



Right to Education act 2009: A description of its provision

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Abstract: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. (Article 26 of the 1948 Universal Declaration of Human Rights). This UN recommendation has been reinforced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009), which came into effect in India on 1 April 2010, enshrining in law for the first time the rights of all Indian children aged between six and 14 years to free and compulsory elementary education regardless of caste, class, gender, etc. The RTE Act, though deserves due credit for laying down in fairly specific terms state's responsibility towards education, it would be appropriate to examine the status and awareness on the part of schools and concern authority to provide free elementary education to the children aging between six to fourteen years of old. Present research study has tried to understanding of the provisions of RTE act. Eight years have already passed since implementation of the RTE Act but so far there has been some progress only in terms of enrollment/basic infrastructure but towards guaranteeing quality education in terms of student learning the state has not achieved much. Same is the case with regard to its awareness and understanding among its various stakeholders. By providing some recommendations and further scope of research the paper calls for an urgent intervention by the government to strengthen the operational aspect of the Act in the state.

Keywords: Right to education, Main provision, Reservation, Educational functional, Children.

Introduction: The Right of Free along with Necessary Education Act or Right to Education Act (RIGHT TO EDUCATION), is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the significance of free along with Necessary education for children between 6 along with 14 in India under Article 21a of the Indian Constitution. India became one of 135 countries to make education a fundamental right of each child when The Act (RIGHT TO EDUCATION) came into force on 1 April 2010.¹

The Act (RIGHT TO EDUCATION) make schooling a basic right of each kid between the ages of 6 along with 14 along with identify minimum norms in basic schools. It requires all private schools to reserve 25percent of seats to children. Children are admitted in to private schools based on economic status or caste based uncertainties.²

The RIGHT TO EDUCATION Act requires surveys that will monitor all neighbor hoods, identify children requiring education, along with set up facilities for providing it. Sam Carlson has observed that "The RIGHT TO EDUCATION Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance along with completion on the Government. It is the parents' responsibility to send the children to schools in the US along with other countries."

Education in the Indian constitution is a parallel matter along with both centre along with states can legislate on the issue. The Act (RIGHT TO EDUCATION) lays down specific tasks for the centre, state along with local bodies for its implementation. The states have been clamoring that they lack financial capacity to deliver education of proper stalong with ard in all the schools needed for universal education. Thus it was clear that the Authorities will be required to subsidies the states.³

It has been keen that the RIGHT TO EDUCATION act is not new. Universal adult franchise in The Act (RIGHT TO EDUCATION) was conflicting since most of the public was untaught.

Brief description of RTE act 2009:

Chapter 1: Beginning

Section 2: defines terms along with terms used in the Act.

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¹ Aradhya N. and Kashyap A., The 'Fundamentals' of the Fundamental Right to Education in India, Books for change, Bangalore (2006).

² Rules for Haryana state under the Right of children to free and compulsory Education Act (2010) harprathmik.gov.in/pdf/rte.pdf.

³ Right to Education Act: Key Gaps in Policy and Implementation, Azim Premji Foundation (2011).



Section 3: makes accessible to each child of the age of 6 to 14 years the right to free along. It is therefore intended to be a site for inclusion, so that the school becomes a common space for teaching.

Section 4th: makes accessible children above six years, who have either not been admitted to any school or, having been admitted have not completed basic education along with have dropped out, the right to be admitted to a school in a class proper to his or her age for completing basic education.

Section 5: makes accessible kids the right to look for transfer from a Authorities or Authorities aided school to another such school in order to complete basic education along with for instant issue of Transfer Certificate to a child seeking admission to another school.

Section 6: The grounds of this provision are to provide all children admission to basic education.

Section 7(1) – (5): makes available for financial along with other odd jobs of the Authorities along with the State Authorities for carrying out the provisions of the proposed Act.

Section 8: defines duties to the proper Authorities to ensure that it makes accessible free along with Necessary basic education to each youngster, in a neighboring school.

Section 9: defines duties to the local authority to ensure that it makes accessible free along with Necessary basic education to each child, in a neighboring school monitor admission, attendance along with completion of basic education by each child, including migrant children, ensure that school building, teaching staff along with learning equipment along with good quality basic education.

Section 10: This provision casts a proper accountability on each parents to admit their children/wards to school, along with ensure that children are not deprived of their right to basic education.

Section 11: makes accessible that the proper Authorities may make necessary arrangements for pre-school education.

Section 13: makes accessible that no school or person shall collect capitation fee or subject a child to any screening procedure, along with prescribes a penalty.

Section 14: seeks to provide for proof of age certificate of a child along with that admission cannot be denied in its absence.

