

RIGHT TO EDUCATION NEW HOPE FOR CHILDREN

Manoj Jagannath Pekhale
Research Scholar, S.R.T.M. University,
Nanded

Dr. P.D. Joshi
Principal / BOS Chairman in Law (Retd.)
Research Supervisor, S.R.T.M. University
Nanded

ABSTRACT

The current investigation sought to learn more about the status of RTE implementation, as well as teachers', parents', and children's awareness and understanding of the laws. Many years have gone since the RTE Act was enacted, yet the state has made little progress in terms of ensuring quality education for students. The same can be said for its various stakeholders' awareness and understanding of it. The Right of Children to Free and Compulsory Education Act (RTE), 2009 is meant to serve as a guideline, and all educational concerns and policy decisions should be made in light of it. Internationally, the right to education and the provision of free and compulsory primary education have been supported by economic reasons, in which the economic and social benefits that education contributes to are valued by human rights and ethical grounds



Global Online Electronic International Research Journal's licensed Based on a work at <http://www.goeiirj.com>

INTRODUCTION

“Education is essentially for all in our national vision... Education plays an important influence in acculturation.” ‘Education is a right that everyone has. At least in the early and fundamental stages, education must be free. Elementary education will be required of all students. (Article 26 of the Universal Declaration of Human Rights, adopted in 1948.) The provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009), which took effect on April 1, 2010, enshrining for the first time in law the rights of all Indian children aged six to fourteen years to free and compulsory elementary education, regardless of caste, class, gender, or other factors. Though the RTE Act deserves respect for laying out the state's responsibilities for education in very explicit terms, it would be useful to examine the status and knowledge of schools and concern authorities in providing free elementary education to children from six to fourteen years old. Every kid over the age of six who has not yet been admitted to any school or who has not completed his or her elementary education for any reason is entitled to be placed in a class appropriate for his or her age, according to the Act. In order to be on level with the other children in the class, a kid enrolled under age appropriate admission has the right to undergo special training or supplementary instruction. The current study was conducted to determine the status of several aspects of the RTE

Act 2009 in Gujarat state. Children are also a source of concern and challenges for the state in implementing the Act. The study looked into the efforts that states have made so far to implement the RTE Act, 2009, as well as their challenges in doing so. “A child is a soul with a being, its own character and capacities. Who must be assisted in finding them, growing into their maturity, into a fullness of physical and vital vitality, and the fullest width, depth, and height of its emotional, intellectual, and spiritual being: otherwise, there can be no healthy growth of the nation¹ During the formative years of a child's life, he must be well groomed. He needs to be educated. Acquire knowledge of man and materials, and blossom in such an environment that, when he reaches adulthood, he is recognised as a man with a mission, a man who matters in the eyes of society. "Any human society's most valuable asset is its offspring." The study of children's law is important because the man of future will be similar to the youngster of today. When we talk about a child's right, we're talking about the rights of a kid who may not even realise he's in a minority because he doesn't grasp what's in his best interests. People must therefore consider, formulate, and fight for those rights. Especially in regards to his education. “Any nation's future is depending on its children. Kids must be properly led, clothed, and housed, and they must be given a pleasant and favourable atmosphere in which to grow and develop into good citizens. The grownup worlds must allow their potentialities to flower and blossom.”

The research's objectives

To determine the status of various aspects of the RTE Act 2009, as well as the efforts taken to ensure age-appropriate admission of out-of-school disadvantaged children, as well as the production of teaching learning materials for them. assess the level of awareness among state stakeholders in order to implement the RTE Act 2009; analyse the state's concerns and obstacles in implementing the RTE Act 2009 for disadvantaged children; Gujarat has developed strategic plans of action for delivering free and compulsory elementary education to children from SCs/STs/Weaker Sections, as well as children with various disabilities, in order to implement RTE. The state has taken special initiatives to encourage parents and the community to participate in adolescent development.

The following are the study's objectives:

1. To raise public awareness about the importance of education.
2. To advocate for the right to education in both public and private institutions.
3. The proposed research project will look into how laws and judicial decisions relating to the right to education are being implemented in public and private schools.
4. In light of the right to education in public and private schools, the proposed study effort would establish a new legislative framework.
5. In light of the Indian Constitution, to guide and specify particular activities that must be implemented.

