

Right to Education Act- 2009



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Abstract- 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. In this backdrop, the aim and objectives of this paper is to study the issues of the Right to Education Act 2009, and analyze the impact of the provisions in the present day context for the promotion and protection of Child Rights in India. The present paper begins with a historical perspective, outlines salient features and suggests ways to overcome them. This paper also shows the importance of education for children. Every country follows the interest of the child. The interest must be protected at an extreme level.

Keywords: *Right to Education*

I. INTRODUCTION

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between the ages of 6 to 14 years in India under Article 21A of the India Constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force 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 6-18 age groups. 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.17.

The bill was approved by the cabinet on 2 July 2009. Rajya Sabha passed the bill on 20 July 2009 and the Lok Sabha on 4 August 2009. It received Presidential assent and was notified as law on 26 August 2009 as The Children's Right to Free and Compulsory Education Act. The law came into effect in the whole of India except the state of Jammu and Kashmir from 1 April 2010, the first time in the history of India a law was brought into force by a speech by the then Prime Minister Manmohan Singh. In his speech, Dr. Singh stated, "We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values

and attitudes necessary to become responsible and active citizens of India." It has now come into force in Jammu and Kashmir after its reorganization into a Union Territory of India in 2019. The RTE Act provides for the right of children to free and compulsory education till completion of elementary education in a neighborhood school. It makes provisions for a non-admitted child to be admitted to an age-appropriate class. 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. 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 provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualification.

II. LITERATURE REVIEW

Research takes the lead of the knowledge which has been collected in the past as a result of constant human achievement. It can never be done in isolation of the work that has already been done on the problems which are directly or indirectly related to study proposed by the researcher. A careful review of the research journals, books, dissertation, thesis and other sources of information on the problem to be investigated is one of the important steps in the planning of any research study. A review of related literature gives a theoretical background and empirical support for the study. This helps to select a problem for investigation which is new and significant. Mohalik, R. (2017) carried out the study to inspect awareness, steps and issues in implementing the RTE ACT, 2009 in the state of Odisha. The study revealed that majority of head teachers and School Management Committee members are aware of the Right to Education Act; the govt. also takes initiative for Children with Special needs by providing facilities like ramp, aid and appliances, wheelchair and Special trained teachers and home service to these children, also takes some steps like for developing training and assessment modules for admitting out of schools 45 children; All the members are involved in applying the different recommendations of the RTE, Act, 2009; There are no out of school child has taken admission in the school as per guideline of the Act; The Odisha Govt. also designated Teacher Education and State Council of Educational Research and Training (TE and SCERT) as an academic authority for this act and constituted the Odisha State Commission for Protection of Child Right (OSCPCR); and for the well implementation of the Act the Central Govt. must be needed to provide financial assistance for infrastructure amenities of school.

III. OBJECTIVES

The aim and objectives of this paper is to study the issues of the Right to Education Act 2009, and analyze the impact of the provisions in the present day context for the promotion and protection of Child Rights in India. The present paper begins with a historical perspective, outlines salient features and suggests ways to overcome them. This paper also shows the importance of education for children. Every country follows the interest of the child. The interest must be protected at an extreme level.

IV. FEATURES

Salient features of RTE act are as follows:-

- 1) Every child of the age 6-14 years shall have a right to free and compulsory education in a neighborhood school till completion of elementary education.
- 2) The appropriate government and the local authority shall establish, within such area or limits of neighborhood, a school where it is not so established, within a period of three years.
- 3) The Central or State Government shall have concurrent responsibility for providing funds for carrying out the provisions of the act.
- 4) It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child to an elementary education in the neighborhood school.
- 5) No school or person shall, while admitting a child, collect any capitation fee and subject the child or his parent to any screening procedure.
- 6) No teacher shall engage himself or herself in private tuition or private teaching activity.
- 7) The Central government shall constitute by notification a National Advisory Council, consisting of members to be appointed from amongst persons having knowledge and practical experience in the field of elementary education and child development for advising the Central government on implementation of the act in an effective manner.

V. RESULT

The RTE Act has successfully managed to increase enrolment in the primary level (6-8). Stricter infrastructure norms resulted in improved school infrastructure, especially in rural areas. More than 3.3 million students secured admission under the 25% quota norm under RTE. It describes modalities of the importance of free and compulsory education for children aged between 6-14 years in India under Article 21 (A) of the Constitution of India. This act came into effect on 1 April 2010 and made India one of the 135 countries to have made education a fundamental right for every child. Such as compulsory enrolment, attendance and compulsion of elementary education by every child of the 6-14 years, infrastructure facilities, financial support, and seats reservation for girls, specific teachers training facilities, implementation of curriculum structure and so many other activities are also provided.

VI. PROBLEMS

The elementary part of our education system already suffers from shortage of teachers and a fairly large number of teachers of this segment are untrained. Non – availability of professionally qualified teachers has become a serious challenge in proper implementation of the RTE Act. Lack of proper infrastructure facility is another reason for the teachers to refuse rural areas. Lack of proper punishment. If there is no punishment then laws may not be useful. There is no severe punishment under RTE for some of the violations. For example: physical punishment to children is prohibited under RTE. There are no qualified and trained teachers. No standard definition of teacher education.

VII. CONCLUSION

The RTE ACT clearly brings out the resoluteness of the Government of India for ensuring the education of every child. The various provisions of the Act clearly indicate that the country has put education first in its agenda indicates that the country has put education first in its agenda for nation transformation. Human Rights education should be a basic part of the educational systems not only in the school but also in the university curricula. Teaching

the basic principle of non-discrimination and the fundamental rights and freedom shows that every human being has these rights and freedoms.

In order to meet the challenges and surmount the hurdles that stand in the way of implementing the Right to Education Act, it is necessary to concentrate all efforts with full dedication and commitment. Not only the state and Central governments but the nation as a whole should take responsibility in this regard. Community participation and support can make a marked difference in achieving this goal. There exists a need for greater coordination amongst different agencies and functionaries involved in this task. To overcome population pressures and budgetary constraints, cost effectiveness and accountability must be ascertained at every level. Efforts should be focused on qualitative improvement of the programmed.

VIII. REFERENCES:

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