

Education to all children

***265.SHRI MOINUL HASSAN:** Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether, according to the Right to Education (RTE) Act, all children under fourteen years should be enrolled in schools;

(b) whether despite this, the Child Labour Act does not expressly prohibit employment of children in agriculture; and

(c) if so, the reasons for the discrepancy between the two Acts and how Government proposes to rectify this?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI KAPIL SIBAL): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) The Right of Children to Free and Compulsory Education (RTE) Act, 2009 provides for free and compulsory education to all children in the age group of six to fourteen years.

(b) and (c) The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the engagement of children below 14 years in certain occupations and processes, and regulates their working conditions in other occupations. Agriculture as a whole is not included in the prohibited list of occupations and processes under the Child Labour (Prohibition and Regulation) Act, 1986. However, agricultural processes where tractors, threshing and harvesting machines are used, as also chaff cutting and handling of pesticides and insecticides are included in the prohibited list.

Section 8 and 9 of the RTE Act mandate the appropriate Government and local authority to provide free and compulsory education to every child. The term "compulsory education" means obligation on the appropriate Government to ensure admission, attendance and completion of elementary education. Therefore the appropriate Government is responsible for ensuring that every child of this age attends school during the prescribed school hours/days.

SHRI MOINUL HASSAN: Sir, it is an undeniable fact that Right to Education Act is a very important legislation passed by the Houses. But my question is: Is it true that this Act curtails the opportunity for public employment under Article 16 by not extending education up to class XII as a

fundament right, which is a bare minimum qualification for every citizen to enter even a least earning employment in the age of the knowledge economy? If so, that is the Government doing about the same?

SHRI KAPIL SIBAL: Mr. Chairman, Sir, this supplementary is not related to the main question about the fundamental rights of children to be educated up to class XII.

SHRI MOINUL HASSAN: I am sorry, you have dealt with it.

SHRI KAPIL SIBAL: But since the distinguished Member has raised it, I would only mention that the present fundamental right under 21(A) through the Eighty-sixth Constitution Amendment is limited to children between the ages six to fourteen, and the Prime Minister has already, in his speech, — I read that the other day said that 'we would like to extend it up to class X.' That exercise is going on under the Twelfth Plan...

AN HON. MEMBER: Sir, he is talking about the new education policy.

SHRI KAPIL SIBAL: ...so that the *Madhyamik Shiksha Abhiyan*, the universal Right to Education up to Class X, is something that the Government is contemplating, and I hope this comes through the Twelfth Plan.

MR. CHAIRMAN: Thank you. Second supplementary related to the question!

SHRI MOINUL HASSAN: Yes, Sir. This is very much related to the question. In this context, I would like to know what steps the Government is taking in order to extend RTE to the age 0-6.

SHRI KAPIL SIBAL: No, no; I hope that we don't extend the RTE to age zero! But, certainly, the Government is thinking about pre-school education at this point in time between ages 4-6. You know that the anganwadis are there, but, at the same time, what should be looked at is whether the anganwadis can deliver the kind of pre-school education that children should get at that particular, very sensitive age. The Government is looking at these issues. I don't think the Government has taken a decision. But we would like to move forward, hopefully, in the next few years, to bring pre-school education into the formal education agenda without formally teaching children between 4-6.

श्री भगत सिंह कोश्यारी: सभापति महोदय, माननीय मंत्री जी ने अपने प्रश्न के उत्तर में कहा है कि "Sections 8 and 9 of the RTE Act mandate the appropriate Government and local authority to provide free and compulsory education to every child". और नीचे फिर उन्होंने कहा कि "appropriate

Government...". मान्यवर, मैं आपके माध्यम से माननीय मंत्री जी से कहना चाहता हूँ कि मैं जिस प्रदेश से आता हूँ, उसे विशेष राज्य का दर्जा प्राप्त है, जहाँ बहुत गरीबी है, जो बहुत पिछड़ा इलाका है। मैं मंत्री जी से पूछना चाहता हूँ कि यह जो ऐंप्रोप्रिएट गवर्नमेंट है, वह ऐंप्रोप्रिएट गवर्नमेंट क्या प्रदेश सरकारें हैं या केन्द्र की सरकार है? आपने RTE Act शुरू किया है, केन्द्र सरकार ने बड़ी कृपा की है कि वह RTE Act लायी है, कम्पलसरी एजुकेशन कर दी है, राइट टू एजुकेशन कर दिया है। मैं माननीय मंत्री जी से पूछना चाहता हूँ कि क्या सारे देश में वह इस राइट टू एजुकेशन के लिए 90 और 10 के रेश्यो में खर्चा देंगे? यदि खर्चा नहीं देंगे तो फिर क्या इस केस को वापस लेंगे या फिर हम यह कहें कि यह केवल दिखावे के लिए है, इसका कोई उपयोग नहीं है?

