

Right to Education Act: A Critical Analysis

Dr. Surjit Singh Puar

Assistant Professor, Department of Education,
Punjabi University Regional Centre, Bathinda. INDIA

E-mail: surjitpuar@yahoo.co.in

Abstract: Education is the most powerful tool which can shape the destiny of an individual as well as the whole nation. It is pity that our great nation failed to eradicate the menace of illiteracy even after 65 years of independence. It was 86th constitutional amendment made by the parliament and article 21A in the year of 2002 which made Right to Education a fundamental right. This act bounds all the stakeholders like parents, schools, society, states as well as central governments to play their roles in order to provide free and compulsory education to the children between the 6-14 yrs of age. In India acts are framed but they are not implemented with the true spirit. There are several issues and challenges which still need to explore and discuss for the successful implementation of Right to Education Act.

I. Introduction

As we know education is the most powerful tool which can shape the destiny of an individual as well as the whole nation. If we look at the reasons responsible for demarcating the boundaries between developed and under-developed nations, education emerges as the single most vital factor spinning the wheel of progress in the developed nations. It has been established that an educated citizen not only improve the economic and social status of the nation but political scenario also.

No doubt the children's rights have been given a central place in all the international as well as national bodies. As the universal declaration of human rights (1948) under its article 26 states, "everyone has the right to free education at least at the elementary and the fundamental stages and it shall be compulsory". Similarly various rights of children dealing with their development as better human beings have been defined under various articles of Indian Constitution like article 24 prohibits employment of children in any kind of industry or any other harmful occupation. Article 39 prevents abuse and exploitation of the child and article 45 provides free and compulsory education up to 14 years and by the article 47 states have been made responsible for improvement in the level of nutrition, living conditions and public health. Even the group of G-8 nations has endorsed that investment in education is a paramount factor for achieving the sustainable growth.

It is pity that our great nation failed to eradicate the menace of illiteracy even after 65 years of independence and our policy makers have neglected this prime area of human resource development for such a long time. Because, It is and should be the prime duty of the state and centre governments to provide free Education and Health facilities to all the citizens of the country without any kind of discrimination. Anyway, because of the efforts made by our worthy educationists, academicians, NGO'S and civil society groups who followed a rights based approach that resulted in the passing of 86th constitutional amendment by the parliament and article 21A in the year of 2002 which made Right to Education a fundamental right. Subsequently, "Right to Free and Compulsory Education Act" was approved by the president of India on 26th August 2009 and got officially published in the gazette of India on 27th August 2009. India became one of the 135 countries to make education a fundamental right for its

citizens when the act came into force on 1st April, 2010. It put the Right to Education at par with Right to life. This act bounds all the stakeholders like parents, schools, society, states as well as central governments to play their roles in order to provide free and compulsory education to the children between the 6-14 yrs of age. All the practitioners of education appreciate the intent of the Act and consider it as a significant step towards the universalisation of elementary education though out the country.

II. Main Features of The RTE Act

1. Every child of India in the 6 to 14 years age group; has a right to free and compulsory education in a neighborhood school till the completion of elementary education.
2. Children who have either dropped out from the school or have not attended any school will be enrolled in the schools and no school can deny them for taking admission.
3. Private and unaided educational institutes will have to reserve 25 percent of the seats for the students belonging to economically weaker section and disadvantaged section of the society in admission to class first (to be reimbursed by the state as part of the public-private partnership plan).
4. All schools except government schools are required to be recognized by meeting the specified norms and standards within 3 years, failing of which they will be penalized for up to Rs. one lakh. It also prohibits all unrecognized schools from practice and makes provisions for no donation or capitation fees and no interview of the child or parent at the time of admission.
5. For the purpose of admission in a school, the age of a child shall be determined on the basis of 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.
6. The National Commission for Protection of Child Rights (NCPCR) and state commissions will monitor the implementation of the Act.
7. All schools except private unaided schools are to be managed by school managing committees with 75 percent parents and guardians as members.
8. Child's mother tongue as medium of instruction, and comprehensive and continuous evaluation system of child's performance will be employed.
9. Financial burdens will be shared by the centre and the state governments in the ratio of 55:45 and this ratio is 90:10 for the northeastern states.