6. The suggested research project would look into the numerous laws that pertain to the right to education.
7. To prevent discrimination against children and to safeguard their fundamental educational rights.

AN IMPORTANT PROVISION FOR EDUCATION IN THE CONSTITUTION

Every person has the right to life and personal liberty under Article 21 of the constitution. Right to education is included in the right to life and personal liberty. The Constitution (eighty-sixth Amendment) Act of 2002 added Article 21-A, which states that the state must provide free and compulsory education to all children aged six to fourteen as a basic right. Article 41 of the Constitution states that states must make effective provisions for safeguarding the right to education within the limits of their economic capabilities and development. Article 46 lays down guidelines for promoting the educational interests of the poorer sections of society, particularly the Scheduled Castes and Tribes. The Supreme Court declared that the right to education is a basic right under Article 21 of the Constitution in *Mohini Jain v. State of Karnataka* (1992, 3 SCC 666). The Supreme Court concluded in *Unikrishnan v. State of A.P.* (1993, 1 SCC645) that under Article 21 of the Constitution, the right to education is a basic right, and that the right to free education is available solely to children. In India, education is offered by both the public and private sectors, with control and money coming from three levels: national, state, and local. Children between the ages of 6 and 14 have the right to free and compulsory education under different provisions of the Indian Constitution. In India, the ratio of public to private schools is 7:5.

Education is a fundamental right.

The Constitution (Eighty-sixth Amendment) Act, 2002 introduced Article 21-A into the Indian Constitution, making it a Fundamental Right to offer free and compulsory education to all children aged six to fourteen years in such a manner as the State may specify by legislation. Every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school that meets certain essential norms and standards, according to the Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A.

The RTE Act and Article 21-A went into force on April 1, 2010. The terms "free and compulsory" appear in the title of the RTE Act. No kid, except a child who has been enrolled by his or her parents to a school that is not financed by the relevant government, shall be required to pay any fee, charge, or expense that may prohibit him or her from continuing and completing primary education. The term "compulsory education" imposes a legal requirement on the appropriate government and local authorities to offer and ensure that all children aged 6 to 14 be admitted, attend, and complete primary school. The term "compulsory education" imposes a legal requirement on the appropriate government and local authorities to offer and ensure that all children aged 6 to 14

be admitted, attend, and complete primary school. With this, India has progressed to a rights-based framework, imposing a legal duty on the central and state governments to implement this essential child right, as established in Article 21A of the Constitution, in accordance with the RTE Act's requirements.

The RTE Act guarantees:

- Children's right to free and compulsory education in a neighbourhood school until they complete elementary school. It defines "obligatory education" as the obligation of the competent government to provide free elementary education to all children aged six to fourteen, as well as to ensure compulsory entrance, attendance, and completion of primary school. The term "free" refers to the fact that no child will be required to pay any fees, charges, or expenses that would prevent him or her from pursuing and completing basic education.
- It ensures that the set pupil-to-teacher ratio is maintained for each school, rather than just as an average for the State, District, or Block, ensuring that teacher postings are not imbalanced between urban and rural areas. It also prohibits the use of teachers for non-educational purposes, with the exception of the decennial census, local government elections, state legislative and parliament elections, and disaster assistance. It calls for the appointment of instructors who are properly trained, that is, teachers who possess the necessary entry and academic credentials.
- It forbids (a) physical punishment and mental harassment; (b) child entrance screening methods; (c) capitation fees; (d) private teacher tuition; and (e) the operation of schools without recognition.
- It provides for the admission of a non-admitted youngster to an age-appropriate class.
- It outlines the roles and obligations of appropriate governments, local governments, and parents in delivering free and compulsory education, as well as the financial and other responsibilities shared by the federal and state governments.
- It establishes norms and standards for Pupil Teacher Ratios (PTRs), facilities and infrastructure, school working days, and teacher working hours, among other things.

It calls for the creation of a curriculum that is consistent with the values enshrined in the Constitution and that ensures the all-round development of children by enhancing their knowledge, potential, and talent while also removing fear, trauma, and anxiety through a child-friendly and child-centered learning system.

