

## A Critical Overview of the Right to Education Act (RET) 2009

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### Abstract

Education is the most capacious instrument which can be used to shape the destiny of an individual as well as the nation as a whole. To reap the benefits of bounties of nature, every nation need to unleash the potential of the human mind and there is no better tool for doing so than education. 'Education is to teach that life has a meaning and to awaken the innate ability to live the life of a soul by developing wisdom' (University Education Commission-1948). 'Everyone has the right to education and education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory (Article 26 of the 1948 Universal Declaration of Human Rights). This UN recommendation has been reinforced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009), which came into effect in India (excluding the state of J & K) on 1 April 2010. It ensures that all the children should have access to education, irrespective of their class, caste, or category. The Right of children to free and compulsory education (RTE) makes education a fundamental right of every child between the age group of 6-14 years and specifies minimum norms in elementary schools. This Act is the first legislation which makes the government responsible for the enrollment, attendance and completion of basic education. But unfortunately even after 70 years of independence India has failed to eradicate the menace of illiteracy. Though conscripted on a decent refrain with pleasing strategies, the Right to Education Act 2009 has several issues and challenges which still need to explore and discuss for its successful implementation. These are highlighted in this paper and an effort has been made to crash these challenges.

**Keywords:** Education, Right to Education Act

### INTRODUCTION

Education is the tool which develops in an individual the entire splendor and all the perfection of which he is capable. It is only through education that a man gets liberated from the chains of ignorance and transforms into a real human being. Sir T.P. Nunn says: "Education is the complete development of the individuality of a child so that he can make an original contribution to human life to the best of his capacity" (*V.R. Taneja, 2003*). Without education the nation's advancement and development is impossible, because progress of a nation is ultimately the product of knowledge. Education is the only means which transforms a nation's raw material (children) into a great human resource with zeal and zest which intern shapes and constructs the future of a nation. Therefore, it is of utmost importance that education should be the fundamental right of every individual without any discrimination.

Various rights of children dealing with their development as better human beings have been defined under various articles of Indian Constitution like article 24 prohibits employment of children in any kind of industry or any other harmful occupation. Article 39 prevents abuse and exploitation of the child and article 45 provides free and compulsory education up to 14 years and by the article 47 states have been made responsible for improvement in the level of nutrition, living conditions and public health (*Dr. Surjit Singh Puar, 2012*). For education to be of paramount importance many efforts have been made to place it in the list of Fundamental Rights from time to time. Finally because of the untied exertions of our eminent educationists, academicians, NGO's and other civil society groups the 86<sup>th</sup> constitutional amendment was passed by the parliament and article 21A was inserted in the constitution of India in the year 2002 which made Right to Education a fundamental right. Later the "Right to Free and Compulsory Education Act" was approved by the president of India on 26th August 2009 and got officially published in the gazette of India on 27th August 2009. India became one of the 135 countries to make education a fundamental right for its citizens when the act came into force on 1st April, 2010. The Act emphasized that all the stakeholders viz. parents, teachers, society, states as well as central governments should play their roles to play to provide free and compulsory education to the children between the 6-14 yrs. of age.

### OBJECTIVES OF THE (RTE) ACT 2009

1. Every child of the age of six to fourteen years has a right to free and compulsory education in a neighbourhood school till completion of elementary education without any kind of fee or charges.
2. Every local authority should ensure availability of a neighbourhood school available to all children and should monitor functioning of the schools within its jurisdiction.
3. The child belonging to weaker section or disadvantaged group should not be discriminated for pursuing and completing elementary education on any grounds.

4. Provide infrastructure including school buildings, teaching staff and learning equipment's to ensure good quality elementary education.
5. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school.
6. To prepare children above the age of three years for elementary education, govt. may make necessary arrangements for providing free-pre-school education.
7. For the purpose of this Act, a school shall admit in class 1, to the extent at least twenty-five per cent. Of the strength of that class, children belonging to weaker sections and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.
8. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education and children should not be subjected to physical punishment or mental harassment.
9. No school, other than a school established, owned or controlled by the appropriate Government or local authority, shall, after the commencement of this Act, be established or function, without obtaining a certificate of recognition from such authority, by making an application in such form and manner, as may be prescribed.
10. The teacher should maintain regularity and punctuality in attending schools, he should complete entire curriculum within the specified time, he should assess the learning ability of each child and accordingly supplement additional instructions, if any, as required, he should also hold regular meetings with parents and guardians and also, no teacher shall engage in private tuition or private teaching activity.
11. Pupil teacher ratio for classes' first to fifth should be 1:30 and for classes sixth to eighth it should be 1:35.
12. School buildings should be All-weather buildings consisting of at least one class-room for every teacher, an office-cum-store-cum-Head teacher's room, separate toilets for boys and girls, safe and adequate drinking water facility and a playground. (*Ministry of Law and Justice, Legislative Department, 2009*)

