

Right to Education: An Assessment

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INTRODUCTION

The Right to Education (RTE) is an act of Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between ages 6-14 year in India under Article 21 A of the Indian constitution. India becomes one of 135 countries to make education a fundamental right of every child when act came into force on April 1, 2010. The right of children to free and compulsory education 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 standards.

The rough draft of the bill was composed in year 2005 by Ministry of Human Resource Development. However, for 3 years, the bill was not discussed by the cabinet and was not brought in budget session and generally avoided by different departments. The bill was approved by the cabinet on July 2, 2009 and Lok Sabha on August 4, 2007. It received Presidential assent and was notified as law on August 26, 2009 as the children's right to free and Compulsory Education Act. The law came into effect in the whole of India except the state of Jammu and Kashmir from April 1, 2010, the first time in the history of India a law was brought into force by a speech of the Prime Minister.

The Supreme Court upheld the constitutional validity of the act on April 12, 2012. One of the main reasons for this was section 12(1)(c) which allocated 25% of all seats in private schools to children from dalit and marginalized sections of society. The bill has been fiercely opposed by the private school lobby which feels that opening its doors to dhobi's son and driver's daughter will dilute its brand, value and lower its standards. Another reasons that the bill took so long to pass was the estimated cost of implementation, at up to Rs,1,500,000 crore. Initially the central government of india wanted the states to harbor 25% of the financial responsibility. However after months of debate, the bill was finally passed in 2009, a decision was made that funding of implementation will be split between central and state governments at a 65:35 ratio. Also a ratio of 90 to 10 for the north eastern states. However, some of the monetary support will be

funneled through programs that already exist, such as SSA.

MAIN FEATURES OF RIGHT TO EDUCATION ACT

1. Free and compulsory Education to all children of India in 6 to 14 age group.
2. This act also prohibits all unrecognised schools from practice and makes provisions for no donation and capitation fees and no interview of child or parent for admission.
3. Child above 6 years of age has not held back, expelled or required to be passed to board examination untill the completion of elementary education.
4. If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age.
5. For the purpose of admission to elementary education the age of a child shall be determined on the basis of birth certificate. No child shall be denied admission in a school for lack of age proof.
6. A child who completes elementary education shall be awarded a certificate.
7. A stand need to be taken for a fixed student teacher ratio.
8. Provides 25% reservation for economically disadvantaged communities in admission to class I in all private schools.
9. Improvement in quality of education is important.
10. School teachers will need adequate professional degree within five years or else will lose job.

11. School infrastructure (where there is a problem) need to be improved in every 3 years else recognition will be cancelled.
 12. Financial burden will be shared between state and central government.
 13. No child shall be subjected to physical punishment or mental harassment.
 14. Screening procedure shall be punishable with fine.
 15. No teacher shall be deployed for any non-educational purpose.
 16. No teacher shall engage himself or herself in private tuition.
- In 2014-15, the rules set the age for admission to LKG under the RTE quote between 3.5 and 4.5 years and for class I between 5.5 and 6.5 years. As per new guide lines for 2016-17 academic year, a child must be aged 3.10 years for LKG and 5.10 years for class 1 as on June 1, 2016.
 - ON April 10, 2017 government introduced in the Lok Sabha a bill seeking to amend the Right to Education Act to allow elementary teachers time till 2019 to get acquire minimum qualifications as mandated under the 2010 law. As per existing act, these teachers were to acquire minimum qualification within five years by March 31, 2015. To bring the required changes, HRD minister Prakash Javadekar introduced the "Right of Children to free and compulsory Education Bill, 2017." The new bill has been brought as the state governments were not able to continue the training process for in service untrained teachers. Under the new provision," every teacher appointed or in position as on March 31, 2015 who does not possess minimum qualification shall acquire such minimum qualification within a period of four years on and from the date of commencement of the proposed legislation.

Key programmatic intervention for universalization of elementary education.

- ❖ District primary Education Programme (DPEP) (1993) emphasized decentralized planning and management, improved teaching and learning materials. This programme is a major initiative to revitalize the primary education system and to achieve the objective of universalization of primary education.
- ❖ Sarva Shiksha Abhiyan (SSA) (2002): The principle programme for universalization of

primary education is the SSA, a centrally sponsored scheme being implemented in partnership with state/ UT Government. The programme has been in operation since 2000-01. The overall goals of the SSA are i) all children in schools. ii) bridge all gender and social category gaps at primary and upper primary stages of education. iii) Universal retention. iv) elementary education of satisfactory quality. The SSA is the primary vehicle for implementing the aims and objectives of RTE.

