more progressively. Education eliminates the superstitions in the society. Hence educating a society is one of the basic duties of the government. The government of each country must make education accessible to every citizen of the country.

In India, right to education is a fundamental right. Each Indian citizen has this right. Right to education act provides for free and compulsory education to all the children from age six to fourteen. This right comes under article 21-A of our Indian constitution. Important cases that involve right to education:

Right to education is a fundamental right only for children between 6 to 14 years of age. The court held that after 14 years of age of the children, the obligation to the state depends on the economic capacity and development. This was held in the case of *Unni Krishnan v state of A.P [(1993) 1 SCC 645]*. This is a landmark case in which the court clearly explained article 21 A and said that the right



to education is a fundamental right only up to the age of 14. The court also declared that 'the right to education flows directly from the right to life'.

It is the right of every children in a village to get education and hence if there is no school in a village it will be violative of the fundamental rights of the children of the village. Shifting of a school from one village to another was challenged in the case of *Ng. komon v state of Manipur [AIR 2010 Gua 102]* by a writ petition on the ground that if the school is shifted to another village there would be no school in the village and the children of the village would be denied of their education. The court held that the shifting of the school is violative of the right to education under Article 21A of the constitution as the children would be denied education due to the shifting of the school. Legislations were enacted to give effect to the 86th amendment. writ petitions can be filed in the courts by citizens who are aggrieved that the right to education is not properly implemented. The right of children to compulsory education act, 2009 was passed by the parliament to give effect to the 86th amendment. The act provides the responsibilities of the central and state government, teachers, parents and community members to make sure that all the children under the age of 14 are given free and compulsory education.

Article 45 of the constitution obligates the state to make provision for free and compulsory education to all the children until the age of 14. The main object of the article was to abolish illiteracy from the country. Article 45 was substituted by the constitution amendment act, 2002. Hence the new article will be titled as 'provision for early childhood

care and education to children below the age of 6 years.

Even after the implementation of the Right to education act, there still many children in the country who do not go to school. There are a lot of reasons for this. The main reasons why these children do not attend school:

The family of the children are in poverty and therefore the parents tend to put their children in work instead of sending them to proper schools. Even if the child does want to attend school, the child is not able to attend the school due to the family crisis and drops out of school. In some cases, the child is forced by their parents to not attend school due to poverty and in other cases the child willingly drops out of school and starts to go for work to support the family. Unemployed parents: When the parents are not employed and they don't have enough resources to support their family, the child stops schooling and goes to work for supporting their family. When a parent is not employed it not only affects him, it affects the whole family and mainly the future of the child. Uninterested: A few children are not interested in education. They decide to go for work at a young age as they don't have interest in going to school. This also is one reason for a child not going to school Lack of proper facilities in schools: many children do not go to the school since the schools lack basic facilities. Many schools in rural areas do not have the basic facilities and hence children opt out of school. There are no good benches and no toilet facilities in most of the schools in rural areas. Lack of maintenance of schools: in rural areas, many schools are not properly maintained. They are not cleaned and sanitation is a huge problem in these schools. The building is also not in a proper condition.



Even today, in a few rural villages, female children are not being allowed to go to school. The parents do not allow their girl child to go to school and this discrimination has been there for decades and it is still there in these rural villages. These are the main reasons why many children do not go to school in our country. Only when these issues are solved, the children will go to school and that is when the society will be fully developed.

Consequences of these issues: we saw the reasons why these children don't attend schools. Now let us focus on the consequences that the children would face for not attending the schools. The children who don't go to school would have to suffer in their immediate future as well in their later life. These children are the future of the country. The country's future is in the hands of the young citizens of the country. So, if these young minds do not get their proper education, then the future of the country is also at stake. These children when they grow up, they have to face a lot of problems in the society. They will not get employed easily and even if they get employed, they will be able to earn only a small amount when compared to those who are educated. They will also be putting their family's future at stake. When children do not go to school, they may tend to go in the wrong direction. In our country we have various cases where the children have indulged in crimes. A few of these crimes are thefts, robbery and so on. We also have cases where children who have left school are found using drugs and alcohol and some of these children are addicted to it. So, when a child does not go to school, he has to face the consequences for the rest of his life and his family would also have to suffer along with him. So, for preventing these

consequences from happening, each child has to attend school.

What should be done?

Proper facilities should be there in schools. The government authorities should regularly check whether the government schools in rural villages and cities have proper facilities. If the government authorities feel that proper facilities are not present in the school, then they should take immediate actions for it. A regular check by the government officers is required. Proper maintenance of schools: The government authorities should make sure that schools are being properly maintained. They should check whether the school building is in a good condition and whether the school is clean and neat. Proper sanitation of schools is very important. If schools are not hygienic then the children's lives are put to risk. Therefore, proper sanitation should be ensured by the government authorities in these government schools. Awareness should be created among the people about the right to education. Many people in the rural areas do not know that the right to education is a fundamental right of an Indian citizen. They do not know that the children from age six to age fourteen have the right to free and compulsory education. Importance of education should also be made aware to the people so that the people in rural areas will start putting their children in schools. Various schemes have to be introduced for the children for them to avail all the necessary resources that they need for attending the school. A few of the children do not have the money for buying the necessary resources that are required for school and therefore schemes for it would help them get these resources. The resources and funds required to give education should be made available to the students. Financial help such as loans can



be provided by international organizations to the countries to improve their educational infrastructure. Secondly, all the citizens must be given equal access for education. There must not be any discrimination based on gender, caste, religion or any other factors. Every citizen of the country must get access to education. All the students should be accepted irrespective of their culture and religion. The students must not be forced to follow any religion or culture. Fourthly the schools must be able to adapt to the changing society. The syllabus must be updated regularly and the education provided must be of the quality and uniform standard.

Finally, we would like to conclude by saying that children are the future pillars of the society. Hence it is important to educate each and every child in a society for a bright and prosperous future of the society. An educated child is a very valuable asset to a nation. In India though there are many acts which aim at providing education to the children there are still many children who are not able to get access to education. The government must allocate more funds to build more infrastructure to enhance the educational system in India so that it could accommodate all the children in the country. India is a country with largest youth population. Hence if we educate them, they can contribute to the development of the country to a very large extent. The government must make sure that the Right to education Act is properly being implemented and must strive to give quality education to all the citizens of the country.