Implementation of RTE ACT

The Act was enacted and implemented in the appropriate spirit, with the goal of providing all children with a high-quality elementary education. The findings from the observation and interview reveal a discrepancy between what was intended and what has been accomplished thus far. The

findings reveal that while there has been improvement in terms of enrolment and basic infrastructure, the state still has a long way to go in terms of ensuring excellent education in terms of student learning. Furthermore, based on the findings of the study, it can be inferred that the majority of parents are aware of the free education provided to elementary school pupils. However, many of them are unaware of the benefits that are available to the children. Similarly, pupils are unaware of their legal rights. As a result of the findings, parents and children should be informed about the Act's benefits and provisions. Partnerships between the state, school officials, non-profit organisations, parents, and other stakeholders are required. At all levels, concerted efforts are required. In terms of primary education, the RTE's potential is heavily reliant on government-led lobbying and mobilisation activities, as well as parents' and children's ability to comprehend and execute their new role connections. 1. The Government of India (GoI). (2009).

'Right of Children to Free and Compulsory Education Act, 2009', Gazette of India, 27 August.

On July 21, 2017, India's Comptroller and Auditor General (CAG) released an audit report on the implementation of the Right of Children to Free and Compulsory Education (RTE) Act, 2009. The Right to Free and Obligatory Basic Education Act of 2009 provides children between the ages of six and fourteen the right to free and compulsory elementary education in a neighbourhood school. The CAG audit looked at how well the federal and state governments followed the Act's terms and used the cash they were given. Between April 2010 and March 2016, the audit was done in 28 states and seven Union Territories (UTs). The following are the audit report's principal observations and recommendations:

Financial management: State governments were found to be holding large balances, indicating a lack of internal financial control. Over a six-year period, the amount of unutilized funds in 35 states/UTs ranged from Rs 12,259 crore to Rs 17,282 crore. Other findings include (i) large outstanding advances, (ii) diversion/irregular release of money, (iii) misuse of funds, (iv) irregular use of fund awards, and (v) delays in fund distribution at various levels. The CAG advised that the RTE budgeting exercise's timetables be aligned with the budget preparation process at the federal and state levels.

Observance of the RTE Act of 2009: There were some areas where the RTE Act, 2009's provisions were broken. These include (i) the failure to keep track of the number of children eligible for elementary education, (ii) the retention of children over the age of 14 in elementary classes in violation of the Act, (iii) the operation of schools without recognition, and (iv) an insufficient pupil teacher ratio due to poor teacher mobilisation and the use of existing teachers for non-educational purposes. According to the CAG, state governments must appropriately identify and enrol eligible children.

Monitoring and evaluation: The CAG found that schools' development was not being tracked through a comprehensive and continuous assessment process. The CAG provides some observations about the primary bodies and measures in charge of monitoring the RTE Act's 2009 implementation throughout all schools. These are some of them:

- i. School Management Committees (SMCs): SMCs serve as a link between the local community and the school by bringing together elected officials from the local government, parents or guardians of children enrolled in such institutions, and teachers. They also provide monitoring in schools, ensuring that the schools' minimum standards are met. The CAG discovered delays in the formation of SMCs ranging from one month to three years, which prevented them from conducting regular evaluations and inspections. In 2015-16, nine states did not have any School Development Plans (SDPs), according to the CAG. The SDP is a strategic plan developed by SMCs to improve school functions.
- ii. Internal audit: The Chief Controller of Accounts did not undertake an internal audit of the RTE under the SarvaSikshaAbhiyan (SSA) plan at the central level. Internal auditing is carried out by the internal auditing divisions of the relevant ministries/departments; and
- iii. The National Advisory Council (NAC) was established in 2010 to advise the federal government on the implementation of the RTE Act of 2009. It was discovered that this body has remained mainly ineffectual as it was not recreated after November 2014, making it effectively non-existent beyond that date.
 - The CAG recommended: (i) reconstituting the NAC; (ii) forming the SMCs in a timely way and holding frequent meetings; (iii) all SMCs preparing SDPs; and (iv) the Chief Controller of Accounts ensuring that the SSA's internal audit is undertaken on a regular basis.