#### CRITICISM OF THE ACT

- Despite the provision of free and compulsory education, the drop-out rate in India is still 4.34 (*MHRD department of school education and literacy New Delhi, 2013*). Still 64.41 lakh children aged 6-13 are out of schools.
- The 'no detention' policy, which states that no child until class VIII can be held back or expelled from school, was introduced as part of the RTE Act with the ambitious goal of providing an environment for the stress free and holistic development of a child, has come under severe criticism by the states. It is critiqued by many that policies like these work only on paper, as policy makers fail to envision the ground realities and hurdles in their implementation. (Review report, KPMG, 2016).
- Most of the teachers are not clear about the RTE Act and they were implementing it on the basis of their personal knowledge. 59% of teachers responded that RTE Act increases the responsibility of school and teachers without giving any clarity about the implementation of the act. (*Charu Sethi, Alka Muddgal, 2017*)
- The act has not taken into consultation all the groups active in education, The Act has invaded the rights of private and religious minority schools to run their system in their own way and for not including the children under six years of age.
- Even in the modern age of increased growth and development, Government schools of our country lack quality education because of the dearth of trained teachers and infrastructural gaps. The existent government schools have mismanagement and even certain places are still without schools.
- Most of the elementary schools lack basic facilities like sufficient number of rooms, Library, lack of kitchen facilities and pure drinking water facility.
- Due to lack of quality education and basic necessities, most of the parents send their children to private schools, creating a wide gap between government and private education.
- The pupil teacher ratio as laid down by the Act is still a matter of concern because of the lack of teachers in some schools and a few numbers of students in other schools.
- There is lack of responsiveness among teachers, parents and concerned authority towards the improvement of quality elementary education.
- Even though private practice of teachers has been prohibited, it is still at its peak in the country and the reason behind it is the poor salary of teachers.
- So far as the recognition of schools is concerned, it is not done according to the rules laid down by RTE Act 2009, but is done by illegal means such as bribe, political intervention etc.

## SUGGESTIONS FOR IMPROVEMENT

- Government should left no stone unturned to raise the awareness among all the stakeholders including parents, teachers, school authority and local bodies regarding the long run benefits of RTE and should provide them information that what role and responsibility they have, to raise the standard of education in our country. For this purpose various seminars, workshops and awareness programs should be conducted all over the country.
- To raise the standard of elementary education, government should amend 'No detention policy' because failure is not always a problem, it means a second chance of getting success.
- Universalization of elementary education will remain a dream until all the sections of the country are taken into consideration. For this purpose Government should consult the private stakeholders and the religious minority groups, listen to their problems and to take necessary measures to curb their problems.
- To develop quality education, teachers should be trained and competent enough to promote all round development of child's personality by giving due emphasis on scholastic and non-scholastic abilities of children. For this purpose every elementary school should have Sports, Art, Music and a Dance teacher.
- It is a famous quote that give a man a horse he can ride, means there by without the basic facilities even a competent and effective teacher feels handicapped. So government should provide all the necessary facilities to every school, for this government should further increase the annual investment on education sector.
- Professional commitment and professional ethics are the two basic pillars of quality education. In order to make teachers professionally committed and ethically sound, the importance should be given to marriage between education and technology.
- The education system in our country is dominated by political interventions which unduly favors incompetent and in-efficient teachers. In order to develop quality system of education politics should be delinked from education and furthermore teachers should be made accountable.
- In our country teachers are receiving fixed reinforcement in the form of monthly salary without checking their performance. The provision should be made to replace fixed reinforcement by variable reinforcement schedule, purely based on performance, competency and above all output of the teacher.
- In our country education system is flopped and defective because schools and society are poles apart. In order to bridge this gap, education should be made relevant to life. Those subjects should be included in the curriculum that will make children assets not liabilities to the parents and society at large.
- The authority selected for monitoring the education system are persons from other fields of interest, which hampers the growth of quality of education. Those persons should be selected as authority that has educational aptitude and good leadership qualities.

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