

## **Education still eludes the disadvantaged**

Niranjanaradhya V P

Even after 6 years of the implementation of the RTE Act, not all children have come back to schools.

**The Right of Children to Free and Compulsory Education Act, 2009, has completed 6 years of its implementation and entered the seventh year. Section 3(1) of the Act promises right to free and compulsory education to all children up to the age of 14 years in a neighbourhood school.**

Section 3(3), Section 4 and Section 9(e) of the Act respectively provide for the education of children with special needs, out-of-school children (OOSC) and migrant children. All these children, belonging to disadvantaged group, have basic entitlement within the ambit of Fundamental Rights under the Right to Education Act.

For instance, a child with disability has the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. In case of OOSC, a child above 6 years who has not been admitted in any school or, though admitted, couldn't complete his/her elementary education, shall be admitted in a class appropriate to his or her age.

Provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training. The child so admitted to elementary education shall be entitled to free and

compulsory education till completion of elementary education even after 14 years. Under section 9(k) of the Act, the local authority has the responsibility of ensuring the admission of children belonging to migrant families.

The significance of mainstreaming all these categories of children is lucidly explained in the manual uploaded on the Ministry of Human Resource Development (MHRD) website that provides for clarification on provisions. While explaining the scope and magnitude of OOSC, the document on Clarifications of Provisions of RTE Act appropriately says that “a majority of out-of-school children belong to disadvantaged communities: scheduled castes, scheduled tribes, Muslim minorities, migrants, children with special needs, urban deprived children, working children, children in difficult circumstances, for example, those living in difficult terrain, children from displaced families, areas affected by civil strife, etc.”

The overall objective of age appropriate admission for these children is to save them from the humiliation and embarrassment of sitting with younger children. When older children are forced to sit in a class younger than their age, they tend to be teased, taunted, suffer lower self-esteem, and consequently drop out. The Act also facilitates a child admitted to an age appropriate class to be given Special Training to enable him or her to be at par with other children.

Given the varied life experiences of these children, it is recognised in the field of education that their mental capabilities are higher than that of entry level 6-year-old children, and that they are indeed capable of accelerated learning.

#### A distant dream

In order to enable all OOSC to complete 8 years of elementary education, there is a provision for them to continue their education beyond age 14. However, even after 6 years of completing the implementation of the RTE Act, not all children have been brought into mainstream schools. As a result, the right of all these children to free and compulsory quality education still remains a distant dream.

In Karnataka, as per the data given by Sarva Shiksha Abhiyan, the number of OOSC in 2010-11 was 39,841, of which the non-school going was 5,720 and out-of-school was 34,121. This number shot up to 1,68,621 in 2014-15. What is astonishing is that in 2015-16, the number has magically comedown to 12,878. As per the SSA report, 10,602 children out of 12,878 children were brought back into mainstream education as on March 31, 2016.

As on today, the number of OOSC in the state is 9,468. The top 3 districts having the highest number of OOSC are Bellary (2,018), Bengaluru South (1,462) and Mysuru (1,002). Similarly, the top 3 districts/ towns with lowest number of OOSC are Bagalakote (24), Ramanagar (18) and Madhugiri (17). It is needless to comment on these statistics.

In this scenario, it is of utmost urgency that the authorities responsible for the effective implementation of the RTE Act, and thereby of ensuring right to education of all children, take a step forward and vigilantly work towards the realisation of the essence of the legislation and enable all children to attain one of their most fundamental rights.

It is laudable that the Karnataka State Commission for Protection of Child Rights (KSCPCR) in association with the Centre for Child and the Law, NLSIU, has taken up a massive campaign called 'Shale Kade-Nanna Nade: Education is my Fundamental Right' to bring back all OOSC into mainstream education.

This campaign needs to be translated into a genuine movement by bringing people from all walks of life – be it teachers, students, workers, youth, farmers, women, Dalit, people's movement and networks – to join hands with the KSCPCR to bring back all children into mainstream education.

(The writer is Fellow and Programme Head, Universalisation of Equitable Quality Education Programme, Centre for Child and the Law National Law School of India University)