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How to cite this article:

Mandal RK. Right of
Children to Free and
Compulsory Education
Act, 2009: It's Effect. *J Adv
Res Eng & Edu* 2016;
1(3&4): 1-6.

ISSN: 2456-4370

Right of Children to Free and Compulsory Education Act, 2009: It's Effect

Introduction

'Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009, Dated: August 26, 2009, popularly known as RTE Act-2009)' is one of the landmark legislations that the Government of India has ever passed in the field of elementary education in India. It is, indeed, a historic Act passed in the sixtieth year of the country's Republic, through which a concerted attempt has been made to bring all children of the present time and of coming years, especially the socially and economically underprivileged ones, to the fold of elementary education. It is, perhaps, one of the boldest steps taken by the Government to improve the quantitative and qualitative states of elementary education of the country. By the stipulation of this Act, the Government of India has attempted to guarantee elementary education to all children of the age between 6 years to 14 years of the country tasking the State Governments to ensure it. In fact, the Government of India, through this Act, has attempted to create a clear accountability of the State Governments and the Governments of the Union Territories (mentioned in the Act as the 'Appropriate Government') with regard to providing quality elementary education to all children (up to VIII standard) within their jurisdictions. And this article is an attempt to evaluate as to how far the stipulations of this Act are going to yield desired results.

The Objects of the RTE Act, 2009

Even after six decades of independence, India had a large number of its people submerged into abject poverty. A large number of people were malnourished and the country was also recording a high rate of infancy death due to malnourishment. A large number of India's population being illiterate, the country could not create adequate working skill among her people commensurate with the requirement of the competitive globalized era. As a result, the country could not improve upon its 'Gross Domestic Product (GDP)'. Till the year 2011, our country could register 74.4% literacy (after adding the figure of entry of children into the primary schools)¹ and which used to be offset by a frightening rate of drop-out from the primary school itself. It was envisaged that improvement of literacy rate and equipping the people of the country with quality education would work as the panacea and the country would prosper; and hence is this Act. The aim of the Act, therefore, has been to make every young Indian literate and eighth-grade-educated so as to make it possible for the

youth of the country to go in for further vocational or higher education to earn their decent livelihood and social respect. Thinkers of the country wanted to upwardly mobilize the mass by attaining elementary education for all and by skill development.

The Key Provisions of the RTE Act, 2009

The stipulations of the Act lay down that every child of the age of six to fourteen years, including a child belonging to 'Disadvantage Group' or a child belonging to 'Weaker Section', shall have the right to free and compulsory education in a neighborhood school till completion of elementary education.² It further states that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education (up to VIII standard).³ This Act entitles the children with disability also to enjoy the benefit of studying in the main stream school along with other normal children.⁴ This Act also provides that a child above six years of age, who has not been admitted in any school or though admitted, could not complete elementary education, shall be admitted in a class appropriate to his or her age. In this case, the children shall be entitled to receive education till he or she completes his or her elementary education even after 14 years of age.⁵

The Act has made provisions to ensure transfer of the children to other schools, if the children have to move to another place before completion of elementary education.⁶ The State Government or the Government of Union Territories, under which jurisdiction a child falls, have been tasked with the responsibilities to arrange pre-school education and early childhood care for the children of underprivileged category to prepare for elementary education until they complete the age of six years.⁷ The Act has also provided that a child shall be admitted even in the extended period and shall not be denied admission;⁸ and no child shall be held back and expelled.⁹

In order to curb the unbridled drop-out and also to provide congenial atmosphere to the children, the physical punishment and mental harassment to the children have been prohibited by this Act.¹⁰

The Background of Indian Education

India had been ruled by different rulers for centuries before it became a democratic, socialist secular and a republic country in 1950. During the rules of different rulers, the country had different patterns of education. In fact, the Indian education system had to pass through rough terrains with frequent changes, making the country's education system suffering from inconsistency.

