
VIOLATION OF THE RIGHT TO EDUCATION ACT DURING THE PANDEMIC IN INDIA

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ABSTRACT

During coronavirus pandemic people in almost all the countries have suffered a lot, especially children. The students were locked inside the houses. The schools or educational institutes were closed to save human beings. Schools are reopening but it is required to take specific measures to facilitate students to reduce the upsurge rate of dropouts. The global pandemic affected the marginalized and vulnerable groups the most. The pandemic has contributed to violating children's Right to Education.

There is a requirement to create a generic platform, which should be accessible to all the educational institutes. Infrastructure building and arranging resources for education, planning for such emergencies, and proper training for educational institutes will facilitate teachers, and students to work effectively. The pandemic due to Covid-19 may be considered as a lesson for the future. This study has analysed the situation of children and effect of pandemic on their education. Based on the study several suggestions have been made which may work effectively bridging the gap in the field of children's education.

Keywords: children in pandemic, measurements in schools, effect of pandemic, children education, infrastructure in educational institutes

Introduction

“All human beings are born free and equal in dignity and rights.”¹

The word ‘child’ derived from the Latin word ‘infans,’ which means ‘the one who does not speak.’ In Roman times, this term was meant for children up to the age of 7 years, but the age bar evolved through the centuries, and at present, it is meant till the age of eighteen years or adulthood. Children are considered the future of society. Children’s rights were recognized in 1924 after the First World War as per the Declaration of Geneva. Later the United Nations recognized children’s rights in 1959 and adopted them internationally in 1989.² The right to education is one of the essential human rights of the children, which was implemented as law in India as the Right to Education Act (RTE) under Article 21(A) of the Constitution of India in 2009. As per the RTE, every child has the right to education.

Education is the basic need of all. But some people cannot provide education to their children due to financial reasons. The economically weaker section would always seek the bread in place of the book. The literacy rate of India is 74.04 percent³ (males 82.14 percent and females 65.46 percent). It shows that there are many gaps in the country’s education policy due to which education is still not accessible to all. Education is on the concurrent list in the constitution of India. Considering the international norms and movement on the right to education as the fundamental right of the human being, India also endorsed the same aspect. Right to education was enacted by the parliament of India in 2009, which came into force in the year 2010. Children of age 6 to 14 years were considered the beneficiary of this act. This act provides free and compulsory education to the children. The provision to reserve 25% seats for the economically weaker section in all private schools of all states. This will help the weaker section of the society access education. The Centre and form both governments should work hand in hand in education. We all understand that This right was violated during lockdown due to the pandemic.

The whole world has been living with coronavirus since 2020. The pandemic came up with many restrictions, boundaries, quarantines, lockdowns, and social/physical distance. People in almost all the countries have suffered a lot, especially children, due to the pandemic. The

¹ Article 1, Universal Declaration of Human Rights

² The meaning of the child and the rights of children, <https://www.humanium.org/en/child-rights/>

³ [https://knowindia.india.gov.in/profile/literacy.php#:~:text=The%20literacy%20rate%20in%20the,Mizoram%20\(91.58%20per%20cent\).](https://knowindia.india.gov.in/profile/literacy.php#:~:text=The%20literacy%20rate%20in%20the,Mizoram%20(91.58%20per%20cent).)

human race was frightened and started thinking about who would come out safe after being infected by covid or stay safe without being contaminated. Such a situation compelled every family to be overprotected in terms of their children. To save their lives, the children were jailed inside their rooms or house. The children were prohibited from going out of the house to continue their education or outdoor activities. The schools or educational institutes were closed to save human beings. The offline mode of studies was shifted to online mode, and new ways to provide education were tried and tested. Everyday life had come to a halt. Children lived under fear and pressure and were locked within the four walls. Homes have now become the children's schools; this is the drastic change in the education system caused by the pandemic. In many ways, the human rights of children have been violated during this pandemic.

