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ARTICLE

Role of Right to Education Act in Education for All

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Abstract

Indian education system over the past few decades has made a measurable progress. The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. The Right to Education Act enforces the 86th Constitutional amendment added Article 21A, which gives every child between the age group of 6 to 14 years, the right to free and compulsory education. RTE focuses on the quality of teaching and learning, which require accelerated efforts and substantial reforms. Research has found out that about 50 % ability to learn develops in the first four years of life. Another 30% of ability develops before she/he turns eight; and the final 20 % between the ages of 8 & 17. So, it is imperative that the early years of childhood are well taken care of and an ambience is created for learning. Learning assessments show the children who do remain in school are not learning the basics of literacy and numeracy or the additional skills necessary for their overall development. In the year 2000, the world's governments adopted the six EFA goals and the eight Millennium Development Goals (MDGs), the two most important frameworks in the field of education. The report to UNESCO of the International Commission on Education for the twenty-first century promoted a holistic view of education consisting of four pillars namely learning to know, learning to do, learning to be and learning to live together. The education priorities of UNESCO are shaped by these objectives. In response to this situation, the global Education for All (EFA) movement aims to meet the learning needs of all children, youth and adults by 2015. Of course it is a difficult thing to work out. Education is the basic right which must be granted to all for the proper development of the nation because it increases the productivity of the citizens of that country and thus is directly proportional to the welfare of the people. There is a global concern on 'Education for All' without compromising the quality. We hope, the RTE Act will be a boon for the long term vision required for the development of education.

Background

Education is a powerful tool by which economically and socially marginalized adults and children can lift themselves out of poverty and participate fully as citizens. The framers of the Constitution in their wisdom chose to include education in the Directive Principles of State Policy and not in the section on fundamental rights and correspondingly Article 45 stated that: "The State shall endeavour to provide, within a period of ten years from the commencement of the Constitution, for free and compulsory education for all children until they complete the age of fourteen years."

However education remained a neglected area of state policy with universalization of elementary education continuing to be a distant goal. Efforts from educationists, academics and civil society groups that focused on a rights based approach finally yielded results in 2002, when the 86th Constitutional Amendment was passed by Parliament and Article 21A, which makes right to education a fundamental right, was included in the Constitution. Article 21 A states: "the state shall provide free and compulsory education to all children of the age of 6 to 14 years as the state may, by law determine". The "Right to Compulsory and Free Education Act" was approved by the parliament after a wait of several years and the Act has received the assent of the President on 26th Aug 2009 and got officially published in the gazette of India on 27th Aug 2009. The Right of Children to Free and Compulsory Education Act (RTE), came into force in April 2010. Under the provisions of this Act every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. It provides for children's right to free and compulsory admission, attendance and completion of elementary education. 'Education For All' is a global movement led by UNESCO, aiming to meet the learning needs of all children, youth and adults by 2015. A recent report on poverty found that 135 million children in the developing world between the ages of 7 and 18 had no education at all, with girls 60% more likely than boys to be so "educationally deprived". The world cannot reach its goal to have every child complete primary school by 2015 without India.

What is the Act about?

The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. The Right to Education Act enforces the 86th Constitutional amendment, which gives every child between the age of 6 and 14 years the right to free and compulsory education. Every child between the ages of 6 to 14

years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The right to education act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC). The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality. Private schools shall admit at least 25% of the children in their schools without any fee. The landmark passing of the Right of Children to Free and Compulsory Education (RTE) Act 2009 marks a historic moment for the children of India. The Right of Children to Free and Compulsory Education Act (RTE), came into force from 1 April 2010 in all states of India except Jammu and Kashmir.

Contribution of Right to Education Act- 2009 in Education for All Movement

Education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits. Article 26 of the 1948 Universal Declaration of Human Rights states that "everyone has the right to education". In the year 2000, the world's governments adopted the six EFA goals and the eight Millennium Development Goals (MDGs), the two most important frameworks in the field of education. Education is not only a right but a passport to human development. It opens doors and expands opportunities and freedoms. It contributes to fostering peace, democracy and economic growth as well as improving health and reducing poverty. The ultimate aim of Education for All (EFA) is sustainable development. The RTE Act has three goals: (1) bringing children of marginalized sections of our society into the ambit of school education, (2) ensuring that all schools and their teachers meet certain specified norms, and (3) ensuring that all children receive schooling of reasonable quality, free from any form of discrimination. The RTE Act is a detailed and comprehensive piece of legislation which includes provisions related to schools, teachers, curriculum, evaluation, access and specific division of duties and responsibilities of different stakeholders.

