



A Study on Education for Children in Indian Constitution

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Abstract:

India is the third world country in south Asia, Second highest populous state in the world, by area seventh largest state in the world and most populated democracy in the world. Children are the assets of the state and should provide basic needs or necessities for the children. Education is the good tool for the children to develop their personality and change their behavior. When State of India got independence from Britishers, then enacted plenty of legislation on different aspects. For children's education our government of India enacted statutes. Through these statutes government protect the children's educational rights. The aim of this article is discuss about the constitutional provisions regarding children's educational rights and role of RTE Act, 2009 for benefit of children's education.

Key words : Education, Children, Constitution and Government

Introduction

India is the second most populous country of the world where children constitute about 39% of the population of the country and, since children are the future of the country hence; their education is of primary importance for any every nation. The country has reached a stage in its economic and technical development when a major effort must be made to derive the maximum benefit from the assets already created and to ensure that the fruits of change reach all sections and education is the highway to that goal. Education is a vital component in a child's life as it enhances their skills, personality, and attitude in life. Children are the forebears of the nation's economy, and a country cannot achieve economic growth when its children lack the right to education. A nation needs educated children to create professionals, scientists, and entrepreneurs of tomorrow to contribute to the nation's economy. India has enforced the Law to make Education mandatory for children between the ages of 6 to 14 years through the implementation of Right to

Education Act 2009, leading India to grow as one of the fastest-growing economies in the world. A constitution provides the basis for governance in a country, which is essential to making sure that everyone's interests and needs are addressed. It determines how laws are made, and details the process by which the government rules. Constitution is the supreme law of the land. The Indian constitution accords rights to children as citizens of the country, and in keeping with their special status the state has even enacted special laws. Education is essential for children's because through education only they can change their personality.

In order to ensure child education in India, the Constitution has laid down certain provisions¹ –

1. Education of Minorities- Article 30 of the Indian Constitution relates to certain cultural and educational rights to establish and administer educational institutions.
2. Education of Weaker sections- Article 15, 17, 46 safeguards the educational interests of the weaker sections of the Indian Community, that is, socially and educationally backward classes of citizens and scheduled castes and scheduled tribes.
3. Equality of Opportunity in Educational Institutions- The fundamental right of equality clearly signifies that in the eyes of law no distinction can be made on the basis of any position, caste, class or creed. Side by side the right of equality of opportunities to all is also provided. The equality of opportunity is meaningless unless there are equal opportunities for one's education.
4. Higher Education and Research- Parliament has the exclusive rights to enact legislation in respect of institutions and Union Agencies mentioned in entries 63, 64, 65, and 66 of Union List.

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. This act mandates the following²-

Right of children to free and compulsory education till completion of elementary education in a neighborhood school.

- It clarifies that 'compulsory education' means an obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- It makes provisions for a non-admitted child to be admitted to an age-appropriate class.
- It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
- It prohibits physical punishment and mental harassment, screening procedures for admission of children, capitation fee, private tuition by teachers and running of schools without recognition.

¹ Dr. Durga Das Basu, introduction to the Constitution of India, Lexis Nexis, Nagpur, 20th ed, 2011, p-87-111

² Ibid, p-110-111

Government has taken up various steps and has launched various schemes for encouraging the education of children like-

- Samagra Shiksha which is prepared with the broader goal of improving school effectiveness measured in terms of equal opportunities for schooling and equitable learning outcomes
- Mid-day meal With a view to enhancing enrolment, retention and attendance and simultaneously improving nutritional levels among children government aided primary school was to be served a prepared Mid-Day Meal.
- Scheme for Infrastructure Development in Minority Institutes facilitates education of minorities by augmenting and strengthening school infrastructure in Minority Institutions in order to expand facilities for formal education to children of minority communities.

Schools play a vital role in shaping a person's social and professional growth. The conventional schools in India focus on nurturing the children to face the competitive world outside. Examinations and assignments are encouraged by them as tools to assess the capability of the students. Whether a child was knowledgeable or not depended on the marks he/she scored. It is opposed today that the schools teach the students in learning things by-rote and not to understand things through application. National Survey conducted few years back reveals that, more than 80% of the school principals in India blame rote-learning as the reason for poor standards to learning in students passing out from schools. Of these, nearly 70% of them felt that the curriculum followed in India today did not give sufficient scope for creative thinking³.

