

A STUDY OF THE PROBLEMS AND PROSPECTS FACING THE RIGHT TO EDUCATION ACT

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Abstract:

Primary education should serve as the foundation of the pyramid and determine the destiny of the country. "Every kid has a right to education must be free, at elementary and fundamental levels," asserted Mahatma Gandhi, advocating for free and universal access to basic primary education. The first grade must be completed. The provisions of the Right of Children to Free and Compulsory Education (RTE) Act have been strengthened in light of a UN proposal (2009). On April 1, 2010, India's Right to Education Act, 2009 (Article 21 A), which ensures free and mandatory education for all children aged 6 to 14, went into force.

Up until the eighteenth century, only a limited segment of society had access to education as a right. Despite regulations requiring all children to attend school, little progress was achieved in this regard throughout the British era. The State should endeavor to offer free and compulsory education to all children until they reach the age of 14 within a period of 10 years from the start of the Constitution, according to Article 45 of the Constitution, which was added after India gained independence.

Yet, there was little progress made in making basic education accessible to everyone. The first text for primary education was the National Policy on Education, 1968. National Education Policy 1986, The inclusion of the right to education as a basic right in the Indian constitution was advocated during the policy review in 1990, and the 1992 formulation of the national education policy was based on this recommendation. in 1992.

The Supreme Court of India ruled in the 1992 case of Mohini Jain v. State of Karnataka that the right to education is a basic right protected by Part III of the constitution and that it is guaranteed to every person. Following that, the Supreme Court ruled in the case of Unnikrishnana, J.P. v. State of Andhra Pradesh that "though right to education is not stated expressly as a fundamental right, it is implicit in and flow from the right to life guaranteed under article 21 and must be included in light of the Directive Principles of the constitution.

In light of Articles 45 and 41, the right to education is defined as follows:

- (a) Every child and citizen of this country has a right to free education until the age of fourteen; and*
- (b) After the age of fourteen, the right to education is limited by the economic capacity of the State and its level of development.*

The Indian Constitution was amended in 2002, making education a basic right, but with the caveat that the implementation of this right will depend on further consequential legislation. The "Right of Children to Free and Compulsory Education Act 2009" was approved by parliament in August 2009 and came into effect in April 2010. It is the follow-up law to the 2002 amendment to the Indian Constitution (the 86th Amendment). The Model Regulations, a subsidiary piece of law based on this Act, was drafted by the federal government to provide state governments direction on how to apply the Act.

Keywords: Education, Right, Students, school

Introduction:

Every culture has a different potent instrument that it can use to prosper and survive, and education is one of them. To ensure that information and skills are passed on easily to future generations, it is imperative that younger generations teach older ones. Our ability to imagine our goals and comprehend who we are as individuals is a result of education. As a result, education is a means of empowering decent citizens via socioeconomic mobility, reducing

social and economic inequities, and ultimately sparking the simultaneous notions of progress and development. Analyzing the paradigm shift between education as a means of acquiring information and as a means of cost recovery is necessary. Education is the most effective weapon for influencing an individual's character and personality, which in turn influences the character and personality of the nation.

While analyzing emerging and underdeveloped nations' educational systems, fairness, accessibility, and quality are considered. One of the most important factors in assisting any country in achieving the position of a developed country is education. An educated populace benefits the country because they make contributions to society. India pushed vigorously for the implementation of the Right to Education as a Basic Right. According to the United Nations, this is a fundamental right that should be available to every human being on earth. The first formal document from the Indian government, the National Policy of Education from 1968, reaffirmed the government's commitment to provide primary education. This was later included in the National Policy of Education from 1986. Finally, it was suggested that the Right to Education be included as a Basic Right when NPE 1986 was reviewed in 1990. This will aid in putting into practice the 1992 National Policy on Education. In addition, India began working on legislation to make the right to education a fundamental right at the same time it ratified the United Nations Convention on the Rights of the Child in 1992.

