


RIGHT TO EDUCATION



by Sanya Darakhshan

Kishwar



*"EVERY CHILD has a right to
education - to ensure his growth
and development, to fulfill his indi-
vidual potential."*

The UN Declaration on Human Rights

HISTORICAL PERSPECTIVE

- **Dadabhai Naoroji and Jyothiba Phule were pioneers who demanded free education in India.**
- **Education is a fundamental human right and essential for the exercise of all other human rights**
- **The first regulation on compulsory education -introduced by the **State of Baroda** (now Gujarat) in **1906****
- **1870 – Compulsory Education Act Passed in Britain**
- **1882 – Indian Education Commission**

CONT'D ...

- **1893** – Maharaja Boroda introduced **Compulsory Education for Boys in Amreli Taluk.**
- **1906** – Maharaja Boroda extended **Compulsory Education to Rest of the State**
- **1906** – **Gopala Krishna Gokhale** made a plea to **Imperial Legislative Council**

CONTD....

- **Introduced Free and Generally Compulsory Primary Education Consisting of **Eight – Year Course of Basic Education****
- **Free and Compulsory Education**
- **1910 – Gokhale moved Private Members Bill on 18-03-1910 and it was Rejected**
- **1917 - First Law on Compulsory Education Passed (**Patel Act**) History of RTE**

CONT'D...

- **1918** – Every Province in British India gets **Compulsory Education Act on Its Statute Book**
- **1930** - **Hartog Committee** Recommends for Better Quality.
- **1937** – Mahatma Gandhi Called for Universal Education.
- **1946** – Constituent Assembly Begin its Task about UEE
- **1947** – **Kher Committee** set up to Explore ways and means of achieving UEE
- **1947** – Rejects free and Compulsory Education as a Fundamental Right & sends Clause to list of “**non-Justiciable fundamental Right**”(Later Termed as Directive Principles of State Policy

CONT'D...

- **1950** - **Article 45 of Directive Principles of State Policy** accepted
- **1993** - **Supreme Court Held Free Education until the Child Completes the age of 14 to be a Fundamental Right (Article 21)**
- **2002** - **86th Constitutional Amendment** - Insertion of New article **21 A (RIGHT TO EDUCATION)**

HOW DID EDUCATION BECOME A FUNDAMENTAL RIGHT?



The National Policy on Education(NPE) of 1986 did not make education a compulsory right.

In 1990, the NPE of 1986 was reviewed by the Ramamurti Committee Report which was the first official document on the education right of children. The committee noted that “the time has come to recognize ‘Right to Education’ as a fundamental rights of the Indian citizens”.

CONT'D...

❖ In 1992, India became signatory to the UN convention on Rights of the child. As per Article 28 of this convention, the states need to “recognize right of education for every child and make primary education compulsory”.

❖ At the same time this was inconsistent with the Constitutional provision 51(c) which states that the state shall endeavour to ‘foster respect for international law and treaty obligations’.

Right of Children to Free and Compulsory Education Act-India

Date commenced
1 April 2010

Summary
Provides for free and compulsory education to all children of the age of six to fourteen years



सत्यमेव जयते



Kapil Sibal

Ministry of Human Resource Development



WHAT THE ACT SAYS

RTE Act, Section 3 (1)

Every child of the age of six to 14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education

RIGHT TO EDUCATION

In 2002, after the **Eighty-Sixth Amendment Act** was passed, Article 21-A was inserted in the Constitution and as per the said Article, the State was obligated to provide free and compulsory education to all the children in the age group of six to fourteen years.

To give effect to this fundamental right, the act called, '**Right of Children to Free and Compulsory Education Act**' was enacted on 4th August 2009. After coming into force on 1st April 2010, the act made India one of the 135 countries that have made education a fundamental right of every child.

CONT'D...

- ❖ In 2002, after the **Eighty-Sixth Amendment Act** was passed, **Article 21-A** was inserted in the Constitution and as per the said **Article**, the State was obligated to provide free and compulsory education to all the children in the age group of six to fourteen years.
- ❖ To give effect to this fundamental right, the act called, '**Right of Children to Free and Compulsory Education Act**' was enacted on **4th August 2009**. After coming into force on **1st April 2010**, the act made India one of the **135** countries that have made education a fundamental right of every child.

MAIN FEATURES

❖ **Right of Children to Free and Compulsory Education Act' : Section 2 – Definitions**

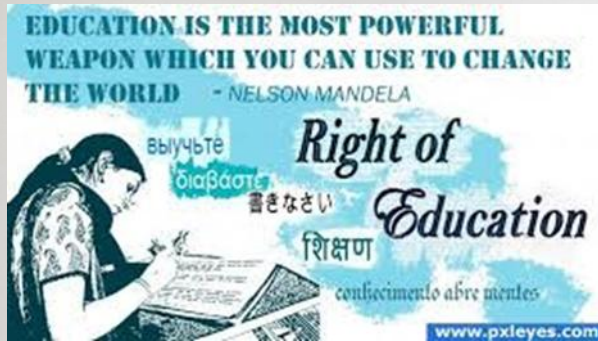
❖ **APPROPRIATE GOVERNMENT: 1. In relation to a School established, owned or controlled by the Central Government, or the administrator of the Union Territory, having no legislature, the Central Government.**

❖ **2. In relation to a school, other than the school referred to in sub-clause (i), established within the territory of a State, the State Government.**

❖ **CAPITATION FEE :Any kind of donation or contribution or payment other than the fee identified by the School.**

CONT'D...