I would now attempt to look back and trace as to against which background the RTE Act, 2009 has been brought in:-

The Indus-Valley Civilization Era

Indians are the descendents of one of the oldest and the greatest civilization of the world-the Indus-Valley Civilization-of 3000 BC. This period stressed up to 1500 BC. The cities of *Harappa*, *Mahenjodaro*, *Dhalavira*, *Lothal*, *Dymabad* etc. during the Indus-Valley civilization were highly developed.¹¹ There was use of all kinds of metals including gold. The people used to live in archeologically well planned and well constructed cities. "India maintained international commerce and cultural exchange with the West and East both. *Babylon*, *Sumer*, *Bybol*, *Sidon* etc. were visited by Indian traders called *Panis*".¹²

The script of an already developed language, the potential element for literary activities which belonged to an age even prior to the beginning of the city state of *Bybol*, *Sidon* etc. of the Phoenicians of the eastern bank of the Mediterranean Sea, in an elaborate and distant state were discovered here.¹³

The religion of the land of that time was the Buddhism and the Buddhism helped create a culture of mass education through its doctrine of knowledge.¹⁴ Though no detailed

accounts of the state of education of that period are available, but it could be understood that such a surmounting civilization would not have been possible without a strong base of education and there might have been a high rate of literacy among the people like any other Buddhist countries of the world.

The Vedic Era

Of the Vedic period of India too, which commenced from the 1500 BC, after the Aryan invasion, we do not have authentic formal history. The picture of the society which we have received from the scriptures and epics mentioned that the country followed the caste hierarchy in the society that time and the socio-political rulers made education the privileges only of limited, so called, higher caste or the ruling and warrior class people of the society-prohibiting education to the remaining large segment of the population.¹⁵ Under such restricted arrangements the education of the common people got a jolt. It could be assumed, without any difficulty, that there must have been a low rate of literacy in the country then.

The Buddhist Era

The Buddhist era of the country was revived in 4th Century BC from the period of Gautama Buddha.¹⁶ Though the rule of India was again grabbed by a Hindu Rulers from the time of Pushamitra Shunga in 269 BC, the Buddhism returned in the country again and there was a shift of rule in India between Hindu and Buddhist rulers up to the twelfth century AD. During the Buddhist period of equality among the people, the opportunity of education was available to all and India could create outstanding scholars and established greatest educational institutions of international repute like *Taxashila*, *Nalanda*, *Vikramshila* etc. as the centres of excellence for higher education in that period. Those institutions attracted a large number of foreign learners and scholars. That period was the golden

period of education for India and there must have been a high rate of literacy.

The Muslim Era

During the Muslim Rule that followed in the twelfth century AD, which continued up to the nineteenth century, the educational activities were carried out through *Madrashas* and *Mukhtabs* etc. Though the rulers kept the scope of education open to all without any prohibition to any community to receive education, the rate of literacy in the country did not increase much.

The British Era

In the British Rule in India, which begun in the eighteenth century, the society saw a drastic change. The Crown introduced the 'Self Rule', established 'Rule of Law' and declared the policy of 'Universal of Education'. The people across the communities got the necessary impetus to go in for education and concept of mass education got established. With the introduction of the population census in 1891, the people could come to know about the community wise state of education and started becoming conscious about it. The British rulers made efforts to make education reach every one and there was a sizeable increase in literacy.

In the Post-Independent Era

After independence of India in 1947, the founding fathers of the country made provisions of free and compulsory education in the constitution, which was adopted on January 26, 1950. The constitution states that the State shall provide free and compulsory education to all children up to the age of fourteen years.¹⁷ But education was placed in State List and education of the states was kept completely under the control of the state governments. There was no comprehensive national policy in place in the country up to 1987. As a result, the literacy level of the country remained low and drop-out remained uncurbed. The Government of

India then brought out the 86th constitutional amendment in 2002 and declared that the education up to 14 years of age would be treated as the 'Fundamental Right' to the children.¹⁸ Government adopted several policies and launched various programmes, framed 'National Curriculum Framework' by which the literacy level of the country came up to 74.4%. With all considerations, that rate of literacy that was achieved till that time was, very rightly, considered far below satisfactory level. The policy makers of our country, then, drafted the present Act in 2008 and brought out the Act christened 'Right of Children to Free and Compulsory Education Act, 2009'. They are now pinning their hopes to achieve 100% literacy, higher rate of economic growth and developed India by implementing this Act.