Challenges in implementing Right to Education Act

The Right to Free and Compulsory Education Act (RTE) was passed by the Indian government on August 4, 2009. Article 21 (A) establishes free and compulsory education for children aged 6 to 14. Some challenges in implementing the Right to Education Act have been mentioned, and they are discussed here.

Lack of Knowledge: Most teachers are unfamiliar with the RTE Act and have been implementing it based on their own experiences. It is critical for instructors to have a thorough understanding of the RTE Act in order to avoid roadblocks during implementation. Knowledge of the Act will also assist them in comprehending it and, finally, executing it in accordance with the needs of the circumstance.

Inadequate training and information: The majority of teachers viewed RTE as an essential step forward in classroom instruction. The Act, according to the majority of instructors, ensures that all students receive an education. Teachers have identified two significant obstacles in the execution of the RTE Act: a lack of training and enough information. **Lack of Clarity:** Nearly half of all

teachers today believe that the RTE Act raises the responsibilities of schools and instructors without providing any clarity on how the act will be implemented. It makes sacrifices in terms of educational quality, resulting in shaky execution. The implementation guidelines are inadequate, and students' retention is not prioritised. Pupil Numbers Are Increasing

Teacher Ratio: Many teachers stated that their schools had a high pupil-to-teacher ratio. As a result, teachers are unable to provide personalised attention to students. It also highlights the benefits of high-quality education. A small proportion of teachers found the Act to be unclear. The teachers stated that the authorities need to be more active and motivating in order to improve education quality.

Shortage of Resources: A critical difficulty in implementing the Right to Education Act is a lack of resources. 10% of teachers demanded that resources be increased, including physical infrastructure, monetary, and human resources, among other things.

Recommendations/Suggestions for Effective RTE Act Implementation-

Twenty percent (20%) of teachers agreed on one item when it came to suggestions: instructors need sufficient training and assistance so that they can understand the important principles of the RTE Act. a. The remaining 18 percent of instructors demanded that special provisions be made in schools for counsellors and special educators to meet the needs of CWSN and disadvantaged students. b. Thirteen percent (13%) of teachers believe that more classrooms are needed to maintain the optimal pupil-to-teacher ratio in schools. Government as well as private authorities, as well as parents, should be active and regular supervisors in the school, according to fourteen percent of teachers (14 percent). d. Teachers agreed that there was a need for commitment from all sections of society, including parents, community, civil society, private sectors, government, and NGOs, as education is important. Ten percent of teachers said they should not be given administrative work, and seven percent said parents should be made aware of the importance of education. Sections of the RTE Act require modification.

Covid-19 and education

With an ongoing pandemic, institutes across the country have shifted to an internet-based model of schooling. However, the burden of providing infrastructure to children to access internet-based education is now on parents, with the government unable to furnish devices for children to access online classes.

As per the [Broadcast India Survey 2018](#), there are only around 30 crore smartphones in the country. While internet adoption has doubled since 2010, there are still more than 70 crore of those in India who are not connected to the internet.

An analysis by [Digital Global Statshot](#) reveals that women make up the majority of these unconnected populations.

With such enormous entry barriers, the pandemic has brought forth the failure of the Union and State governments to implement “free” and “compulsory” education under the RTE Act. We are yet to see the effects of such a long gap in education. It is quite likely that a large group of students could have dropped out, and learning outcomes could have significantly deteriorated. Even the National Education Policy launched in 2020, which outlined the vision for India’s new education system, failed to mention anything about online education during the pandemic.