The Supreme Court declared in *Mohini Jain v. State of Karnataka* (1992) that the RTE is inherent in and immediately proceeds from the right to life under Article 21, therefore raising the RTE to the rank of a fundamental right. The Supreme Court's decision in *Unni Krishnan v. State of Andhra Pradesh & Others* (1993) that "The residents of this nation have a fundamental right to education" expounded on and made it more explicit. This privilege is derived from Article 21. But, this right is not unassailable. Its dimensions and substance must be decided in light of Articles 41 and 45. In other words, all children and citizens of this nation are entitled to free education up to the age of 14. After then, his entitlement to an education is limited by the state's economic capability and level of development.

Purpose of the Study:

While examining The Indian primary education system has made some progress toward increased financing, access, enrollment, and infrastructure levels. Other challenges include rising dropout rates, poor attendance, and universal, equitable, and high-quality primary education for everyone. The RTE Act is a ground-breaking piece of legislation in Indian education history that aims to ensure that all children receive a high-quality elementary education. The goal of this study is to assess how well RTE is being implemented in rural government schools as well as how well teachers, parents, and students are aware of and comprehend its provisions. The results of the current research are based on observations of and interactions with instructors, parents, and students at adjacent government schools in addition to the original status, experience, and actual conditions in the schools. Examining how well people are aware of and comprehend the RTE Act's contents was aided by the views and opinions of teachers, parents, and kids about its many components. The goal of the current research is to examine how well teachers, parents, and kids are implementing, comprehending, and being aware of RTE's regulations. Since the RTE Act was put into effect eight years ago, there have been minor improvements in enrollment and basic infrastructure,

but the states haven't made much headway in ensuring high-quality instruction or student learning. The same is true of its awareness and comprehension among its many stakeholders.

Significance of the study:

This research is highly important because it sheds light on how RTE is being implemented in rural schools and how well teachers and parents whose children attend government schools in the study region are aware of its requirements. The issues and difficulties brought up in the study will assist all the stakeholders in understanding their rights, playing an active part in upholding those rights, and implementing this Act more successfully and fruitfully to provide the students for whom it is intended with higher-quality education.

Constitutional amendments on RTE Act.2009:

In essence, the RTE idea was included into the Indian Constitution's Directive Principles of State Policy. Article 45 of the Constitution, which was first enacted by the Constituent Assembly in November 1949, specifies that the State should work to offer free and compulsory education for all children until they reach the age of fourteen within 10 years of the Constitution's beginning. Moreover, Article 41 requires the State to "within the limitations of its economic capabilities and development" make adequate provisions for safeguarding the right to education. The RTE Act includes the following provisions, among others:

Children have the right to a local school where their education is free and required until they complete elementary school.

It makes it clear that "compulsory education" refers to the responsibility of the relevant government to provide free primary education and ensure that every child in the six to fourteen age range enrolls, attends, and completes elementary school. No child should be required to pay any fee, charge, or expenditure that could prohibit him or her from pursuing and finishing primary education..

1. It includes provisions for the admission of an unadmitted youngster to a class that is suitable for their age.
2. The distribution of financial and other obligations between the Central and State Governments, as well as the roles and responsibilities of the relevant Governments, local authorities, and parents in delivering free and compulsory education, are all outlined in this document.
3. It outlines the rules and requirements for, among other things, Pupil Teacher Ratios (PTRs), facilities and infrastructure, school calendars, and teacher work schedules. In order to ensure that there is no imbalance between urban and rural teacher posts, it ensures that the stated child teacher ratio is maintained for each school, as opposed to merely as an average for the State, District, or Block.
4. It also forbids the use of teachers for non-educational tasks, with the exception of the biennial census, local government, state and parliamentary elections, and disaster assistance.
5. It allows for the hiring of instructors who have the necessary entry-level and academic credentials, or teachers who have received the proper training.
6. It forbids (a) corporal punishment and verbal abuse; (b) child entrance screening; (c) capitation charge; (d) teacher-led private instruction; and (e) operation of schools without authorization.

