



RIGHT TO EDUCATION ACT, 2009–HISTORY AND SALIENT FEATURES

Dr. M.V. Mani Varma, M.Sc., M.B.A., M.Ed., Ph.D., P.D.F (Edn)

Asst. Professor, Faculty of Education, School of Distance Education,
Andhra University, Visakhapatnam, Andhra Pradesh, 530003

INTRODUCTION:

Education plays a vital role in building the society. A modern society cannot achieve its aims of economic growth, technical development and cultural advancement without fully harnessing the talents of its citizens. Educations thus strive to develop fully the internal potential of the students and make efforts to see that the potentialities are fully realized and that of the society. Education is designed to bring out better adjustment among individuals. The personality of an individual depends upon the knowledge and wisdom proposed by him. Education is an important means to provide such knowledge and wisdom. Education cater to the required academic knowledge for various opportunities of life, the chief purpose of the educational institutions is to prepare the individual for life. Education plays a vital role in giving human beings proper equipment to lead a gracious and harmonies life.

“Education is not preparation for life: education is life itself” – John Dewey

“Right is a condition for better living”

The right to education is a fundamental human right. Every individual, irrespective of race, gender, nationality, ethnic or social origin, religion or political preference, age or disability, is entitled to a free elementary education. This right is explicitly stated in the United Nations' **Universal Declaration of Human Rights (UDHR)**, adopted in 1948:

"Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. ..." (**Article 26**).



Ensuring access to education is a precondition for full realization of the right to education. Without access, it is not possible to guarantee the right to education.

Quality of education is the other side of coin. Providing access to schools secures only one part of the right to education. Once in school, children can be subjected to indoctrination (e.g., in communist countries). As stated, in the **UDHR**:

"... Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among ... racial or religious groups. ..." (**Article 26**)

The right to education does not limit education to the primary or the first stage of basic education, or among children of a particular age range. The right to education is also not an end to itself, but an important tool in improving the quality of life. Education is key to economic development and the enjoyment of many other human rights. Education provides a means through which all people can become aware of their rights and responsibilities, which is an essential tool for achieving the goals of equality and peace.

Katerina Tomasevski, former United Nations Special Reporter on the right to education, points out: "There is a large number of human rights problems, which cannot be solved unless the right to education is addressed as the key to unlock other human rights. Education operates as multiplier, enhancing the enjoyment of all individual rights, freedoms where the right to education is effectively guaranteed, while depriving people of the enjoyment of many rights and freedoms where the right to education is denied or violated."

As part of the **United Nations Literacy Decade (2003-2012)**, the **Commission on Human Rights** urged member states:

(a) "To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(b) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children with human



immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and children deprived of their liberty.” (Resolution 2002/23)

Thus, education about human rights is closely related to the right to education. International and regional human rights noted in various documents (declarations, resolutions, and conventions) emphasize that the knowledge of human rights should be a priority in education policies.

EVOLUTION OF THE INDIAN EDUCATION SYSTEM:

The evolution of the education system in India has been about balancing the competing claims between the constitutional compulsion toward providing eight years of compulsory education (as required by the Directive Principles of State Policy in the Constitution), the manpower requirements of a growing economy and meeting the demand for overall expansion of the system.

Time	Elementary Education	Secondary Education	Higher education	Across segments
1951-1974	Expansion of basic and elementary education (First Plan–1951–56) Primary education made free and compulsory (Fourth Plan — 1969–74	Diversification of the secondary education system (Second Plan — 1956–61) Establishment of IIT Guwahati in 1994	Enactment of The University Grants Commission Act, 1956 Setting up of IITs (Kharagpur–1951; Mumbai–1958; Kanpur and Chennai–1959) and IIMs (Ahmadabad and Kolkata — 1961; Bangalore — 1963) Enactment of Apprentices Act, 1961 and Institute of Technology Act, 1961	First National Policy on Education adopted (1968)