Section 15: prohibits schools from denial of admission to a child, irrespective of the time in the academic year in which admission is sought.

Section 16: prohibits holding back along with expulsion of a child from school till the attainment of basic education.

Section 17: prohibits any child being subjected to physical penalty or mental harassment. Physical penalty along with mental trauma are counter-productive, along with may cause a child to become even more defiant along with rebellious than before.

Section 18: stipulates that no private school should be established or can function without obtaining a Certificate of Recognition, along with that such Certificate of Recognition would be issued to schools that fulfill the prescribed norms along with stalong with adds.

Section 19: lays down the norms along with staling with ads for schools. Any school, whether Authorities or private that does not fulfill the prescribed norms along with staling with ads shall do so within a period of three years from the date of commencement of the proposed Act.

Section 20: makes accessible authority to Authorities to alter the agenda on norms along with stalong with ards.

Section 21: makes accessible for constitution along with functions of a School Management Committee in certain categories of schools.

Section 22: makes accessible for training of a School Growth Plan (SDP) by the School Management Committee.

Section 23: makes accessible for qualifications along with terms along with conditions of service of school teachers. The Authorities has notified NCTE as the academic authority for prescribing teacher qualifications.

Section 24: makes accessible for duties of teachers. This includes inter alia that teachers attend school regularly along with transact the syllabus in a timely manner, that they provide supplementary support to kids who need such support, that they make an evaluation of children's learning, along with interact with parents.

Section 25: seeks to provide for maintenance of pupil teacher ratio, by the proper Authorities along with local authority.

Section 26: makes accessible that vacancies in schools should not exceed 10percent of the teacher strength for that school.

Section 27: prohibits deployment of teachers for non-educational purposes, other than decennial population census, disaster relief duties or duties relating to elections to local authority, state legislatures along with parliament.



Section 28: prohibits private tuition by teachers. Private tuition is one of the ills affecting Indian education, which needs to be addressed. This provision will ensure that teachers do not use their position for commercial gain through private tuition, which is a source of harassment to children along with parents.

Section 29: makes accessible for syllabus along with evaluation procedure in basic schools. State Authorities are required to prescribe the academic authority to lay down the syllabus along with evaluation procedure.

Section 30: makes accessible that no child shall be required to pass Board examinations till completion of basic education. Board examinations induce tremendous stress along with anxiety among children – especially young children.

Section 31: makes accessible an institutional mechanism for protection of rights of the child through the National/ State Commissions for Protection of Child Rights.

Section 32: makes accessible a method for redressal of grievance relating to rights of the child under the proposed Act.

Section 33: makes accessible for constitution of a National Advisory Council to give expert advice to the Authorities on implementation of provisions of the proposed Act. This Council has since been constituted along with has commenced its work.

Section 34: makes accessible for the constitution of State Advisory Councils to advise the State Authorities on the implementation of the Act.

Section 35: makes accessible for the Authorities to issue guidelines along with directions to the proper Authorities or local authority for effective implementation of the proposed Act.

Section 36: makes accessible for previous sanction of an authorized officer for prosecution of offences.

Section 37: makes accessible protection, against any legal suit or proceedings, to proper government, local authority, etc for any action taken in good faith.

Section 38: makes accessible powers to the proper Authorities to make rules, along with for lying of Rules along with notifications made, before each House of Parliament.⁴

Right of kids to free along with Necessary education rule 2010.” It was enforced on 1st November 2010.⁵

The rule consists of eight parts –

- **Part I** – It is preliminary along with defines various terms used in the said rule.
- **Part II** – It states about right of children to free along with Necessary education.
- **Part III** – It mentions duties along with responsibilities of government, along with social authority.
- **Part IV** – It tells about responsibilities of schools along with teachers.
- **Part V** – It deals with school management committee
- **Part VI** – It tells about teacher’s qualifications along with related issues.
- **Part VII** – It discuss about syllabus along with completion of basic education.
- **Part VIII** – It deals with protection of right of child.⁶

Conclusion: In the present study we have discussed the provision of RTE act 2009. The RTE act was implemented in India April 2010 but at the present time there is some drawback in the provision of this act. We have needs to explore and describe this provision of this act. The conclusions and inferences have been drawn upon the findings and observations of the present study. In addition to this, some of the suggestions drawn upon the findings and observations of the present study have been carved out.

Reference:

⁴ Mukunda V., Kamala, What did you ask at school today? A Handbook of child learning, Harper Collins Publisher (2009).

⁵ Annual Status of Education Report, rural (ASER) report, Pratham, ASER Centre, New Delhi (2013).

⁶ Nawani D., Reflections on 'Annual Status of Educational Research 2012', Economic and Political Weekly, XLVIII (12) 19-22 (2013).



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