



Peer Reviewed/  
Refereed Journal

ISSN -PRINT-2231-3613/ONLINE-2455-8729  
International Educational Journal

CHETANA

Impact Factor SJIF=4.157



Received on 4<sup>th</sup> July 2018, Revised on 8<sup>th</sup> July 2018; Accepted 16<sup>th</sup> July 2018

ARTICLE

## Right to Education: Issues and Challenges in Elementary Education

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**Key words:** *Right to Education, Elementary Education, RTE Act-2009 etc.*

### Abstract

*Education is a fundamental right to every citizen in India. Since Independence, India has invested huge resources in the expansion and improvement of education in the country in an effort to extend access from the elites to the masses. Despite several commissions appointed to improve the state of education from elementary to secondary levels, not much headway has been made towards making it relevant to the needs of the context. 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 of 6 and 14 years the right to free and compulsory education. The current challenges of this millennium are to address the key issues of equality and quality of education with a view to ensuring the Right to Education (RTE). The key aspects of quality education are – learners, teachers, schools, content, community and the process where education is child-centered and upholds the rights of all children. Objectives of this article are (i) to identify the key focus areas in implementing RTE, and (ii) to analyze the challenges and barriers in the implementation of RTE Act-2009. The RTE does not only remove the capitation fees, screening procedure for admission, physical punishment and private tuition etc., but also sets out norms and standards for teaching hours, teaching learning equipment, infrastructural quality parameters and teacher competencies. It also lays down the duties, obligations, functions and procedures for appropriate authorities.*

## Introduction

Education is considered as fundamental right of every child rather to receive it in the appropriate environment compatible to his/her abilities. Education has to be defined in its broadest manner. On 26th January 1950, when the constitution of India was born, it was stated in Article 45 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. The Right of children to Free and Compulsory Education Act has come into force from April 1, 2010. This was a historic day for the people of India as from this day the right to education is accorded the same legal status as the right to life as provided by the Indian Constitution. 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. For the first time in the history of India we have made this right enforceable by putting it in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right. It contains:

- The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee.
- Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling.
- 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.
- Children with disabilities will also be educated in the mainstream schools. All private schools shall be required to enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).

- No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test.
- All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs. 1 lakh and if they still continue to function will be liable to pay Rs. 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.
- The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

#### **Benefits of Right to Education Act, 2009**

- A national provision to ensure both free and child-centred, child-friendly education.
- This Act serves as a building block to ensure that every child has his or her right (as an entitlement) to get a quality elementary education, and that the State, with the help of families and communities, fulfils this obligation.
- All schools will comply with infrastructure and teacher norms for an effective learning environment. Two trained teachers will be provided for every sixty students at the primary level.
- No child shall be psychologically abused by calling him/her 'failed' in any class up to class 8, or expelling him/her from school.
- The state shall ensure adequate support to teachers leading to improved learning outcomes of children. The community and civil society will have an important role to play in collaboration with the SMCs to ensure school quality with equity. The state will provide the policy framework and create an enabling environment to ensure RTE becomes a reality for every child
- Softens barriers like birth certificate, transfer certificate, etc.
- Teachers will attend school regularly and punctually, complete curriculum instruction, assess learning abilities and hold regular parent-teacher meetings. The number of teachers shall be based on the number of students rather than by grade.

- 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.

### **Roadmap to Ensure Right to Education**

The National Commission for Protection of Child Rights (NCPCR) has been designated as the agency to monitor provisions of the Right to Free and Compulsory Education (RTE) Act. To ensure that the RTE Act is implemented successfully in letter and spirit, the NCPCR has taken the initiative to build a consensus among institutions, government departments, civil society and other stakeholders. It has instituted an expert committee comprising officials from various government departments, persons of eminence and experience in the field of education, to focus on the roadmap for proper implementation of the RTE. NCPCR also invites all civil society groups, students, teachers, administrators, artists, writers, government personnel, legislators, members of the judiciary and all other stakeholders to join hands and work together to build a movement to ensure that every child of this country is in school and enabled to get at least 8 years of quality education.

### **School Admissions According to RTE Norms**

A series of measures have been taken by the NCPCR to ensure that school admission procedures all over the country are in accordance with the Right of Children to Free and Compulsory Education (RTE) Act, 2009. This was necessitated by the fact that schools in some states were carrying out a screening procedure for admission of children in the elementary stage of education prohibited by the Act. The Act provides for the establishment of the National Commission for Protection of Child Rights (NCPCR), an autonomous body set up in 2007, and State Commissions for supervising proper implementation of the Act, looking after complaints and protection of Child Rights.

In April, the NCPCR wrote to the chief secretaries of all the states asking them to issue Government orders to ensure that school admission procedures were in accordance with the RTE Act. RTE Act prohibits any kind of screening procedure and permits admissions into any school through random selection only; the notice was clearly in contravention of the Act. Now schools must specify that admission procedures be made in accordance with the RTE Act and 25 per cent reservation is ensured for weaker sections in all specified category schools and private unaided

schools, and reservation norms for government aided schools are to be followed. Further, private schools recognized by the government must also be mapped out and issued notice regarding provisions in the Act as well as the procedures by which children in the neighbourhood could claim admission to the schools. Also, the task of finalizing State Rules on the RTE Act must be completed at the earliest.

### **What is required to accelerate efforts and substantial reforms?**

However, for better implementation and monitoring of the Act, there needs to be greater awareness in the country so that its provisions are understood and incorporated by all institutions.

- Massive publicity campaign should be undertaken, including translation of the Act into different languages, perhaps jointly with MHRD and other agencies by posters, primers and pamphlets describing the basic provisions and rights.
- Creative and sustained initiatives are crucial to train more than one million new and untrained teachers within the next five years and to reinforce the skills of in-service teachers to ensure child-friendly education.
- Families and communities also have a large role to play to ensure child-friendly education for each and every one of the estimated 190 million girls and boys in India who should be in elementary school today.
- Disparities must be eliminated to assure quality with equity. Investing in preschool is a key strategy in meeting goals.
- Bringing eight million out-of-school children into classes at the age appropriate level with the support to stay in school and succeed poses a major challenge necessitating flexible, innovative approaches.

### **Conclusion**

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. It is for sure that legal provision alone will not serve the purpose; it needs to be carried forward in mission mode. All the stakeholders must take initiative, participate in the movement. It can't be achieved only by energy it needs to be translated in to a synergy of the society. Once the population is educated development is bound to follow. As evidence we don't find a country which remained undeveloped whose

literacy rate is high. We hope, the RTE Act will be a milestone for the long term vision required for development of education and this will furnish our new generation to its best.

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