



Study about The Right To Education Act, 2009 and Role of the Government Authorities in implementing the Act

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Abstract : The right to education is a human right which every human being is entitled to and can thus claim merely by virtue of being human. It is enshrined in the Universal Declaration of Human Rights (UDHR), and subsequently in many binding international agreements as well as in domestic laws. The Constitution of India has given this right the status of a human right.

ISSN : 2348-5612 © URR



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The Right To Education Act, 2009

The Right To Education Act, 2009, guarantees Free and Compulsory Education to all children between the ages of 6-14 years covering the elementary cycle of education in a neighborhood school. Further it guarantees education of a specified standard, subscribing to norms of school infrastructure, hours of instructional time and days of school functioning, pupil teacher ratios and teacher quality. The Act does not specifically cover children below the age of 6. However, it says that the “local authorities” may provide free and compulsory education at the pre-primary stage.

According to the Act “free” education refers to any fees or charges that may prevent a child from pursuing and completing the elementary cycle of education. It implies that any kind of tuition or other fees (sports, development, examination, etc..) cannot be charged from any child. Further, any expenses that may prevent a child from participating in the education process from transport facilities to physical aides such as spectacles, crutches or hearing aids, are included in the entitlement of free education for a child.

By “compulsory” it is meant that it is entirely obligatory on the State to provide free elementary education to every child in the 6-14 years age group and ensure not just admission, but attendance and completion of the elementary cycle of schooling as well.



No child in the age group 6-14 years can be refused admission in school. She would be enrolled in a class “appropriate to her age”. By this is meant that if she is 10 years old she will be admitted to class 4. The Act makes it the responsibility of the school to provide her with “special training” in the school premises to enable her to come up to her age appropriate class. In other words, a 10 year old has the right to be enrolled in class 4 while she attends remedial classes provided by the school in the same premises till she is able to be mainstreamed. This could take 3 months to 2 years. Moreover, The Act guarantees the completion of elementary education. It means therefore that the child can continue to study till she has completed class 8, irrespective of her age at that time and even if it exceeds 14 years.

The law makes it clear that the compulsion is on the state and not on the parents to ensure completion of the elementary cycle of schooling. It says that it is the duty of every parent to admit their children in a neighbourhood school, but the responsibility of the government to ensure quality education and the retention and completion of elementary education by child in school. Thus, there are no penalties on parents for not sending their children to school.

Role of the Government Authorities in implementing the Act:

The Central Government’s role is 3-fold and entails developing a National Curriculum Framework with the help of an appointed Academic Authority, developing and enforcing standards of teacher qualification and training and Providing technical and financial support and resources to the State governments for innovation, research, planning and capacity building.

The State Education department is entrusted with the responsibility of providing free and compulsory elementary education to all children, ensuring availability of a neighbourhood school with requisite infrastructure, teachers, and learning equipment as specified in the Act, ensuring admission, attendance and completion of elementary education for every child, prevent discrimination against any child on any grounds and ensuring quality education conforming to standards specified in the Schedule of the Act

The local authorities also have several roles to play such as maintaining records of all children up to the age of 14 years residing in their jurisdiction, ensuring admission of all children, including migrant children, ensuring that no child is discriminated against, deciding the academic calendar and monitoring the functioning of schools in their jurisdiction.

There are certain quality norms guaranteed by the act such as ensuring:



i) Pupil Teacher Ratio of 30:1; with minimum instructional hours of 4/day and minimum working days of 200/annum (4.5 and 220 for Upper primary sections)

ii) Buildings [all-weather, barrier-free access, boundary wall; one classroom for every teacher; separate room for Head teacher; separate toilets; safe drinking water, kitchen for mid-day meal; and playground]

iii) Teaching learning materials

iv) Library

v) Play and sports equipment

The number of vacancies in a school cannot exceed 10% of the sanctioned strength following the pupil teacher norms. If the requisite number of qualified teachers cannot be found in a particular area the qualification norms may be modified to suit the purpose, but only for a period not exceeding 5 years.

The Central and State government will together have to provide the funds for implementing the Act.

Both the appropriate government and the local authority share responsibility of providing free and compulsory education to every child. Sharing of this duty may lead to neither government being held accountable. There is also a tussle between the Central and State governments over sharing of responsibilities in this regard as they have not been demarcated by the Act.

References :

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