1974-1990	Launch of centrally assisted schemes such as Operation Blackboard (1986), Non-formal education scheme (1986), ShikshaKarmi Project (1987) and Mahila Samakya(1989)	Vocationalization of Secondary Education scheme launched (1987-88) Computer Literacy and Studies in Schools (CLASS) initiated (1984-85)	Enactment of the All India Council for Technical Education Act, 1987 Establishment of Indira Gandhi National Open University (IGNOU) in 1985 and IIM Lucknow in 1984	Launch of integrated child development scheme (ICDS) for children up to six years of age (1975) Education made a concurrent subject (1976) Second National Policy on Education adopted (1986)
1990-2011	District Primary Education Programme launched to universalize primary education (1994) Mid-Day Meal scheme (1995) SarvaShiksha Abhiyaan launched (2001)	Formation of Navodaya Vidyalaya and National Open School (Eight Plan – 1992-1997)	Establishment of IIT Guwahati in 1994 Establishment of IIMs at Kozhikode (1996) and Indore (1998) National Board of Accreditation (NBA) and National Assessment and Accreditation Council (NAAC) established (1994) Work underway to set up 8 IITs, 7 IIMs, 20 IITs, 10 NITs and 5 Indian Institutes of Science Education and Research (2011)	NPE 1986 revised based on review by Acharya Ramamurti Committee (1992) Constitution amended to make Free and Compulsory Education a fundamental right (2002) Right to Education Act (2009)



HISTORY OF RIGHT TO EDUCATION ACT:

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, 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.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

NEED OF THE RIGHT TO EDUCATION ACT 2009:

Contemporary India's education statistics make dismal- indeed shocking-reading. Of the estimated 200 million children who enroll annually in the nation's 900,000 primary schools 53percent drop out before they make into secondary education (class VIII).Of the remainder only10 million enter institutions of tertiary education, of whoop some 3 million graduate annually. It is hardly surprising considering that 20 percent of government primary schools are meliorate teaching institutions, another one-fifth don't have a proper buildings 58 percent can't provide safe drinking water, and 70 percent lake toilet and sanitation facilities. Moreover corporal punishment is rife in India's crowded classrooms, which boast the world's highest teacher-pupil ratio 1:63.The combined annual outlay of centre state governments for education in India has never crossed the mark of 4 percent of GDP. Compare it with the global average spending of 5percent of GDP per annum and 6to7 percent in the developed nations of the Western World.



Children Benefited:

Approx 22 crore children fall under the age group 6-14 out of which 4.1% i.e.92 lakhs children either dropped out from school are never attended any educational institution. These children will get elementary education local and state government will ensure it.

SALIENT FEATURES OF THE RTE ACT, 2009:

The RTE Act, 2009 provides for:

- (i) The right of children to free and compulsory education till completion of elementary education in a neighborhood school.
- (ii) It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- (iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- (iv) It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- (v) It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.
- (vi) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- (vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.



- (viii) It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- (ix) It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure 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.

CONCLUSION:

As is evident from data and feedback from respondents, there are several issues that need to be addressed for effective implementation of the RTE Act. Some of these can be resolved through legal recourse or policy changes; others will need to be addressed as the Act is rolled out. While the ultimate responsibility of providing education rests with the Government, as enshrined in the Constitution, it is evident that the Government's efforts alone will not be sufficient to provide good quality education to all. There are several pilot initiatives that have been taken up by non-state players. These initiatives are improving certain aspects of education at some of the places where they are being implemented. The formulation of the RTE Act has provided an opportunity to converge different efforts by using it, with the National Policy on Education 1992 as the backdrop.

**Government
Education system**

**Private
schools**

**Non-state players –NGOs,
INGOs, corporate foundations
and resource organizations**

All three categories of stakeholders are contributing to the education sector, but given the size of our country, there are very few examples of effective partnerships across these three categories. Moreover, efforts made to improve the public education system are dispersed and lack a comprehensive approach. As a result, there are several good initiatives, but these are insufficient to make a difference to the existing education system.

The main concerns raised in the implementation of the RTE Act:

- (i) There is lack of awareness about the Act at the community level.



- (ii) Although there has been some improvement in students' access, there are still a large number of students out of school, who need to be brought into the education system.
- (iii) There is limited focus on quality aspects, since the norms largely relate to input required for schools and not the outcome.
- (iv) There is an inadequate number of trained teachers who are equipped to provide quality education.
- (v) There is lack of community involvement through SMCs and PTAs.
- (vi) Moreover, there is a need for better planning, management, monitoring and evaluation of the education system. Lack of this leads to issues related to accountability.

It is not possible for any one organization to address all the concerns related to the implementation of the RTE Act, but it is possible to address these through collaborative efforts.

Education is the most important invention of humankind. It is a basic to civilization, to social survival as reproductive in all aspects of human life. Hence education is a lifelong process. The ultimate aim of education has conformed to the ideals as objectives that the people have set before themselves. These ideals and objectives have changed from time to time to fit the new world in which people are influenced by various aspects like Globalization, industrialization, privatization and liberalization. Such changes are due to the difference in social values that may effect on prevailing norms of the society and the concept of personality. As experts opinioned "Education means the bring out of the ideas of universal validity, which are latent in the mind of every man".

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