

# An Evaluation of Right to Education Act, 2009

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## Introduction

*“Nothing really is as important in the world as getting children to school, especially female children.”*

Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, are one of the joys and rewards of human existence.

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)

### **What is Education?**

‘EDUCATION’- As the word defines education means to acquire knowledge, skills, values and beliefs in different aspects of our life. It is a process of learning and gaining knowledge.

Education is derived from three Latin words

Educare	To bring up or to nourish
Educare	To lead out or to draw out
Education	To act of teaching or training

### **Definition of Education:**

Rigveda “Education is that which makes a man self reliant and selfless” Kautilya

“Education means training for the country and love for the nation”

Ghandhi “By education i mean an all round drawing out of the best in child and man body mind and spirit”

In the narrow sense education is confined to schooling and university instruction. Education starts when the child enters in educational institution and ends when he completes his studies or leaves the education institution.

Education in its widest sense includes all the influences which act upon an individual during his passage from the cradle to grave. Everything which influences human behaviour and personality is education .education includes

experiences gained through a no .of agencies like home. School, church club cinema travel etc education in its widest sense includes everything that exerts a formative influence. In wider sense life is education and education is life.

There are many definitions of education but in simple way education is an act or process of passing or gaining general knowledge building the ability of reason and judge and generally training overself or others mentally for natured life. Education is a comprehensive concept with newspapers radio t.v and others means meansing addition to the formal education provided in collages. Education is a life long process. It starts with birth and then it goes on till the last day.

## **RIGHT TO EDUCATION ACT**

The Right to Children to Free and Compulsory Education Act has come into force from April 1, 2010. This is a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21 A of the Indian Constitution. This Act will ensure free education to more than 92 lakh out of school children in India. RTE Act gives every child the right to a quality elementary education.

### **PRELIMINARY:**

- 1) This Act may be called the right to Children to Free and Compulsory Education Act, 2009.
- 2) It shall extend to the whole of India except the State of Jammu and Kashmir.
- 3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

### **RIGHT TO FREE AND COMPULSORY EDUCATION:**

- 1) Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.
- 2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expense which may prevent him or her from pursuing and completing the elementary education.

Provided that a child suffering from disability , as defined in clause (i) of section 2 of the persons with the disabilities Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provision of chapter V of the said Act.

### **MAIN FEATURES OF RIGHT TO EDUCATION 2009 ACT:**

- 1) Free and compulsory education to all children of India in the 6 to 14 age groups.
- 2) No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.
- 3) A child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; as may be prescribed: Provided further that a child so admitted to elementary education till completion of elementary education even after fourteen years.
- 4) For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof.
- 5) A child who completes elementary education shall be awarded a certificate.
- 6) There will be 25% reservation for economically disadvantaged communities in admission to class one in all private schools.
- 7) School teachers will need adequate professional degree within 5 years or else will lose job.
- 8) Financial burden will be shared between state and central government.

The Act can be considered as major revolutionary step in the direction of Universalization of education in India; however, the goal of 100% literacy in India is still a far cry. Therefore, in order to achieve the desired results, it is important to analyze the socio-economic constraints prevailing in the country.

## **RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 (PROVISIONS):**

The right of children to free and compulsory education act, 2009 receives the assent of the President of India in august 2009. The main *provisions* of the act are:

- 1) The debates on the right to education in solution exchange
- 2) Innovative approaches to universalizing basic education
- 3) Legislation for the right to education
- 4) Advocacy material on children's right to free and compulsory education
- 5) Right to education act compulsion
- 6) Role of local governance system in implementation of right to education act
- 7) Provision for free and compulsory education
- 8) Respective obligations of the Centre, States, Local governments, Schools and Parents under the Act
- 9) Improving the quality of teaching in schools
- 10) Monitoring the functioning of school
- 11) Determining curriculum and evaluation procedure
- 12) Redressal of the grievances under the Act

Every child between the ages 6-14 years has the right to free and compulsory education. This is stated as per the 86th constitutional amendment act added under article 21 A. The right to education seeks to give effect to this amendment. The government school 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. The National commission for elementary education shall be constituted to monitor all aspects of elementary education including quality.

## **HISTORY OF RIGHT TO EDUCATION ACT IN INDIA:**

Many Educationists, Socialist, and Freedom fighters etc. had stressed on free and compulsory primary Education. Indian Constitution left it as vague plea to the states to endeavor to provide free and compulsory education to all children up to age of 14 but the access of primary education is a question today. It was only in December, 2002 that the education was made a fundamental right in the 86th amendment to the constitution. A first draft of the legislation of the above article 'Free and Compulsory Education for children Bill, 2003 was prepared and posted on website in October 2003, inviting comments and suggestions from the public at large. A revised draft of the bill entitled free and compulsory education bill, 2004 after taking into account suggestions received on this draft was prepared and posted on website in 2004. The CABE Committee drafted the Right to Education Bill and submitted to the Ministry of HRD. Ministry of HRD sent this to NAC (National Advisory Committee). NAC sent the Bill to PM for his observation in June 2005.

## **ROLE OF COMMUNITY AND PARENTS TO ENSURE RTE ACT:**

Few countries in the world such a national provision to ensure child-centered, child-friendly education to help all children to develop their fullest potential. There were an estimated 8 million 6-14 year-olds in India out of school in 2009. The world cannot reach its goal to have every child complete primary school by 2015 without India's participation.

Schools shall constitute School Management Committees (SMCs) comprising local authority officials, parents, guardians and teachers. The SMCs shall form school development plans and monitor the utilization of government grants and the whole school environment.

RTE also mandates the inclusion of 50% women and parents of children from disadvantaged groups in SMCs. Such community participation will be crucial to ensuring a child friendly "whole school" environment through separate toilet facilities for girls and boys and adequate attention to health, water, sanitation and hygiene issues.

## **CONCLUSION: -**

In accordance with the analysis done and interpretations made of the data the following conclusion is made by keeping in view the purpose stated above that the urban and rural is is necessity to develop the awareness towards RTE, which in turn helps them to develop the same among their students. They should be sublimated through constructive activities. New techniques and methodology helps in work as well as create a conducive environment which should be the base of the urban and rural people.



**BIBLIOGRAPHY:**

- Chouhan Aruna (2011), Influence of Some School Climate Factors on quality Education, EDUSEARCH, Vol. 2, No. 2, Oct. 2011, PP. 67-71
- Dey Nirarander & Beck Binod (2011), The Right of Children to Free and Compulsory Education Act, 2009: Teachers Perception, EDUSEARCH, Vol. 2, No. 2, Oct. 2011, PP. 83-90
- Jaseena M.P.M Fatima (2011), Right to Education- A Study on the awareness of M.Ed Trainees, EDUSEARCH, Vol. 2, No. 2, Oct. 2011, PP. 63-66
- K. Kalia Ashok and Anita (2011), Right to Education Act: An Overview, AIJEH, Vol. 1, No. 1, Sept. 2011, PP. 26-28
- K. Premlakshmi (2011), Right to Education and Common School System- Perception among Teachers, EDUSEARCH, Vol. 2, No. 2, Oct. 2011, PP. 106-111

