

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."-

Amartya Sen

Education is an important right in itself and an essential method of realizing all other rights. Education is an indispensable way of empowerment. Education is the prime way to uplift oneself economically and socially, weaker and vulnerable sections of the society can uplift themselves from poverty and could use education as a tool to participate in the community for their development. Especially education has a crucial role to empowerment of women in the country, protecting children and labor from hazardous situations, regulating population and most importantly education can be considered as the finest monetary investment that a country 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.

Education is the legitimate right of every human being. Every human being regardless of his race, gender, caste and creed is designated to get free and compulsory education. This right is clearly mentioned 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)

Assuring approach to education is a prerequisite for complete understanding of the right to education but without its access, it is not possible to ensure the right to education. The second important thing is quality of education, as providing access to schools is just the half of the purpose. The second half is quality education as in many schools can be subjected to indoctrination and persuasion of curricula which is not appropriate at all (e.g., in communist countries). As mentioned in 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)

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

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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 judgment and generally training over self or others mentally for a better life. Education is a comprehensive concept with newspapers, radio, TV and others means meaning addition to the formal education provided in colleges. Education is a lifelong 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. It was an important historic day for India as right to education became the fundamental right 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

- This Act may be called the Right to Children to Free and Compulsory Education Act, 2009.
- It shall extend to the whole of India except the State of Jammu and Kashmir.

- 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

- Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighborhood school till completion of elementary education.
- 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 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 who 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.
- 9) 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.
- 10) The admission will be given to student on the basis of his age and no fees will be demanded from the school side for education.
- 11) Even If the children do not possess any age certificate he can't be denied to access education.
- 12) The teachers are not allowed to work other than teaching related activities but are exempted to work in matters related to census, election duty and work related to calamities/disaster.
- 13) Teachers are not allowed to take tuitions or any other private activities related to education business.
- 14) For every 60 students there must be at least two teachers and there must be subject teachers for the subjects like Science, English, maths and languages.
- 15) Minimum 1000 teaching hours in an academic year is mandatory after the commencement of the act.

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 have such a nationwide 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 official 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.

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