

RTE Act: A Difficult Road to follow in India

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The Right to Education Act, which came into force on 1st April 2010 after 62 years of independence, has made free and compulsory education a fundamental right of every child in the 6 to 14 age group. Now India has joined the group of those countries who provide for a constitutional guarantee to free and compulsory education. The enforcement of this right has made it joint responsibility of central and state governments to provide free and compulsory education to all children by all means. This paper begins with a historical perspective, outlines salient features of the act through light on the challenges ahead and ways to overcome them.

INTRODUCTION:

- Education is the most crucial investment for developing and economically prosperous society. Education is an instrument for ensuring social justice and equity. The constitution 86th amendment Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a fundamental right in such a manner as the state may, by law determine. The Right of children to Free and Compulsory Education (RTE ACT, 2009), which represents the consequential legislation envisaged under Article RTE ACT A Difficult Road To Follow.
- 21A means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal School which satisfies certain essential norms and standards.
- Article 21 A and the RTE Act came into effect on 1st April 2010. The title of the RTE ACT incorporates the words 'free and compulsory' 'Free education' means that no child, other than a child who has been admitted by his or her parents to a School which is not supported by the appropriate government, shall be liable to pay any kind of fee or charges and expenses which may prevent, him or her from pursuing and

completing education." Compulsory education" casts an obligation on the government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the age group of 6-14 yrs.. With this, India has moved forward to a right based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with provisions of the RTE Act.

THE RTE Act provides for the:

1. Right of Children to free and compulsory education till compulsory of elementary education in a neighbourhood school.
2. It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing elementary education
3. It makes provisions for a non admitted to an age appropriate class.
4. It specifies the duties and responsibilities appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State governments.
5. It lays down the norms and standards relating inter alia to pupil teacher ratios {PTRs} buildings and Infrastructure, school-working days, teacher working hours.
6. It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than you as an average for the state and block, those ensuring that there is no urbane-rural imbalance in teacher postings. It also provides the prohibition of

development of teacher for non- educational work, other than disaster relief.

7.It provides for appointment of appropriately trained teachers . ie,teacher with the requisite entry and academic qualification.

8.It prohibits(a) physical punishment and mental harassment (b) screening procedures for admission of children (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition.

9. It provides for development of curriculum in consonance with the values enshrined to Constitution, and which would ensure the allround development of the child , building on the child's knowledge, potentially and talent and making the child free of fear, trauma and entirety through a system of child friendly and child centered learning.

The role Universal Elementary education (UEE) for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since the inception of our republic . With the formulation of NPE. India initiated a wide range of programmes for achieveing the goal of UEE through several schematic and programme interventions such as Operation Black Board, Shiksha Karmi Project,Lok Lumpish Programme,Mahila Samkhaya, District Primary Education Programme etc...

Currently,Sarva Sikhsha Abhiyan(SSA) is implemented as India's main programme for universalising elementary education.Its overall goals include universal access and retention, bridging of gender and social category gaps in education and enhancement of learning levels of children. SSA provides for a variety of interventions, including inter alia, opening of new schools and alternate schooling facilities, construction of schools and additional provisioning of teachers, periodic teacher training and academic resource support , textbooks and support for learning achievement. These provisions need to be aligned with the legally mandated norms and standards and free entitlements mandated by the RTE Act.

The new law provides a justifiable legal framework that entitles all children between the ages of 6 to 14 years free and compulsory admission , attendanes and completion of elementary education. It provides for children's right to an education of equitable quality, based on principles of equality and non- discrimination free from fear, stress and anxiety.