Conclusion

The Act was enacted and implemented in the appropriate spirit, with the goal of providing all children with a high-quality elementary education. The findings from the observation and interview reveal a discrepancy between what was intended and what has been accomplished thus far. The findings reveal that while there has been improvement in terms of enrolment and basic infrastructure, the state still has a long way to go in terms of ensuring excellent education in terms of student learning. Furthermore, based on the findings of the study, it can be inferred that the majority of parents are aware of the free education provided to elementary school students. However, many of them are unaware of the benefits that are available to the children. Students, on the other hand, are unaware of their rights. As a result of the findings, parents and children should be informed about the Act's benefits and provisions. Partnerships between the state, school officials, non-profit organisations, parents, and other stakeholders are required. At all levels, concerted efforts are required. In terms of primary education, the RTE's potential is heavily reliant on government-led lobbying and mobilisation activities, as well as parents' and children's ability to comprehend and execute their new role connections. The major purpose of the RTE Act is not being employed, based on the foregoing discussion, because only a small number of objectives, parents, principals, and teachers are aware of the act. Although the RTE Act has increased the number of students enrolled in schools, providing excellent education is still a priority. Teachers, who provide educational services, are obligated to follow the RTE Act, which they had no clear guidance on. There is no clear guidance for teachers who play a vital role in the RTE Act's implementation. It has a negative effect on the act's implementation. Teachers must be trained, materials for teaching must be given, and they must receive frequent training on how to structure their classrooms in order to comply with the RTE Act, according to the research. With the increased number of students enrolled in schools, it is critical that teachers, management committees, and schools be prepared to meet the requirements of all students. The RTE Act demonstrates the Indian government's commitment to provide education to all children. The Act's multiple clauses plainly demonstrate that education is at the top of the country's reform agenda. It has created a constitutionally protected atmosphere in which students can receive valuable education that will serve as a springboard for their future careers. The measure will undoubtedly have a significant impact on raising literacy rates and ensuring children's legitimate role in society.

REFERENCESBIBLIOGRAPHY/REFERENCES

- ✓ Government of India (GoI). (2009). ‘Right of Children to Free and Compulsory Education Act,2009’, Gazette of India, 27 August.
- ✓ http://gujarateducation.gov.in/education/Portal/News/159_1_MODEL%20RULES%2029.2.12.PD
- ✓ <http://righttoeducation.in/sites/default/files/The%20Gujarat%20Elementary%20Education%20Rul>
- ✓ [es,%202010.pdf](http://ssa.nic.in/rte-docs/free%20and%20compulsory.pdf)
- ✓ <http://ssa.nic.in/rte-docs/free%20and%20compulsory.pdf>
- ✓ <http://ssagujarat.org/RTEActinGujaratStateFinal.pdf>
- ✓ http://www.isca.in/EDU_SCI/Archive/v1/i2/1.ISCA-RJES-2013-007.pdf
- ✓ <http://www.seamamallapuram.in/childlaw.pdf>
- ✓ Ojha, Seema S. (2013).Implementing Right to Education: Issue and Challenges, Investigation
- ✓ Journal of Educational Sciences, 1(2)1 - 7, May (2013) available at <http://www.isca.in>
- ✓ Soni, R.B.L.(2013).‘Status of Implementation of RTE-2009 in Context of Disadvantaged Children at Elementary Stage: A Report’. Department of Elementary Education, NCERT
- ✓ BOOKS:
- ✓ D.D. BASU, CONSTITUTION OF INDIA
- ✓ Dr. Y. Pandey, L.N., (2006) (431d Ed.), Constitutional Law of India
- ✓ M.P.JAIN, CONSTITUTION OF INDIA
- ✓ Dr. Anjani Kant, (2006), (Second Ed.) Law Relating to Women and Children
- ✓ Mehendale, A. (1998), „Compulsory Primary Education in India: The Legal Framework
- ✓ NEWS PAPERS
- ✓ Hindustan times
- ✓ Times of India
- ✓ The Hindu
- ✓ Amar Ujala
- ✓ DanikJagran
- ✓ Jansatta
- ✓ http://gujarateducation.gov.in/education/Portal/News/159_1_MODEL%20RULES%2029.2.12.PD F 3. Gupta Namita, —Implementation of Right to Information act : A challenge to government
- ✓ <http://www.ucw-project.org/attachment/standard>
- ✓ [9http://www.thehindu.com/features/education/can-privatisation-help](http://www.thehindu.com/features/education/can-privatisation-help)
- ✓ <http://www.legalservicesindia.com>
- ✓ <http://2010.economicsofeducation.com>

- ✓ <http://timesofindia.indiatimes.com>
- ✓ <http://www.sciencedirect.com>
- ✓ <https://doi?10.1016/j.ijedudev.2015>
- ✓ <http://www.legalservices.com>
- ✓ <http://www.ijip.in/index.php/component>
- ✓ <http://www.thehindu.com>
- ✓ <http://www.ucw-project.org>
- ✓ www.britishcouncil.in
- ✓ <http://www.sciencedirect.com>