- ❖ **CHILD** : A male or female child of age 6-14 years.
- ❖ **DISADVANTAGE GROUP**: Means a child belonging to SC, ST, orphans, HIV affected/infected and Specified by the appropriate Govt. by notification.
- ❖ **Sec. 3 - Right of Child to Free and Compulsory Education** – Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of Elementary Education. For the purpose no child shall be liable to pay any kind of fee or charges or expenses.



Article 21A, *Constitution of India*

“The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.”

CAPITATION FEE

No capitation fee [2(b)], donation, fee or contribution of any sort shall be collected for the child's education. A collection of such fee will make the school liable to pay a fine up to 10 times the amount collected. 13(2)(a).

WHAT IS COMPULSORY EDUCATION?

❖ **Section 8(a) explains the government's scope with regards to compulsory education which requires the conformance with the quality standards 8(g) set in the schedule. Clause (f) restricts the scope to admission, attendance and completion of education for 8 years.**

❖ **It requires the provision of good infrastructure, learning equipment, trained teaching staff, special training facilities for students who have joined the school late, so that they are at par with their peers.**

CHILDREN FROM DISADVANTAGED GROUP [2(D)] AND WEAKER SECTIONS [2(E)]

Disadvantages groups include a child belonging to-

- ❖ **Scheduled caste,**
- ❖ **Scheduled tribe**
- ❖ **Socially backward class**
- ❖ **Backward owing to social, cultural, economic, gender, linguistic and other factors.**
- ❖ **Children with disability, such as blind, leprosy, autism, mental retardation.**
- ❖ **A child is said to belong to the weaker section when the income of his/her parent/guardian is lower than the minimum limit specified by the appropriate government.**

RESERVATION

❖ **SECTION 12(1)(c) states that if a school, even if it's an unaided school, is running pre-primary education in the same school, they must reserve 25% of the quota for children from disadvantaged/ weaker sections.**

❖ **This is helpful as it helps the children to attain pre-primary education from their school as a matter of right, if the school runs pre-primary education under the same name as the primary school.**

❖ **However, the unaided schools may perceive this as a hurdle and may run their schools under a different name to avoid the 25% reservations as the government might not refund these schools for the reserved kids.**

QUALITY STANDARDS

- ❖ **Few sections in the act talk about the quality standards that is to be maintained in the schools. For example, section 23 mentions about the minimum qualifications required for a teacher which an academic authority (National Council for Teacher Education) authorised by the central government shall specify.**
- ❖ **The teachers are vested with the responsibility of ensuring the curriculum is completed within the set time frame, be regular to classes, hold meetings with parents as mentioned in 24(1).**
- ❖ **Pupil-teacher ratio has also been taken care of by the act that is, 30:1 for primary, 40:1 for upper primary(6th-8th)**

CONT'D...

❖ It is also to be ensured that teachers are not deployed for any non-educational purposes other than disaster relief duty, census, election duties (section 27) is an effective measure to ensure availability of teachers at all times.

❖ Section 28 is an important section which prohibits teachers from indulging in private tuitions. However no distinction has been made between tuitions done for monetary gains and for free. This section is crucial as it relieves the children from weaker groups as actual teaching in schools is compromised by the teacher looking for gains through tuitions.

DRAWBACKS

❖ **The centre has tried to retain a lot of responsibility in its own hands. If the teacher training standards, curriculum etc. Since education is in the concurrent list, the states would want an equal role but this is not the case nor does it fit the federal structure of our country. This also makes implementation difficult as huge friction is created.**

CONT'D...

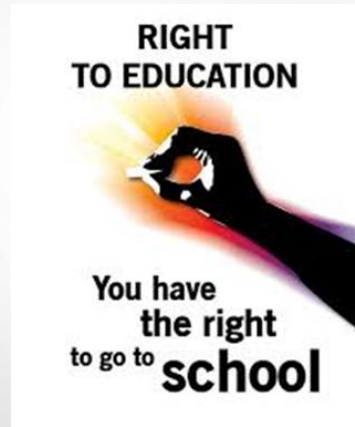
❖ **Reservations are important to provide equal opportunities for the weaker/disadvantageous sections of the society and the 25% reservation clause is important in this aspect. However, this 25% does not exclude the 'creamy layer' within this group. Thus, there can be parents from these groups availing the benefit of reservations for their children even though they can very well afford the education. Thus, a need for specific distribution among the group is needed so that children from the poor families can get the adequate opportunity.**

CONT'D...

❖ There is a lacuna in the method of evaluation of the children's knowledge as no examination or assessment of any sort is done and the basis of issuing the certificate is mere attendance of school for 8 years and going through 8th standard. This would diminish the value of the certificate and will not reflect the actual success attained by the government for its efforts.

CONT'D...

❖ As mentioned in the schedules, the teacher student ratio reflects the low standards set up by the government as until standard 5th, the children will be taught all the subjects by only one teacher who partly knows each of the subjects. By the time the child reaches standard 6th, he/she already acquires a deficiency in learning. This has been proved by data acquired from the Annual Status of Education



CONCLUSION

Every generation looks up to the next generation with the hope that they will build up a nation better than the present.

Therefore, education which empowers the future generation should always be the main concern for any nation.

It is the Sign of freedom, a controlling grace, and basis of successful life. Education is not a preparation for life; education is life in itself

