

Right to Education

The 86th Amendment Act of 2002 makes the Right to Education in India a fundamental right. The RTE Act 2009 is "the Right of Children to Free and Compulsory Education Act". In August 2009, it was approved by Parliament.

According to the RTE 2009, there are two main focal points for the kind of education it promises; free and compulsory.

- 'Free Education' in the RTE act means that no child should be obligated to pay any form of fee, cost, or expense that might discourage him or her from remaining committed to pursuing and completing elementary education, with the exception of a child whose parents have permitted him or her to register in a school that is not supported financially by the appropriate authority.
- 'Compulsory Education' in the RTE act means that the state and local governments must ensure that all children between the ages of 6 and 14 can enrol in, attend, and complete primary school. All pertinent information on the RTE Act of 2009, its clauses, constitutional provisions, etc., will be included in this article.

Right to Education Act 2009

In accordance with Article 21A of the Indian Constitution, children living in India between the ages of 6 and 14 have the right to receive free as well as compulsory education. On August 4, 2009, the Indian Parliament passed the Right of Children to Free and Compulsory Education Act, also known as the Right to Education Act (RTE).

- Article 21A of the Indian Constitution, which was added in 2002 as part of the 86th Amendment Act, declares that the State is responsible for providing all children between the ages of 6 and 14 with free and mandatory education in the fashion that the State may by law specify.
- As a result, the right to education was included in the list of Fundamental Rights instead of the framework of Directive Principles of State Policy.
- The RTE is the piece of legislation that emerged out of the 86th Amendment.
- This article's title contains the word "free." This means that no child, except for the ones who are permitted by their parents to attend a school not supported by the government, is obligated to pay any type of fee, charge, or expenditure that would prevent him or her from completing and finishing basic education.
- By virtue of this Act, the government is now obligated to ensure that all kids between the ages of 6 and 14 are accepted to, attend, and finish primary school.
- In principle, this Act ensures that all children in economically and socially deprived parts of society receive free basic education.

Right to Education Article

The Right to Education of 2009 find its footing in Part IV of the Indian Constitution, Article 45 and Article 39 (f) of DPSP, had a provision for state-funded as well as equitable and accessible education.

- The first official document on the Right to Education was Ramamurti Committee Report in 1990.

- In 1993, the Supreme Court's landmark judgment in the Unnikrishnan JP vs State of Andhra Pradesh & Others held that Education is a Fundamental right flowing from Article 21.
- Tapas Majumdar Committee (1999) was set up, which encompassed the insertion of Article 21A.
- The 86th amendment to the constitution of India in 2002, provided the Right to Education as a fundamental right in part III of the Constitution.
- The same amendment inserted Article 21A which made the Right to Education a fundamental right for children between 6-14 years.
- The 86th amendment provided for follow-up legislation for the Right to Education Bill 2008 and finally the Right to Education Act 2009.

Right to Education Act and Its Provisions

The list of Provisions of the RTE Act 2009 has been given below;

- The right of kids to get a free, public education in a nearby school until they finish their elementary schooling.
- According to the Act, "compulsory education" means that the government is required to make sure that children between the ages of 6 and 14 are admitted, enrolled in, and finish their elementary education. The word "free" denotes the absence of any fees that the child must pay in order to pursue this education.
- The RTE 2009 Act allows for the admittance of an unadmitted youngster to a class that is acceptable for his or her age.
- In order to ensure a child's education, it outlines the responsibilities of the elected leaders, local officials, and parents. Additionally, it outlines the economic burden distribution between the state and federal governments.
- It outlines rules and guidelines for infrastructure and facilities, Pupil Teacher Ratios (PTR), and the school's and teachers' shift patterns.
- In addition, it states that teacher postings shouldn't be imbalanced between urban and rural areas. Aside from jobs related to the census, disaster relief, and elections, the Act forbids hiring instructors for non-educational jobs.
- The Act stipulates that the teachers chosen must possess the necessary credentials and training.
- The Act disallows:
 - Physical punishment and verbal harassment
 - Screening measures for youngsters being admitted
 - Capitation costs
 - The instructors give private lessons
 - Running schools without recognition
- According to the Act, the curriculum must be created in a way that is consistent with the ideals entrenched in the Indian Constitution and that ensures the child's whole development. The curriculum should expand on the child's knowledge, potential, and talents while also fostering his or her ability to overcome trauma, fear, and anxiety through the use of a framework that is simultaneously child-friendly and child-centric.