The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children from poor families (to be reimbursed by the state as part of the public-private partnership plan). It also prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The RTE Act is the first legislation in the world that puts the

responsibility of ensuring enrollment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age. The Right to Education of persons with disabilities until 18 years of age has also been made a fundamental right. The Act provides for the establishment of the National Commission for Protection of Child Rights, and State Commissions for supervising proper implementation of the act, looking after complaints and protection of Child Rights.

Advantages of RTE

Few countries in the world have such a national provision to ensure child-centred, child-friendly education to help all children develop to their fullest potential. There were an estimated eight million six to 14-year-olds in India out-of-school in 2009. Realising the importance of education in overall development of the Nation, Govt. of India has made right to free and compulsory education for children within 6-14 years of age (RTE Act), a fundamental right. There are following major advantages-

- A child who completes elementary education (up to class 8th) shall be awarded a certificate;
- Act has ensured that more than 10% of posts of teachers shall not be vacant;
- Children can get admitted to schools without a Transfer Certificate;
- Compulsory elementary education is assured for every child;
- Control on capitation fees and Fixed student-teacher ratio;
- Financial burden will be shared between state and central government;
- It is not mandatory for teachers to do non-educational work;
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education;
- Prohibition of corporal punishment;
- Prohibition of interviews for children and parents during admission in school;
- Provides for 25 per cent reservation for economically disadvantaged communities in admission to Class One in all private schools;

- School infrastructure (where there is problem) to be improved in three years, else recognition cancelled;
- School teachers will need adequate professional degree within five years or else will lose job;
- Weaker sections of the society have been given prominence which is a factor of commitment to the constitution.

Pitfalls of RTE Act in Promoting EFA

There have been some encouraging signs shown, but at the same time many areas need drastic improvement. Quality of education has emerged as a major challenge. In rural India, only 51% of students in 5th standard are unable to read and add/subtract of 2nd standard. Establishment of large schools in the small vicinities as suggested by the law will call upon huge financial burden on the state which the state will be unable to meet.

- No method is prescribed for selecting the 25 per cent poor students for admission into unaided private schools.
- Pre-primary education for the under-6 years children has not been brought under the purview of this Act. No clear mention of 0 - 6 year children in the Act.
- Monitoring of education to Child Rights Commission: The existing Commissions in many states have not sufficient staff and support. So how will it work?
- Capitation fee and tuition fee etc. are vaguely defined and are subject to interpretation.
- Though Supreme Court and National Commission on Protection of Child Rights (NCPCR) have issued orders on corporal punishment, they have not been mentioned in the Act.
- Concession in qualification of teachers will undermine the quality and commitment of teachers. If teachers are assigned for calamity relief work, census and elections, quality of education will suffer.
- Issues relating to the education of transgender children have not been addressed.
- Section 25(2) F mentions mother tongue as the medium of instruction 'as far as practicable'. This is vague and subject to interpretation. Clarity is needed.

- Admission of older children into school is good but their entry into age appropriate class is not. This needs research to develop appropriate and effective methodologies.

Conclusion

The RTE Act secures the right of children to free and compulsory education till completion of elementary education in a neighbourhood school. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, was enforced with effect from 1st April, 2010. The RTE Act promises all children between 6 to 14 years the right to free and quality education. To make the Right to Education Act successful, it is important that each one of us knows about it so that every child who isn't in school can be sent back for free and quality education. The RTE Act and its notification is rightly hailed by many as a landmark in the history of education in post-independence India. Right to education for children is now a reality. There is a global concern on 'Education for All' without compromising the quality. RTE has been a part of the directive principles of the State Policy under Article 45 of the Constitution, which is part of Chapter 4 of the Constitution. While coming to Act, RTE states 'All children between ages of 6 and 14 will have the right to free and compulsory elementary education'. RTE Act "Right of Children to Free and Compulsory Education in India" is really a boon for Indian Children and will help them to have their primary education to think of their good and bad in the future and build strong foundation for Indian future. The RTE Act will be a milestone for the long term vision required for development of education. In the long run, one would expect the free and compulsory education system to evolve into a common school system, essentially a public school system, covering school education unto class XII and 18 years of age.

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