- ❖ National Programme of Mid-Day Meal in schools (1995) (NP. MDMS) With a view to enhancing enrolment, relation and attendance and simultaneously improving nutritional level among primary school children, the National Programme of Nutritional support to primary education was launched in August 1995. During 2008-09, the scheme was extended to cover children in upper primary classes as the scheme was renamed, as 'National Programme of Mid-Day meal in schools.

NATIONAL POLICY ON EDUCATION

The national policy on Education (NPE) is a policy formulated by Government of India to promote education amongst India's people. The policy covers elementary education to colleges in both rural and urban India. The first NPE was promulgated in 1968 by the government of Prime Minister Indira Gandhi and the second by Prime Minister Rajiv Gandhi in 1986. The new policy called for "Special emphasis on the removal of disparities and to equalize educational opportunity", especially for Indian women, Schedule Tribes (ST) and Scheduled Caste (SC) Communities.

According to the new policy, the 1968 policy goals had largely been achieved, more than 90% of the country's rural population was within a Kilometer of schooling facilities and more states had adopted of common education structure. The prioritization of science and mathematics had also been effective. The 1986 policy was reviewed by a committee constituted in 1990 under the chairmanship of Acharya Ramamurthy. On the basis of the recommendations of this committee, certain provisions of the 1986 policy were modified in 1992. In 2005, Prime Minister Manmohan Singh adopted a new policy based on the "Common Minimum Programme" of his United Progressive Alliance (UPA) government. Programme of Action (POA), 1992 under the National Policy on Education (NPE), 1986 envisaged conduct of a common entrance examination on all India basis for admission to professional and technical programmes in the country. A part from above mentioned important

national policies, following initiatives have been taken.

Operation Blackboard (1987)

- ❖ Operation blackboard is a centrally sponsored programme which was started in 1987 immediately after Rajiv Gandhi NPE of 1986 was released to supply the bare minimum crucial facilities to all primary schools in the country. The objective of scheme is providing students studying in primary settings with the necessary institutional equipment and instructional material to facilitate their education.
- ❖ In 2004, i) Education Cess introduced for raising additional financial resources needed to fulfill Government's commitment to universalize elementary education ii) EDUSAT, a satellite exclusively dedicated to education launched to harness modern technology for delivery of education of good quality to all, including hard to reach groups.
- ❖ The year 2009 is a land mark year in the development history of elementary education, when the government finally managed to pass the 86th amendment to the constitution that made Right to Education (RTE).

CONSTITUTIONAL PROVISIONS FOR EDUCATION

The constitution makes the following provisions under Article 45 of the Directive Principles of state policy that "The state shall endeavor to provide within a period of 10 years from the commencement of this constitution for free and compulsory education for all children until they complete the age of fourteen years. The new Article 21A, which was inserted as part of the 86th Amendment says that "the state shall provide free and compulsory education to all children between the ages 6 and 14 through a law that it may determine. The 42nd Amendment (1976) to make education a 'concurrent' subject for expansion of Primary Education facilities, particularly in backward areas, to make education easy to all, free and compulsory education, prioritization to universalization of primary education. Article 29 states that the minorities shall have the right to preserve their distinct language, script and culture. Article 29(2) declares that 'no citizen shall be denied admission into any educational institution maintained by the state or re-achieving aid out of state found on grounds or any religion, race, caste languages or any of them'. Article 30 gives protection to religious and linguistic minorities. They have right to establish and administer institutions of their choice. Article 30 (1-A) says that in case of any property of an educational institution established and administered by

a minority being acquainted by the state, the state shall ensure that the amount fixed for such acquired property should be such as would not restrict or abrogate the rights of the minority. Article 30(2) prohibits state from discriminating in granting aid to educational institutions managed by religions and linguistic minorities. Article 28(1) states, "No religious instruction shall be provided in any educational institution if wholly maintained out of state found. Article 28(2) states that Nothing in clause (1) shall apply to an educational institution which is administered by the state but has been established under any endowment or Trust which requires that religious instruction shall be imparted to such institution. 28 (3) states that No person attending any educational institution recognized by the state be required to take part in any religious institution that may be imported in such institution or any premises attached there to unless such a person is a minor, his guardian has given consent there. Article 46 deals education of the socially and educationally back ward classes of citizen. Article 350A deals facilities for instruction in mother tongue or primary stage.

Right to Education Act (2009) is landmark initiative of the Government to strengthen the education system in India. Under this Act it is mandatory to complete elementary education of all children, who reside in Indian Territory. Now education is fundamental right of every Indian.

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