



Salient Features of the Right to Education Act, 2009

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Abstract : The Right to Education Act, 2009 fulfilled the national aspiration long nurtured since the British period. Almost 100 years ago, Maharaja of Baroda introduced free education for children in the age group 6-12 in his province. Inspired with Baroda experiment, G K Gokhale tried to force the British government to

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accept the principle of free and compulsory primary education. Gandhi and others tried with the Wardha Scheme of Basic Education. They failed but the RTE Act 2009 fulfilled their long cherished dreams.

The Right to Education Act, 2009

Right to education Act, 2009 is vital for India. When the 'Free and compulsory education' was made a 'fundamental right' under article 21A of the constitution in December 2002 through the 86th Amendment it was a very important step and conclusion of a long journey that started from the Charter Act 1813, to the Macaulay's Minute (1835), to Wood Despatch (1854), to Elementary Education Act (1870), to Maharaja Baroda's compulsory Education (1906), to Gopal Krishna Gokhale's Bill (1911), to Hartog Committee (1929), to Mahatma Gandhi's Basic Education (1937) and after independence through the Article 45, NPE 1968 and 1986, DPEP (1991), and SSA (2001). The passage of the RTE Act, 2009 was fulfillment of a long cherished dream of so many freedom fighters and the Constitution makers.

When the colonial British left in 1947, India inherited an educational system that had not only limited reach but was also characterized by striking gender and regional disparities. Only one out of three children was going to the primary school. Clearly, providing elementary education to all children was a big challenge at that time and this sentiment was reflected in the Constitution. The Article 45 of the newly framed Constitution stated that "the State shall endeavor to provide within a period of 10 years from the commencement of the Constitution, free and compulsory education to all children until they complete the age of 14 years".



However, it took the parliament another seven years to pass the ‘The Right of Children to Free and Compulsory Education Act 2009’ in August 2009, and it came into force in April 2010. Based on this Act, a subordinate legislation, the Model Rules, was framed by the centre to provide guidelines to states for implementing the Act. The RTE Act, 2009 means that the directive principle got turned into a fundamental right. Thus, every child in this age group, 6 – 14, has a right to full time elementary education in a formal school which satisfies certain essential norms and standards. However, the RTE Act offered only partial fulfillment because children up to 6 years of age are left out. But note the phrase ‘free and compulsory’ in the title of the RTE Act.

Here ‘free’ means that no child shall be burdened with any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. And, ‘compulsory education’ means obligation to provide free elementary education by ensuring admission, attendance and completion rests with the government.

Salient features of implementation of the RTE Act, 2009.

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighborhood school, till the completion of elementary education.
- The act prohibits donation, capitation fee, screening test/interview of child or parents, physical punishment or mental harassment, private tuition by teachers, and running schools without recognition.
- The Section 12(1)(c) of the RTE Act mandates unaided and non-minority schools to keep aside 25% seats for underprivileged children of society through a random selection process. Government will fund education of these children. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower). All private schools will have to apply for recognition, failing which they will be penalized as per the laid down norms. If implemented enthusiastically, this can have a far reaching impact in improving the education system of the country by inclusiveness. It allows parents to send their kids to schools of better quality. The only constraint is the distance between the school and home, rather than financial capacity. It puts students from the economically weaker sections and disadvantaged groups



among the relatively privileged children of rather sound financial background. This mix up goes a long way towards inclusive education making all children more pro-social and accommodative, without affecting their academic outcomes. Finally, it enables children from poor families access quality education.

- No child can be held back, expelled and required to pass the board examination till the completion of elementary education. [This is now set to change through The Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017.] The first time enrolled child is to be admitted to an age appropriate class.
- The Act lays down the norms and standards of Pupil Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours. Schools that do not fulfill these standards will not be allowed to function. Specification of the PTR ensures that there is no averaging at the State or District or Block level, preventing urban-rural imbalance in teacher postings.
- The Act provides appointment of appropriately trained teachers. Norms and standards of teacher qualification and training are clearly laid down in the Act.
- The Act prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- There is provision for establishment of commissions to supervise the implementation of the act. All schools except private unaided schools are to be managed by School management Committees with 75% of parents and guardians as members.
- The Act specifies the duties and responsibilities of appropriate Governments, local authority in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- The Act provides for development of curriculum in consonance with the values enshrined in the Constitution, for the all- round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centered learning.

References :

1. <http://righttoeducation.in/know-your-rte/about>
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