In India acts are framed but they are not implemented with the true spirit which derails the wheel of progress of our nation. We lack in commitment, zeal and responsibility to make the act effective. Different kinds of rights require different kinds of approaches such as freedom to speech do not require the government official machinery to provide everybody a microphone. Similarly, Right to religious freedom does not compel the state and central government to construct the religious places like temples and Gurudwaras, mosques etc. so that citizens could exercise their right. But the Right to Education act makes responsible all the parties to play their respective roles as state and central governments are responsible for the development of infra-structure like schools, curriculum, teacher- trainees, teachers and their recruitments, placement, new policies etc. Likewise private institutes have to welcome the children irrespective of any discrimination like caste, colour, sex, race etc. and to provide stress free environment devoid of any kind of corporal punishment.

Various initiatives like Five year plans, Sarva Siksha Abhyan (SSA), Mid Day Meal Scheme, Rashtriya Madhmayak Siksha Abhyan(RMSA) were launched by the central government to promote

universalisation of primary education before the induction of the RTE Act. To make this act most effective tool for eradication of illiteracy, we have to plug the lacunae based on the experience gained through earlier launched schemes and follow the track of roles being played with different parties and to take remedial measures to prevent the deviations from the set path.

III. Suggestions to Make the RTE Act Effective

1. The Right to Education act should not be restricted to the age of 14 years. It should be raised up to the secondary level or vocational level courses. The centre and the state government should introduce diplomas/degrees with specialization in IT , media, entertainment, telecommunication, mobile communication, automobile, construction, food processing as announced by Mr Kapil Sibal on February 8,2012 with due reservation for the economically weaker sections of the society in different polytechnic and other technical institutes.
2. CSS (Common School System) was an essential step for attaining equality decades ago but now a days it should be changed into MSS (Model school system) based on the needs and demands of the society where education should be given free of cost and on private institute patterns.
3. Parents need to play an important role to make RTE a major success in India. They should be motivated through counseling and made aware about the RTE Act through media, hoardings, pamphlets campaigns, rallies etc only then we can ensure our better future generation.
4. New state and central schemes like mid-day meal, SSA, RMSA along with world organization UNICEF are playing a vital role in increasing the enrolment ratio and providing the basic education to Indian children. But these national and international agencies should target weaker sections of the society, economically backward, females and highly populated states of India on top priority to improve effecacy of this act.
5. It is very essential to involve local governing bodies so as to enroll the new born babies and their record should be sent to near school. After that school authorities should follow up the child and sent the information for registration and admission to his/her parents without any discrimination or biasness.
6. Provision for strict punishment regarding the violation of this Act should be made and the responsibilities of state government, central government, parents, teachers, and administrators, Owners of the school, children and society members should be fixed. It should be made mandatory for all the government employees; whether state or centre or person working under centre or state sponsored agency, to send their children in government or government aided institutes.

IV. Conclusion

An active and honest participation of all the parties concerned is must to make this act successful. If we had been able to educate the entire nation then it was certain that we had already become the leading nation of the world on the sheer power of highest percentage of working age group. Unfortunately, at present most part of this working population is illiterate, unskilled who cannot contribute substantially for the progress of the nation. As it is well said that Better late than never. Every citizen of the country right from a child, teacher or parent up to Member of Parliament or minister level should honestly admit their responsibility and perform their duty. They should compel the government in implementing the Act in

true sense without any further delay and poor people should be encouraged towards Education. The question of ego, materialistic attitude, selfishness and false superiority complex should be eliminated from our society. The approach of getting government teacher or any other government job and sending the wards in private institutes even by paying hefty donations and capitation fees should be discouraged. By doing so, the RTE Act will prove to be a milestone for long term vision required for development of strong Education base of the future generation of our beloved country.

V. References

- [1] UNESCO and UNICEF Report (2007). “Human Rights Based Education for All”.
- [2] NCPCR (2010). “Main Features of the Right of Children to Free and Compulsory Education Act, 2009”. New Delhi.
- [3] <http://www.educationforallindia.com>
- [4] Annual Report (2010-11). Ministry of HRD, Government of India, New Delhi.
- [5] http://smilefoundationindia.org/child_rights.