As per the study conducted by UNESCO, the education of 90% of the world's student population was disrupted due to the COVID-19 pandemic.⁴ This means that the children's rights to education have been violated in almost every country. However, some countries tried to provide access to all the sections of society. The closure of schools and educational institutions compelled us to find out alternatives. Some of the children have been attending online classes since 2020, almost two years have passed, but the quality of learning has been detreating. Schools are not able to provide full-fledged education through online mode. Exams are not being conducted through a conventional method. The level of knowledge is going down; some subjects need practical with new and innovative experiments, which is not possible in online sessions. Still, schools, teachers, and educators learn to conduct effective classes. Many issues are being faced by the teacher. For example, while the teacher is conducting class and students keep their web camera and mic off, the teacher has no idea whether the students are attending the class or not, grasping knowledge, or getting information. Children are getting promoted to the next lesson based on the assignments or previous class results, which does not serve the purpose of teaching and learning. It is merely a formality to complete the session. Schools are reopening from time to time when Covid waves go down, but it is not as effective as regular-based classes.

There has been a massive disruption in children's education due to school closure, isolation from friends, and rising poverty these days. The student had to run from pillar to post to get on the board of remote learning. Some hunt for network others hunts for internet data. During the

⁴ Learning through radio and television in the time of COVID-19 02/06/2020
<https://en.unesco.org/news/learning-through-radio-and-television-time-covid-19> (Accessed on 21-12-2021)

school's closure, mostly girl children take responsibility for their household chores on their shoulders to help the family. Many girls have married; according to UNICEF, which released data on International Women's Day that school closures, economic stress, and parental death due to Covid are making the position of girls most vulnerable and increasing the risk of child marriage.

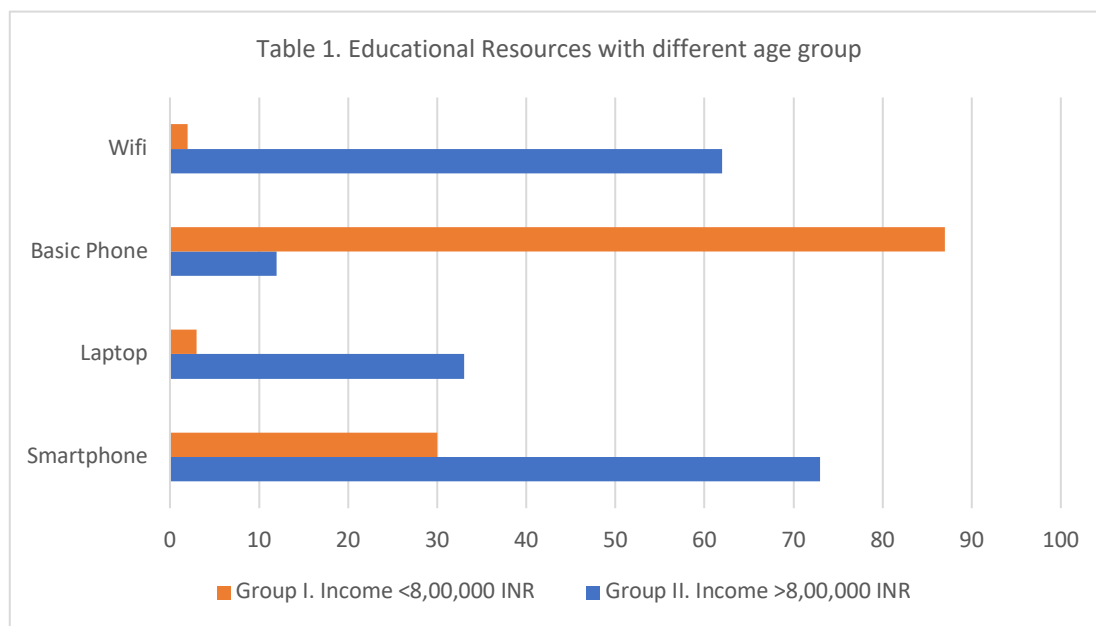
Schools were not prepared for this emergency; many teachers didn't know how to use technology in their pedagogical practices. How to conduct effective classes, check homework, and assignments, conduct exams, etc. Many teachers in remote areas were struggling to get internet access. The children also faced a lot of challenges. Many children didn't have access to the internet, smartphone, or laptop⁵. For people living below the poverty line, the priorities were to manage money for food but not for their children's studies. As per the survey conducted by Emiliana Vegas and others on the impact of Covid-19 on students in India, "Alarming, 1 in 5 children in our sample were enrolled in schools that do not offer any remote instruction during the school closures, and even among the children whose schools had begun remote instruction, only slightly more than half attended all the classes."⁶ Due to this reason, many children are forced to drop out of school in India.⁷ The main reason is the education system's inability to provide all the facilities to children that are required for online classes. Several reports mentioned that the children had to leave their school/study because of the non-availability of the resources needed to attend the class.