Coverage of all Children in RTE Act, 2009

In order to bring all children of the age between 6 to 14 years under the fold of elementary education, the Government of India has made the parent of the children responsible. The Act states, "It shall be the duty of the parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighbourhood school."¹⁹ It has been an unprecedented move.

The Quality Assurance in RTE Act, 2009

The Government of India has taken measures not only to achieve a quantitative result but also the quality in elementary education. In order to ensure quality in elementary education, the Act lays down that Central Government shall take the responsibility to develop a framework and a curriculum;²⁰ and shall enforce the standard for teachers' training.²¹ The Central Government has taken the responsibility of providing technical support and resources to the state government for promoting innovations, researches, planning and capacity building.²² The Act has dealt with the aspects

of school administration, school management, avoidance of corporal punishment, control of drop-out etc. to ensure quality in elementary education.

The Joint Responsibility in the RTE Act, 2009

To achieve unfailing results through this Act, the Governments of India has involved the state governments and the individual private managed schools too. The Act states that the Central Government and State Governments shall have concurrent responsibility for providing funds for carrying out provisions of the Act.²³ The Act lays down that the state government should plan to establish such number of institutions in three years of time from the enactment of the law so that all children are made educated without fail.²⁴ The Central Government has made the provisions that the private run schools should provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring expenses, subject to a minimum of twenty-five percent.²⁵ The central government has also involved the National Commission for Protection of Children's Right in the interest of the children.

Fallout of the RTE Act, 2009

It was observed that most of the State Governments showed cold feet and took more than the given period of 2 years to issue their policies and implement the RTE Act, 2009. After receipt of the policies from the state governments, the private school managements formed number of associations and hit the roads to protest against the Act. Dozens of cases were filed in High Courts and Supreme Court by several organizations challenging the Act, alleging that the Act would create financial burden for the private schools and implementation of the provisions of the Act would lower the quality of education of the private schools due to the entry of the students coming from socially backward backgrounds. A host of

schools obtained minority-school tag overnight and came out the commitment of reserving 25% of seats for underprivileged children. In the absence of clear income criteria in the Act to grant benefits to the children, different state governments fixed different income criteria which, in some cases, were detrimental to the interest of the genuine beneficiaries. However, the Act stood the test of time. The Act received verdicts from the courts in its favour; and all State Governments thereafter gradually implemented the Act.

Challenges that the RTE Act, 2009 is Facing

The challenge which the Act is facing today is the lack of awareness of the people who are supposed to be benefitted out of the Act. The socially and economically underprivileged people, even today, are not aware of the provisions. The poor and uneducated parents, who are supposed to take the first step forward, are not clear as to how to go about. Initially, in some cases, the children of the underprivileged category had to face harassments and humiliations from some private school managements. However, the situations have improved now.

Every Citizen's Responsibility towards RTE Act, 2009

Making one's country prosperous is the responsibility of every dutiful citizen. I feel, all citizens of our country should join together to launch a social drive to create awareness among common people and bring the uneducated children up to the age of 14 to the schools to receive elementary education.

Conclusion

I am optimistic that the Central Government, the Government of the states, the private school managements, professionals in the field of elementary education will keep no stone unturned to see that the provisions of this Acts are implemented in words and

spirit; and we would see the country progressing at an accelerating speed than ever before. Let us hope that the next census of India 2021 reveal the positive outcome of the 'Right of Children to Free and Compulsory Education Act, 2009' and let us see India march towards a better India.

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