Importance of Right to Education in India

India has shifted to a rights-based strategy for developing a methodology for all with the passage of the Right to Education Act. The state and national governments are legally required by this Act to uphold a child's fundamental rights (as per Article 21 A of the Constitution).

- The Act specifies requirements for the ratio of students to teachers, which is crucial to delivering high-quality instruction.
- Additionally, it discusses establishing acceptable requirements for drinking water facilities, classroom conditions, and providing different restrooms for boys and females.
- As there is a significant disparity between the quality and quantity of education provided in urban and rural areas of the nation, it is crucial to place emphasis on preventing this mismatch in teacher postings.
- The Act forbids bullying and discrimination against minors under any circumstances. There won't be any bias against children based on caste, gender, religion, etc. thanks to the ban on entrance screening techniques.
- The Act also stipulates that no child may be imprisoned before eighth grade. In order to achieve grade-appropriate educational objectives in schools, the Continuous Comprehensive Evaluation (CCE) system was launched in 2009.
- In order to encourage democratic participation and good governance in all elementary educational institutions, the Act also calls for the creation of a School Management Committee (SMC) in each school. These bodies are empowered to oversee how the school is run and create plans for its growth.
- The Act contains a grievance handling process that enables anyone to initiate a lawsuit when the Act's requirements are not followed, and it is judicially enforceable.
- According to the RTE Act, all private educational institutions must reserve 25% of their places for students from socially and economically disadvantaged groups. This action aims to increase social integration and open the door to a more just and equal nation.
 - The RTE Act's Section 12(1)(c) has this clause. All schools, whether unaided, private, aided or special category, are required to set aside 25% of their admittance for children from economically disadvantaged and other underrepresented groups.
 - There was a great deal of opposition to this huge number of seats being designated for the disadvantaged when the Act's rough form was released in 2005. But the draft's authors held firm and were able to defend the 25% reserve in private institutions.
 - This offering is a significant development and may be the most significant step in the direction of inclusive education.
 - The goal of this clause is to promote social inclusion.
 - The central government would pay back the losses incurred by the schools as a consequence of this.
- Between 2009 and 2016, the Act contributed to a 19.4% surge in enrollment at the upper primary level (Classes 6-8).
- Only 3.3% of pupils in the 6 to 14 age range were not attending school in rural areas in 2016.

Criticism of RTE Act 2009

The RTE Act has received a lot of criticism, despite the fact that it is a positive move toward making India's educational system truly free and mandatory. Following are a couple of the critiques:

- The education quality provided was not given much consideration during the hasty drafting of the Act or during any consultations.

- Children under the age of six are not protected under the Act.
- Many of the Act's education-related programmes have been likened to earlier programmes like the Sarva Shiksha Abhiyan and are suspected of being ineffective and corrupt.
- Numerous documents, including a birth certificate and a BPL certificate, are needed at the time of enrollment. Orphans appear to have been excluded from the Act's benefits by this action.
- The 25 per cent seat reservation for the economically weaker sections (EWS) and others in private educational institutions has encountered practical challenges. Discrimination against parents and students' struggles to integrate into a new sociocultural environment are a few of the obstacles in this regard.
- A 2019 change to the Act, which addressed the "no detention" policy until class 8, brought in regular annual tests in classes fifth and eighth.
 - If a child fails the annual exams, they are required to retake it and are offered further instruction. The student may be kept in class if the retest is not passed.
 - After numerous states argued that frequent exams were necessary to accurately assess children's academic capabilities, this modification was enacted.
 - Six states that had better learning results as a consequence of their successful CCE system deployment as required by the Act were opposed to this revision. Karnataka, Andhra Pradesh, Kerala, Telangana, Goa, and Maharashtra were the six states.
- Many states have had difficulty transitioning to the CCE method of assessment. This is mostly caused by a dearth of training and orientation for instructors.
- Another critique of the Act is that it conveys some responsibility to private educational institutions while doing little to improve the quality and results of India's system of public education.

It took over 60 years after independence for the right to an education to become a basic one. In order to promote equality, inclusivity, and unification, the government and all stakeholders should now concentrate on educational quality and progressively move toward creating a single system of education and platform across the nation for all societal segments.