⁵ Emiliana Vegas, Sunhwa Lee, and Unika Shrestha, How has education technology impacted student learning in India during COVID-19?, <https://www.brookings.edu/blog/education-plus-development/2021/08/23/how-has-education-technology-impacted-student-learning-in-india-during-covid-19/> (Accessed on 09-03-2022)

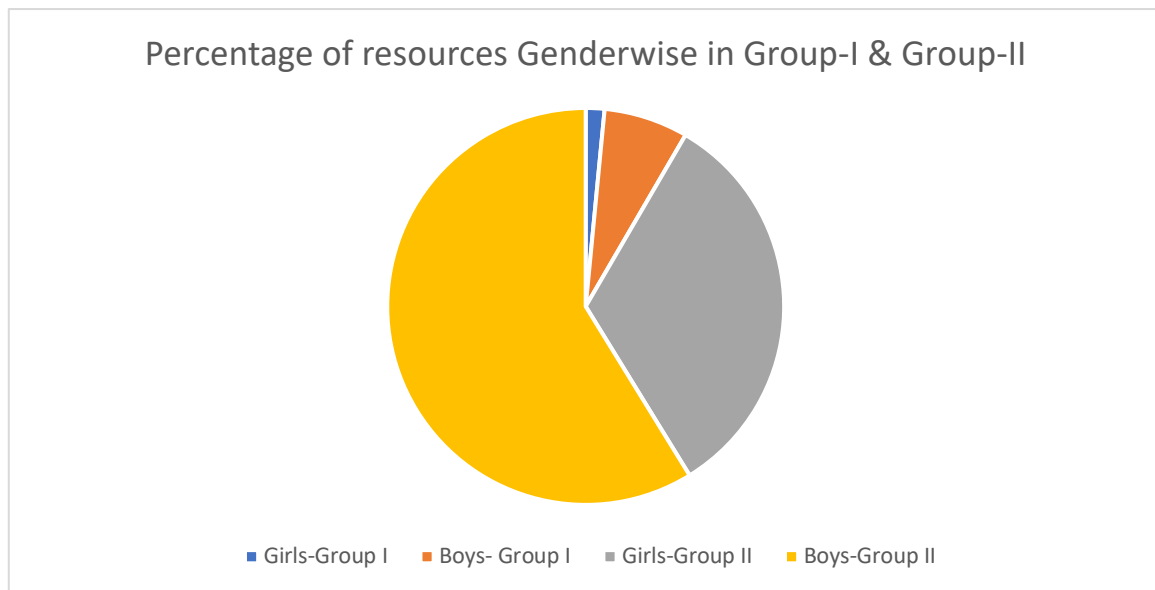
⁶ Emiliana Vegas, Sunhwa Lee, and Unika Shrestha, How has education technology impacted student learning in India during COVID-19?, <https://www.brookings.edu/blog/education-plus-development/2021/08/23/how-has-education-technology-impacted-student-learning-in-india-during-covid-19/> (Accessed on 09-03-2022)

⁷ How Covid-19 has forced the dropout rate to shoot up in India and what we can do <https://www.indiatoday.in/education-today/featurephilia/story/how-covid-19-has-forced-the-dropout-rate-to-shoot-up-in-india-1879271-2021-11-21> (Accessed on 29-02-2022)

We conducted interviews in December 2021 in East Delhi as a prototype to understand the reality on the ground. The interviews were conducted through physical mode. Two hundred twenty-one responses were received from children aged 5-15 years old. The respondent was divided into two categories as per the family income. The first group has less than 2,00,000/- Rs. And the second group has more than 8,00,000/-Rs. The first group lacks essential educational resources, and the second group has the resources in general. The data was studied to learn about the impact of covid-19 on children. The graph given below demonstrates the data received.