Education lays the foundation of a bright future but still there is a gender bias when it comes to educating the girl child. There are various reasons behind the improper education to the girl child-like indifference in attitudes and practices against girl child including their health, and well-being, illiterate parents and guardians who have little or no awareness of the importance of education and most importantly financial constraints of various types etc. The importance of the role of women in the society cannot be overlooked but still instead of children going to the schools they are seen instead working as domestic servants or in the factories. Despite the various provisions mentioned by the Indian Constitution, there are still a lot of steps that are to be taken for the proper implementation of such provisions. The following table provides the data of literacy rates of children in the age group of 7 years of age and more.

³ <https://www.educationworld.in/the-importance-of-school-education-in-child-development> dated on 20-10-2021 at 12:30pm.

There are various NGOs that work for the education of the children like Oxfam India, Save The Children CRY i.e. child rights and you. It has undertaken a lot of initiatives to improve the condition of underprivileged children one of them being Mission Education' to make sure that 'education is every child's right' and that proper education reaches to more children in every new academic year, Barefoot College India trains local community people into teachers, specialized professionals in other fields and has initiated many educational efforts for children, Pratham comprises of civil servants, PhDs, social workers, educationists and many other educated personnel who are working for a common dream of developing the future of children of the country. With an aim to offer every child their fundamental right to education etc.

Schools and teachers can also take effective steps in for the enforcement of principles set up by the convention on Rights of a child⁴-

- Teach children about their rights. People who know their rights are better able to claim them. When you guide children toward understanding their rights, it's important that you help build and maintain respect for their parents.
- Provide a broad, relevant and inclusive curriculum. Promote a curriculum that aspires to equip children with numeracy and literacy, as well as knowledge in science, the humanities, sport and the arts. Provide opportunities for play consistent with the right to optimal development.
- Develop rights-based learning and assessment. Ensure that children's right to express their views is granted and that their views are given due weight. Provide adequate teaching and learning materials.
- Ensure children's participation. Establish and encourage student participation at all levels. Involve children in the development of relevant school policies.

Education is the most important factor which plays a great role in the development of an individual as well as a country. Nowadays, it has become a vital factor for the future brightness of the new generations of any society. A country cannot grow and develop without the individual growth and development of its citizens. Thus the development of any country depends hugely on the education standard available to its citizens. A good education system must have common goals in every areas of country to provide a suitable and proper learning to its citizens. Education gives us knowledge of the world around us and changes it into something better. It develops in us a perspective of looking at life. It helps us build opinions and have points of view on things in life. Some say education is the process of gaining information about the surrounding world while knowledge is something very different. Information cannot be converted into knowledge without education. Education makes us capable of interpreting things, among other things. It is not just about lessons in textbooks. It is about the lessons of life.

⁴ <https://www.education.gov.in/en/rte> dated on 21-10-2021 at 6.30 am.

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 standards⁵.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

Education is so important because;

- Education exposes children to new ideas and helps them to make a path to a career.
- The goal of children education is to develop skills, the spirit of competition and enhances personality development.
- Education decides child behavior, how he/she faces obstacles and challenges, aspirations, introspections, and learnings to achieve success.
- Education establishes the feeling of pride and self-esteem in young minds.
- Education is an ongoing process of learning which improves the concentration level of a child.
- Education is necessary for children as they carry social values to their adulthood to strengthen the nation's social fabric
- Education also builds the overall personality of a child and makes him/her aware of their surroundings.
- Education for children eradicates social practices like child labour and also boosts a nation's economy and growth.
- India has imposed the Right to Education Act 2009, to make Education mandatory for children between the ages of 6 to 14 years.

⁵ <http://www.legalservicesindia.com/article/1925/Right-to-Education>, dated on 21-10-2021 at 7:30am

- A nation's goals of achieving Global Sustainable Development by 2030 reaches possibility only when a nation highlights the importance of educating every last child in the country⁶.

Conclusion: Human rights belong to all people, regardless of their age, including children. However, because of their special status - whereby children need extra protection and guidance from adults - children also have some special rights of their own. According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most countries. Our constitution plays an important role for protection of children's, children's rights and education for children's. Education is very important for every human being. Through education only Children can improve their personality and thinking capacity.



⁶ <https://righttoeducation.in/know-your-rte/about> dated 21-10-2021 at 8:00 pm.