SHRI KAPIL SIBAL : Mr. Chairman, Sir, as far as the policy of the Government is concerned, it is quite clear that the Government of India is not going to provide 90 per cent apart from North-Eastern States. That policy has already been incorporated and stated publicly.

As far as the 'appropriate Government' is concerned, The Right to Education Act talks of 'appropriate Government'; in certain contexts it would be the Central Government and, in others, it would be the State Governments. So, the word 'appropriate Government' would apply both to the Central Government and State Governments with reference to the context in which it is used.

डा. विजयलक्ष्मी साधू: सभापति महोदय, कई रिमोट एरियाज़ में, ट्राइबल एरियाज़ में प्राइमरी स्कूलों में सौ-सौ, डेढ़-डेढ़ सौ बच्चों के ऊपर एक सिंगल टीचर रहता है। उसकी ऐक्टिविटीज़ बाकी कामों में भी रहती हैं और टीचर्स की उपलब्धता नहीं होने के कारण कई स्कूल बंद रहते हैं। मैं माननीय मंत्री जी से जानना चाहती हूँ कि प्राइमरी स्कूल, मिडिल स्कूल, हायर सैकेंडरी स्कूल और सीनियर स्कूल में टीचर-स्टूडेंट रेश्यो क्या होता है?

SHRI KAPIL SIBAL : Sir, we are very concerned about this issue. The position is that, whereas in urban areas there is a possibility of children getting access to education, the real problem arises in remote areas, and it is for this reason that the State Governments are required under the Act to set up neighbourhood schools. What they can do is, if there is a small population, they could actually collect a cluster of villages and, in the context of that cluster of villages, set up a neighbourhood school there. There are also provisions under the Act through which you can actually transport children from their places of residence to where they would get their education.

But, of course, this is easier said than done. First, the mapping has to be done by each State Government, mapping of populations, mapping of children and where the requirement of the school

is. They will also have to map the existing schools, look into the requirements and then set up new schools, called neighbourhood schools, to serve the remote areas.

Sir, as far as the pupil-teacher ratio is concerned, that is prescribed under the Act; it is 1:30. But at this point in time, many State Governments have not been able to achieve that pupil-teacher ratio, which is why there is a three-year prescribed limit under the Act for them to achieve the purposes and the conditionalities of the Act.

SHRI AVTAR SINGH KARIMPURI: Mr. Chairman, Sir, as the hon. Minister is also aware, the practice of child labour is being followed on a large scale in the agricultural sector. In the reply given by the hon. Minister, it is mentioned, "Agriculture as a whole is not included in the prohibited list of occupations and processes under The Child Labour (Protection and Regulation) Act, 1986". I would like to know whether the hon. Minister will consider inclusion of agriculture as a whole in the prohibited list of occupations and processes under the Child Labour (Prohibition and Regulation) Act, 1986.

SHRI KAPIL SIBAL: Sir, at this point of time, The Child Labour (Protection and Regulation) Act, 1986 prohibits child labour to be employed in the processes in agriculture where tractors, threshing and harvesting machines are used and chaff cutting is done. It is only limited to that category. But there is an inter-Ministerial group that has been set up and it is actually thinking in terms of a blanket ban on all child labour in every walk of life where children are commercially exploited.

Insurance cover for passengers

*266. SHRI N.K. SINGH: Will the Minister of RAILWAYS be pleased to state:

- (a) whether Railways have suffered huge losses due to various train accidents in the past few years;
- (b) if so, the details thereof;
- (c) whether Railways have any insurance cover for passengers and properties; and
- (d) if so, the details thereof and the claims received from insurance companies during the last three years?

THE MINISTER OF RAILWAYS (SHRI DINESH TRIVEDI): (a) to (d) A Statement is laid on the Table of the House.