

Course2.

Right to education act 2009,and it's provisions

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The Right to Education (RTE) Act, 2009 empowers children belonging to the backward section of the economy to free and compulsory education. The Right to Education Act was earlier termed as The Right of Children to Free and Compulsory Education Act came into function after Gopal krishna Gokhale's famous impassionate plea to the Imperial Legislative Council for introducing free and compulsory primary education throughout India. The Right to Education Act made compulsory all government and private sector schools across India to provide 25 percent reservation to children between the age group of 6 and 14 belonging to the weaker section of the country access to free and compulsory education. India became one of the 135 countries to make education a fundamental right of every child, when the act finally came into practice in April 2010.

Historical Background of the RTE Act (2009):

After independence, Article 45 under the newly framed Constitution stated that the

state shall endeavour to provide free and compulsory education to all children until they

complete the age of fourteen years within a period of ten years from the commencement of

this Constitution. 86th Amendment Act (2000) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. The amendment also introduced a new article 21 A, which imposes a duty on parents and guardians to provide their children with educational opportunities. In October, 2003 a first draft of the legislation envisaged in the above Article, viz., Free and Compulsory Education for Children Bill, 2003, was prepared and posted on this website in October, 2003, inviting comments and suggestions from the public at large. In 2004, subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and Compulsory Education Bill, 2004, was prepared. In June, 2005, the CABE (Central Advisory Board of Education) committee drafted the 'Right to Education' Bill and submitted to the Ministry of HRD. MHRD sent it to National Advisory Committee (NAC) where Mrs. Sonia Gandhi is the Chairperson. The National Advisory Committee (NAC) sent the bill to Prime Minister of India for his observation. The finance committee and planning commission rejected the Bill citing the lack of funds and model bill was to states for making necessary arrangements (Post- 86th amendment, States had already cited lack of funds at State level).

This was revised and became an Act in August, 2009 but was not notified for roughly 7 months. The Right of Children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from that day the Right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. 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 neighbourhood. For the first time in the history of India it is made a right enforceable by putting in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right. Now 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 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. 'Free' means as removal of any financial barrier by the state that prevents a child from completing eight years of schooling. 'Compulsory' means compulsory admission, attendance and completion of elementary education. 'Compulsion' means as compulsion on

the state/ local bodies, rather than targeting parents, fundamental duty of parents to send their children to schools.

Basic Provisions made in the RTE Act (2009):

In 2009, Indian Government has adopted the 'Right to Education Act' to ensure the Free

and Compulsory Elementary Education for every child between the age group of 6-14 years

by mentioning so many basic provisions. Few important basic provisions of the RTE Act

(2009) has mentioned below:

1. It is included in the fundamental rights of Indian constitution in Article 21A inserted by the 86th Amendment in December, 2002. The provisions of the Act came into force from 1st April, 2010.
2. The name of the Act is "The Right of Children to Free and Compulsory Education Act, 2009".
3. It shall extend to the whole of India except the State of Jammu & Kashmir.
4. It is an Act to provide for free and compulsory education to all children of the age of 6-14 years i.e. from Class I to VIII.

5. Both the Central and State Government will share the financial and other responsibilities.
6. The local authority like, Municipal Corporation, Municipal Council, Zilla Parishad or Nagar Panchayat or Panchayat maintain records of children up to the age of fourteen Years residing within its jurisdiction and ensure admission, attendance and completion of elementary education by every child.
7. The local authority shall ensure admission of children of migrant families.
8. It shall be the duty of every parents or guardian to admit or cause to be admitted his or her child or ward to an elementary education in the neighbourhood school.
9. The private school managements have to take at least 25% of the class strength should belong to the economically weaker sections (EWS) in the neighbourhood at the time of admission in Class-I and provide free and compulsory elementary education till its completion.
10. No capitation fee and screening procedure for admission in elementary classes and no child shall be denied admission if he or she is entitled to take admission according to the provision of the Act.

11. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.
12. No child shall be subjected to physical punishment or mental harassment.
13. A teacher shall maintain regularity and punctuality in attending the school and complete curriculum within the specified time.
14. The pupil teacher ratio from class I to V shall be 30:1 and from class VI to VIII shall be 35:1.
15. Teacher vacancy in a school shall not exceed 10 percent.
16. No teacher shall be deployed for any non-educational purpose either than the decennial population census duties relating to disaster relief and general election in different purpose.
17. No teacher shall engage himself or herself in private tuition or private teaching activity.
18. No child shall be required to pass any Board examination till completion of elementary education.
19. Minimum numbers of working days/instructional hours in an academic year shall be: 200 working days for Class I to V or 800 instructional hours and 200 working days or 1000 instructional hours for Class VI to VIII.
20. Minimum number of working hours per week for the teachers shall be 45 (forty five) including preparation hours.

21. There shall be a library in each school providing newspapers, magazines and books on all subjects including story books.

22. Play material, games and sports equipment shall be provided to each class as required.

23. National level test shall be conducted like Teacher Eligibility Test (TET) for making eligible the teacher to teach in elementary classes and maintaining quality in elementary education.

Provisions in RTE act 2009 was aimed and meant to make remarkable change in Indian society. Provisions like inclusion of 25% seats of private schools for economically weaker sections was meant the gap between the classes as well for equality and justice for backward section of society. Other provision like zero tolerance against any discrimination and against harassment is progressive and justifiable. Minimum detention, teachers training importance, all-round development of student teacher ratio etc are kept to ensure the quality and universalize the education for all.