A steep gap can be seen between the groups. Group I and II would have different priorities as per the resources available. Another major factor can not be ignored, i.e., gender. Our survey found that the girls' situation was worst since they didn't have any resources to continue their education remotely. Even in group II, only 43% of girls had smartphones/laptops to attend the classes. Only 2% of the girls in the group could manage the smartphone/laptop.



The girl-child situation became worse during the pandemic; many families in India still assume that girls are a financial burden on them. Children who had educational resources to continue their education were concerned that their freedom was curtailed and their right to education was snatched away by parents or relatives. As per the maximum responses, the children and parents informed that they were captured in the house during the lockdown period. Many children had to leave school due to the problematic situation. In one of the interviews, a girl living in an east Delhi slum with her two siblings and mother. Her mother is the sole bread earner. She works as domestic help. The mother cannot bear three children's education because she has a meager income and has only one mobile through which one child can take one class at a time. So, she made her girls drop out of school and indulged them in domestic work. A child from primary school in Delhi Slums had to drop out because her parents didn't have any jobs during the pandemic. They did not have a smartphone to attend the online classes. Hence, they couldn't provide her education without a phone. Even households where educational resources were available could not utilize them because of limitations of the devices, internet data, etc.

In general, there are a lot of children who do not have access to primary education for various reasons, and the pandemic has hit the number to swell. In an address during a session on "Job creation and entrepreneurship," Union Education Minister Dharmendra Pradhan said that about 15 crore children and youths are away from the formal education system in the country.⁸ The

⁸ At least 15 crore children, youths out of formal education system: Dharmendra Pradhan, The Hindu, AUGUST 12, 2021, (Accessed on 02.01.2022)

Children are the future of a nation, and their foundation is made strong with education; if the foundation of a country is weak, a strong government cannot be built upon.

During the pandemic, the level of unemployment increased because markets had closed, and all kinds of daily wage workers like workers on construction sites, cobblers, domestic helpers, etc., could not get work during the lockdown. The economy worldwide witnessed a drop. The GDP from April to June 2020 dropped by a massive 24.4%. People didn't have adequate money for education, and they chose bread over education during the pandemic period.

The pandemic has created a digital divide. The gap between rich and poor widened through the means of online education. Children face the mental trauma of not having basic facilities to acquire education. In the case of education during the pandemic, the society was divided into two parts; on one side, a section of children was enjoying life with all facilities at their fingertips. But on the other side is a section of the lower or middle-class family having no facilities and having to leave their education or manage various difficulties. We may agree that more than 50% of students were kept out of classrooms by the pandemic as they did not have access to mobile/internet networks, computers, or laptops.⁹ This kind of disparity between both the sections of children developed inequality. The UNESCO's case study of India acknowledged the digital divide in its research on the ground by UNICEF. As per the report, "Device and data affordability, plus network connectivity infrastructure, have been the largest challenges to continued learning, according to parents and teachers. An important prerequisite is the establishment of a stable and widespread power infrastructure which provides reliable, cheap and uninterrupted electricity to support technology use."¹⁰ Such inequality leads to the violation of children's right to education.

UNICEF is also working with their partners, continuing to work together to improve children's learning and keeping them connected with the network, supporting governments to make schools reopen safely with all safety measures. It is required to design innovative methods of study for remote areas and where schools are tentatively closed, funding for unemployed parents to make sure they will not drop their children out of school.

⁹ Learning through radio and television in the time of COVID-19 02/06/2020

<https://en.unesco.org/news/learning-through-radio-and-television-time-covid-19> (Accessed on 21-12-2021)

¹⁰ India Case Study, Situation Analysis on the Effects of and Responses to COVID-19 on the Education Sector in Asia, United Nations Children's Fund (UNICEF) and United Nations Educational, Scientific and Cultural Organization (UNESCO), October 2021

UNESCO's 2030 agenda mentions that for sustainable development of education, quality education for every child is a must. It is the responsibility of countries to protect the rights of education, which has been violated during the pandemic worldwide.

