

Quadrant II - Notes

Programme: Bachelor of Arts

Subject: Political Science

Paper Code: POC 104

Paper Title: Constitutional and Social Issues in India

Unit: 05

Module Name: Right to Education

Module No: 18

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Right to Education

- The Right to Education Act 2009, also known as the RTE Act 2009, was enacted by the Parliament of India on 4 August 2009.
- It describes modalities of the importance of free and compulsory education for children aged between 6-14 years in India under Article 21 (A) of the Constitution of India.
- This act came into effect on 1 April 2010 and made India one of the 135 countries to have made education a fundamental right for every child.
- It prescribes minimum norms for elementary schools, prohibits unrecognised schools from practice and advocates against donation fees and interviews of children at the time of admission.
- The Right to Education Act keeps a check on all neighbourhoods through regular surveys and identifies children who are eligible for receiving education but do not have the means to.

- Educational challenges have been prevalent at both the centre and states for many years in India.
- The Right to Education Act 2009 maps out roles and responsibilities for the centre, state and all local bodies to rectify gaps in their education system in order to enhance the quality of education in the country.

1. Compulsory and free education for all

It is obligatory for the Government to provide free and compulsory elementary education to each and every child, in a neighbourhood school within 1 km, up to class 8 in India. No child is liable to pay fees or any other charges that may prevent him or her from pursuing and completing elementary education. Free education also includes the provisions of textbooks, uniforms, stationery items and special educational material for children with disabilities in order to reduce the burden of school expenses.

2. The benchmark mandate

The Right to Education Act lays down norms and standards relating to Pupil-Teacher-Ratios (number of children per teacher), classrooms, separate toilets for girls and boys, drinking water facility, number of school-working days, working hours of teachers, etc. Each and every elementary school (Primary school + Middle School) in India has to comply with these set of norms to maintain a minimum standard set by the Right to Education Act

3. Special provisions for special cases

The Right to Education Act mandates that an out of school child should be admitted to an age appropriate class and provided with special training to enable the child to come up to age appropriate learning level.

4. Quantity and quality of teachers

The Right to Education Act provides for rational deployment of teachers by ensuring that the specified Pupil-Teacher-Ratio is maintained in every school with no urban-rural imbalance whatsoever. It also mandates appointing appropriately trained teachers i.e. teachers with the requisite entry and academic qualifications.

5. Zero tolerance against discrimination and harassment

The Right to Education Act 2009 prohibits all kinds of physical punishment and mental harassment, discrimination based on gender, caste, class and religion, screening procedures for admission of children capitation fee, private tuition centres, and functioning of unrecognised schools.

6. Ensuring all round development of children

The Right to Education Act 2009 provides for development of curriculum, which would ensure the all-round development of every child. Build a child's knowledge, human potential and talent.

7. Improving learning outcomes to minimise detention

The Right to Education Act mandates that no child can be held back or expelled from school till Class 8. To improve performances of children in schools, the Right to Education Act introduced the Continuous Comprehensive Evaluation (CCE) system in 2009 to ensure grade appropriate learning outcomes in schools. Another reason why this system was initiated was to evaluate every aspect of the child during their time in school so that gaps could be identified and worked on well in time.

8. Monitoring compliance of RTE norms

School Management Committees (SMCs) play a crucial role in strengthening participatory democracy and governance in elementary education. All schools covered under the Right to Education Act 2009 are obligated to constitute a School Management Committee comprising of a head teacher, local elected representative, parents, community members etc. The committees have been empowered to monitor the functioning of schools and to prepare school development plan.

9. Right to Education Act is justiciable

The Right to Education Act is justiciable and is backed by a Grievance Redressal (GR) mechanism that allows people to take action against non-compliance of provisions of the Right to Education Act 2009.

10. Creating inclusive spaces for all

The Right to Education Act 2009 mandates for all private schools to reserve 25 per cent of their seats for children belonging to socially disadvantaged and economically weaker sections. This provision of the Act is aimed at boosting social inclusion to provide for a more just and equal nation.

Criticism

The act has been criticized for being hastily drafted, not consulting many groups active in education, not considering the quality of education, infringing on the rights of private and religious minority schools to administer their system, and for excluding children under six years of age.

Many of the ideas are seen as continuing the policies of Sarva Shiksha Abhiyan of the 2000s, and the World Bank funded District Primary Education Programme DPEP of the

'90s, both of which, while having set up a number of schools in rural areas, have been criticized for being ineffective and corruption-ridden.

- The quality of education provided by the government school system is not good.
- While it remains the largest provider of elementary education in the country, forming 80% of all recognized schools, it suffers from shortage of teachers and infrastructural gaps.
- Several habitations lack schools altogether. There are also frequent allegations of government schools being riddled with absenteeism and mismanagement and of appointments made on political convenience.
- Despite the allure of free lunch in the government schools, many parents send their children to private schools.
- Children attending the private schools are seen to be at an advantage, forming a discrimination against the weakest sections who are forced to go to government schools.
- Furthermore, the system has been criticized as catering to the rural elites who are able to afford school fees in a country where a large number of families live in absolute poverty.
- The act has been criticized as discriminatory for not addressing these issues.¹
- Well-known educationist Anil Sadgopal said of the hurriedly drafted act:
- It is a fraud on our children. It gives neither free education nor compulsory education. In fact, it only legitimizes the present multi-layered, inferior quality school education system where discrimination shall continue to prevail.