



Study of Right to Education

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Abstract

Free and compulsory education for all children aged six to fourteen years was enshrined in the “Constitution of India by the Constitution (Eighty-sixth Amendment) Act, 2002, which added Article 21-A to the Constitution. As outlined in Article 21-A, every child has the right to a free and compulsory primary education in a school that meets certain necessary requirements and norms under the Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Key words: Right, Education, Children, Requirements etc

Introduction

The RTE Act's name includes the words free and obligatory in its name. It implies that no kid, save for a child who has been enrolled by his or her parents to a school that is not financed by the relevant Government, should be required to pay any form of fee, charge, or fees that may hinder him or her from continuing and finishing primary education. Compulsory education places a duty on the government and local authorities to guarantee that all children in the age range of 6-14 are enrolled in and complete primary school. A basic child right established in Article 21A of the Constitution”, as well as the RTE Act's provisions, has been made a legal responsibility for the Central and State Governments to execute, in line with the RTE Act's requirements.

Background of the RTE Act (2009)

The newly drafted Constitution's Article 45 declared that within 10 years of the Constitution's inception, the state will work to offer free and mandatory education to all children until the age of fourteen. “Children between the ages of six and fourteen are entitled to free and compulsory education under Article 21A (Part III) of the 86th Amendment Act (2000). Parents and guardians are now required to give their children with educational opportunities as a result of the legislation. Free and Compulsory Education for Children Bill, 2003, was produced and put on this website in October, 2003 in order to solicit feedback and recommendations from the general public about the



proposed law. After receiving feedback on this draught, a new version of the Free and Compulsory Education Bill, 2004, was drafted in 2004. The 'Right to Education' Bill was written by the CABE (Central Advisory Board of Education) committee in June 2005 and presented to the Ministry of Human Resources and Development. Mrs. Sonia Gandhi serves as chair of the National Advisory Committee (NAC), which is chaired by MHRD. The bill was referred to India's Prime Minister by the NAC for his consideration. Because of a lack of resources and a model law, the finance and planning committees rejected the legislation (Post- 86th amendment, States had already cited lack of funds at State level). There were changes made in August of 2009, however the public was not alerted for about seven months after that. Beginning on April 1, 2010, the Right of Children to Free and Compulsory Education Act went into effect. This was a monumental day for the people of India, since Article 21A of the Indian Constitution guarantees the right to education the same legal significance as the right to life. All children, ages 6-14, will get 8 years of primary education in an age-appropriate classroom close to their homes. For the first time in Indian history, it is codified as an enforceable right in Article 21 of The term free refers to the state removing all financial obstacles that stand in the way of a kid completing eight years of compulsory education. The term compulsory refers to the fact that students must be required to enrol in, attend, and complete primary school. The term compulsion" refers to the state or local government's compulsion on parents to send their children to school, rather than the parent's basic obligation to do so.

Basic Provisions made in the RTE Act (2009):

Many fundamental principles were laid down in 2009 when the Indian government passed the "Right to Education Act to assure free and compulsory elementary education for all children aged 6 to 14. As a starting point, below are some of the most essential RTE Act (2009) provisions:

- Article 21A of the Indian Constitution, added in December 2002 by the 86th Amendment, enshrines this privilege. Beginning on April 1, 2010, the Act's provisions went into effect.
- 'The Right of Children to Free and Compulsory Education Act, 2009' is its official title.



- In order to offer free and compulsory education to all children between the ages of 6-14 years, i.e. from Class I to VIII, it is an Act that covers the whole country except for the state of Jammu and Kashmir.
- In terms of finances and other duties, the federal and state governments will each bear some of the burden.
- Ensure that all children under the age of fourteen who reside within the jurisdiction of the local authority have access to, and are enrolled in, an elementary school by the local authority, such as Municipal Corporation, Municipal Council, Zilla Parishad, or Nagar Panchayat.

The RTE Act has many things you need to know about it.

- **Compulsory and completely free education for everyone**

All children in India must get free and compulsory elementary education at a local neighbourhood school within one kilometre, from kindergarten to class eight. Neither parents nor children are responsible for any fees or other costs that would prevent them from finishing their basic education. Children with impairments who need specialised educational materials may get them for free as part of a broader initiative to lower the financial burden of schooling.

- **Mandate that sets the standard**

Pupil-Teacher-Ratios (the number of students per teacher), classrooms, separate bathrooms for girls and boys, drinking water, the number of school-working days, and the working hours of teachers are all covered under the Right to Education Act. The Right to Education Act mandates that all Indian primary schools (Primary and Middle School) adhere to this set of standards.

- **Exceptional circumstances.**

According to the Right to Education Act, a child who has not attended school for at least six months must be placed in a class with other children their own age and given specialised instruction to help them catch up academically.

- **The number and quality of instructors in the school system**



By guaranteeing that each school has an equal number of students and instructors, the Right to Education Act ensures that there is no urban-rural disparity in teacher-student ratios. Additionally, it requires the hiring of instructors who have the required academic and entry-level credentials.

- **Discrimination and harassment will not be tolerated in our workplace.**

All forms of physical and mental harassment, discrimination based on gender, caste, class, and religion, screening techniques for admission of minors capitation fee, private tuition centres, and the operation of unrecognised schools are prohibited under the Right to Education Act 2009.

- **Ensuring children's holistic growth and development**

The Right to Education Act of 2009 calls for the creation of a curriculum that will help all children achieve their full potential. Develop a child's intellect, character, and abilities.

- **Aiming to reduce detention while increasing learning results**

The RTE Act has ten things you need to know about it.8. Checking for adherence to RTE standards Participatory democracy and good governance in primary schools may be improved greatly by establishing School Management Committees (SMCs). There is a requirement under the Right to Education Act of 2009 that every school that is covered by the act must have an elected headmaster and at least one parent or community member on the School Management Committee. A school development plan has been created for the committees to monitor the performance of schools.

- **The Right to Education Act is a law that may be challenged in court.**

People may take action against non-compliance with the terms of the Right to Education Act 2009 via the Grievance Redressal (GR) procedure.

- **Creating inclusive environments for everyone is number ten.**

All private schools are required under the Right to Education Act 2009 to reserve 25 percent of their seats for students from economically and socially disadvantaged backgrounds”. In order to create a more fair and equitable society, this section of the law aims to increase social inclusion.

Conclusion

The Universal Declaration of Human Rights (1948) and many other international human rights documents recognise education as a basic human right. Millions of children and



adults, however, continue to be denied of an education because of social, cultural, and economic circumstances. One of the most effective ways to pull children and people out of poverty and participate fully in society is via education, which is a fundamental human right.

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