Before this pandemic, the world has never seen this large number of children drop out of school simultaneously. The global pandemic affected the marginalized and vulnerable groups the most. We are hereafter two years; we need to improve our education sector.

The global education coalition aims to provide a context-based solution to countries like hi-tech, low tech, and no tech approaches along with remote education and equitable solutions and avoid overlapping answers or efforts in education. When schools reopen, take measures to facilitate students to reduce the upsurge rate of dropouts.

The Ministry of Education in India told the states to prepare an action plan to prevent the increasing number of dropouts by conducting a door-to-door survey and identifying the children out of school and migrant students to determine why children are losing interest in learning. The government prepared guidelines to provide equity and quality education to the children with less impact of the pandemic on education all over the country, to create awareness and ensure enrolment of students, to try to convince them with counseling to come back to school. Even if students don't want to go to physical classes and continue taking online courses, the teacher must conduct a home visit to children for assessment, give them study material, and support their home-based study.

The pandemic has highly contributed to violating children's Right to Education. The violation is being continued even today. As per the observations, survey, interviews, and secondary data, the following suggestions may improve the situation and assist the states in effectively bridging the gap in implementing the Right to Education act on the ground.

Reward to Teachers and Educational Institutes: Most educational institutes and teachers have struggled and worked hard to continue the teaching and learning process during the pandemic. Teachers started acquiring various innovative methodologies for effective learning. The reward will motivate the educational institutes and teachers to work more effectively and encourage students toward active learning. There is a say "Guru Brahma Guru Vishnu Guru Devo Maheshwara," which means the guru is above all. The teachers deserve rewards for a glittering society.

Encourage Units to Develop Educational Resources: The state should encourage the firms to develop educational resources such as laptops, smartphones, tablets, etc. Encouragement can be assured by assistance such as grants, loans, tax rebates, and other financial support. Such encouragement will reduce the cost of educational resources, which will help students from Group I, i.e., the weaker economic section, access education.

IT Revolution in Education Sector: Each educational institute should encourage innovative approaches and develop techniques, software, and platform for hybrid learning. The national and international collaborations can be fruitful in establishing the IT revolution in the education sector. Some popular venues for remote/hybrid learning are developed commercially, which may not be accessible. There is a requirement to create a generic platform, which should be accessible to all the educational institutes in the country. Such development will revolutionize the education sector in the country.

Funding in Education: State funding is the backbone of the education sector in India. The funding crunch from the state caters to the private players, i.e., businessmen. As per Dafne Concha, “Education is a right and not a privilege for some, and not a business not for profit-making and negotiating.”¹¹ In general, private educational institutes work on a business pattern, which does not serve the purpose of the Right to Education. Therefore state funding is necessary and should be increased as per requirement.

Improvement in Government educational institutes: We have witnessed the rise and fall of educational institutes at the primary level. The government schools were built with the idea to cater to education in every corner of the country. But due to corruption and lack of support from local governing bodies and states, the well-built structure drowned. It is indeed to revive such infrastructure where every group of the society would get access to free education without discrimination. A pilot project and pan India plan are required to restore and improve the government educational institutes.

Planning and training to teach in pandemic/emergencies: The pandemic of Covid-19 has proved that the human race was not ready for any pandemic or emergency on account of education. Infrastructure building and arranging resources for education, planning for such emergencies, and proper training for educational institutes, teachers, and students will work effectively. Existing infrastructure such as radio, television, and postal services can be explored

¹¹ <https://quotesgram.com/business-learning-quotes/> (Accessed on 21.02.2022)

and utilized innovatively in education. The modern infrastructure like the internet, smartphones, laptops, and online platforms must be arranged or developed for effective learning and access for all children.

The above are a few of the suggestions which may help in ensuring the Right to Education in the country and will avoid the violation of the child's rights during the pandemic or emergencies. The pandemic due to Covid-19 should be perceived as a lesson for the future. Various global organizations are working in this direction, such as UNICEF. Effective collaboration can be established between the states and such international organizations. The global experience will help explore and adopt the practical techniques, methods, tools, and ways for the education sector in the country.

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