

# SC FLAGS CONSEQUENCES OF GROWING DIGITAL DIVIDE

Relevant for: Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Only a section of students have been able to access online classes.

The digital divide caused by online classes will defeat the fundamental right of every child to education, the Supreme Court warned on Friday. The court rued how the right to education now hinged on who could afford “gadgets” for online classes and who could not.

Little children whose parents are too poor to afford laptops, tablets or an “optimum” Internet package at home for online classes during the pandemic have dropped out of school and even run the danger of being drawn into child labour or worse, child trafficking, the court said.

“During the course of the pandemic, as schools increasingly turned to online education to avoid exposing the young children to the pandemic, the digital divide produced stark consequences... Children belonging to the Economically Weaker Sections [EWS]/Disadvantaged Groups [DG] had to suffer the consequence of not having to fully pursue their education or worse still drop out because of the lack of access to Internet and computers,” a three-judge Bench of Justices D.Y. Chandrachud, Vikram Nath and B.V. Nagarathna noted in an order.

## **‘Give access to facilities’**

The court said even though schools are now reopening gradually due to the receding curve of the pandemic, the “need to provide adequate computer-based equipment together with access to online facilities for children is of utmost importance”.

“The needs of young children who represent the future of the nation cannot simply be ignored in this manner. A solution has to be devised at all levels of the Government, State and Centre, to ensure that adequate facilities are made available to children across social strata so that access to education is not denied to those who lack resources. Otherwise the whole purpose of the Right to Education Act, enabling the merging of EWS students with the mainstream students even in unaided schools will stand defeated,” the court noted.

The court held that Article 21A (the right to free and compulsory education for children aged between six and 14) has to be a reality.

“The need for underprivileged children to access online education cannot be denied,” the Supreme Court underscored in the order.

The court was hearing a petition filed by private school managements challenging a Delhi High Court order of September 2020, directing them to provide their 25% quota EWS/DG students online facilities free of cost. The High Court had said the schools could get reimbursement from the government.

The Delhi government had earlier appealed to the Supreme Court against the High Court order, saying it had no resources to reimburse the schools for the online gadgets.

Though the Supreme Court had stayed the High Court order in February 2021, the Bench led by

Justice Chandrachud said both the Centre and the States such as Delhi could not bow out of their responsibilities towards young children.

### **'Hold consultation'**

The Bench asked the Delhi government to come out with a plan to effectuate the 'salutary object' upheld in the High Court decision. The court said the Centre should join in the consultation.

"The issues raised in the present proceedings will not only cover the unaided schools, but also government and aided schools," the court noted.

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