

RIGHT TO EDUCATION ACT, 2009: SOME REFLECTIONS

By

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After independence, Article 45 under the Indian Constitution stated that the State shall endeavor to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

But the State failed miserably in fulfilling this obligation as is evident from the fact that even after 73 years, universal elementary education remains a distant dream.

The 86th Amendment Act, 2002, made three specific provisions in the Constitution to facilitate the realization of free and compulsory education. These were

- (i) adding Article 21A in Part III (fundamental rights),
- (ii) modifying Article 45, and
- (iii) adding a new clause (k) under Article 51A (fundamental duties), making the parent or guardian responsible for providing opportunities for education to their children between 6 and 14 years.

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Art 21-A inserted in Fundamental Rights as per 86th Constitutional Amendment:

The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine.

Consequential legislation::

The Right of Children to Free and Compulsory Education Act, 2009.

Presidential assent received on 26th August, 2009 and came in to force from April 1, 2010.

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Provisions (Right of children)

- To free and compulsory admission, attendance and completion of EE.
 - **Free:** no child liable to pay any fee/expense preventing her from pursuing and completing EE.
 - **Compulsion:** on the state; parental duty to send children to school.
- Not enrolled/dropout children be admitted to age appropriate class.
- No child shall be failed or expelled up to class 8
- Bars corporal punishment mental harassment.

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Provisions (Teachers)

- **Qualification for appointment of teachers to be laid down by academic authority authorised by Central Government.**
- **Academic responsibilities of teachers laid down**
- **Prohibits deployment of teachers for non-education purpose, except for:**
 - **Decennial census**
 - **Disaster relief**
 - **Elections to Parliament, State Legislatures, Local Bodies.**

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Provisions (Schools)

- Norms and standards specified for all schools
 - Infrastructure and related facilities
 - Pupil Teacher Ratios – for each school
 - School days; working hours for teachers
 - Facilities
- Community participation in schools ensured through SDMC comprising elected reps, teachers and parents
 - $\frac{3}{4}$ members from among parents of children in the school; 50% women
 - Proportionate representation to weaker and deprived sections
 - SMC to plan, manage and monitor – in collaboration with the local authority

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Provisions (Schools)

- All aided schools to provide free education to at least 25% children.
- Special category schools and unaided schools to admit in Class I at least 25% children, belonging to weaker section and disadvantaged group, from the neighborhood, and provide free and compulsory elementary education.
- No capitation fees
- No screening for admission
- No school without recognition.

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Reality check of implementation

The Act's implementability at the ground level is doubtful as is clearly shown from its implementation in last more than Five years.

- universal access is a distant dream,
- completion of elementary education is a far cry,
- free education is a myth,
- teachers are in acute shortage,
- intent on the part of many states and concerned authorities is lacking,
- investment in infrastructure is insufficient,
- quality is elusive, and
- monitoring mechanism is altogether absent.

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Present scenario in elementary education

What the authors have seen during their observation of various schools is that even after passing of more than three years after the enforcement of the Act still-

- Poor presence of students
- Ignorance among teachers and guardians about the provisions of the Act
- Pathetic condition of training regarding RTE
- Acute shortage of teachers
- Malaise of absence of teachers from the schools
- No atmosphere of quality teaching and meaningful teaching-learning process

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Present scenario.....

- Callousness of concerned authorities
- Negative attitude of teachers
- Bad effect of no detention policy
- Dilapidated conditions of schools premises
- Absence of even basic amenities
- Improper distribution of books, uniforms and other things.
- Bad condition of mid-day meal scheme
- Absence of mechanism and facilities regarding children with disabilities

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Recommendations

- ***Focus on Quality rather than sheer enrolment numbers***
- ***Focus on raising standards in Government schools particularly in under-performing states***
- ***Proper re-look at retention and transition, i.e. no-detention policy***
- ***Revision of existing Quality Framework developed for the Sarva Shiksha Abhiyan***
- ***Technical Support to Develop Context based Strategies***
- ***Conduction of mapping of Government and private schools across all States***

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Recommendations...

- ***Formulation of norms to ensure 25% reservation to children from economically weaker sections***
- ***Relevant Curriculum Reform***
- ***Ensuring of equal and equitable treatment to all children***
- ***Training of teachers in requisite classroom management skills***
- ***Develop Quality Standards for Teacher Training***
- ***Reform of In-Service Teacher Education***
- ***Popularization of the Act into masses***
- ***Grievance Mechanism***

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Conclusions

The Right to Education (RTE) Act would play an important role in achieving universal elementary education in India, but it is amply clear that year one of the implementation of the Act has not covered much ground.

In order to meet the goals set by us, India must prioritize and invest in making the Act a reality through dialogue and consultation with key stakeholders within and outside the government. Else the Act will join the ranks of yet another legislation which never covered the distance between conceptualization and implementation.

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