7. It calls for the creation of curricula that are consistent with the Constitution's values and that ensure children are developed holistically, utilizing their knowledge, potential, and talents while removing any fear, trauma, or anxiety through a system of child-friendly and child-centered learning.

8. India has a visionary when it comes to the right to education, thus in 2009 it was initially established as a distinct chapter to ensure that this ambition was carried out.

Initially, As it is a "Right" that the State guarantees, it becomes the State's "Compulsion" to take the necessary measures to guarantee it equally for everyone. Because it was upheld, various parties were held accountable for it, including the pupils, their parents, extended relatives, and society as a whole.

Children from poorer sections or disadvantaged groups are protected by Section 8(c) from discrimination and obstruction to pursuing and completing further education for whatever reason. This change in itself is a huge challenge to handle because initially the system focused on selection from the start, even before the child is formally enrolled in school, and judged and labeled the child as slow, failure, even when the education providers chose to disregard the psychology that any child shall learn and develop in an environment that would ensure quality education to them, thereby destroying the very fabric of „equitable quality. This framework also serves as a reminder that the idea of "merit," which is often determined by admission exams, often results in societal advantage. Students from so-called "disadvantaged backgrounds" need greater attention and assistance from the system, which should encourage "equitable quality" rather than preferred or differentiated quality since doing so would only serve to further the plight of the poor. At any grade level, it is physically impossible to assess students based on their prior knowledge or abilities.

Problems in implementations of RTE:

1. Although it would further professionalize teaching, the legislation should also concentrate on parallel systems like the SCERT, SIEMAT, and DIET.

2. While the Act outlines the minimal requirements for teachers, it is impossible to work on the qualitative requirements without the creation of additional teacher education institutions, foundations/principles, material, and techniques.

3. There is no mention in the statute of upholding standards of excellence and abiding by minimal requirements in order to give or revoke recognition.

4. The no-detention rule makes it difficult to evaluate any learner's progress, which undermines the principles of mastery learning and universal learning.

5. It is crucial to have a strong grievance redressal mechanism that involves filing complaints, conducting comprehensive investigations, and responding within a certain time range in order for RTE to be successful.

6. The lack of funding for infrastructure, basic buildings that don't leak during monsoons, offer protection from the hot sun in the summer and the chilly winds in the winter, basic sanitation facilities like separate and clean toilets, clean drinking water, a blackboard, and open space that can be used for many different purposes, and the like.

Specialists have always stated that any failure or achievement should only ever be taken into account in a certain context. Similar to the Sarva Shiksha Abhiyaan, there is a need for the

construction and strengthening of a parallel framework. The teacher's duty is limited to service delivery; they do not genuinely foster an atmosphere in which pupils are empowered to build their own knowledge and understanding. The instructor is the center of attention throughout, not the system. There is much discussion over why the state does not prioritize education, even if 90% of it is still provided by private institutions.

For children aged 3-6, there is no provision for any kind of schooling. Preschool education is thus necessary and ought to be included into the overall system of education.

The emphasis of the National Curriculum Framework, 2005 on the arts and poetry is completely sidelined. Students should be taught in a language they understand and can communicate in rather than a third language, which complicates the process. Another issue that the students face is that many learners have to be persuaded to come to school. In that case, we need a strong system of motivation and encouragement to ensure they continue. At higher grades, they may explore learning new languages.

The lack of infrastructure, such as classrooms, chairs, desks, blackboards, toilets, and drinking water, as well as the overburdening of non-academic activities, the fact that admissions are made but students drop out, the arrival of required books at the halfway or end of the session, and job openings, are all contributing factors to the poor results of government schools. Hence, the fundamental issue is: How can we doubt the provision of high-quality service?

The main problem is that early childhood education comes under the Ministry of Women and Child Development whereas education is within the purview of the Ministry of HRD. Hence, there is a big roadblock due to the lack of coordination and different orientations. According to a long-term research by the Centre for Early Childhood Education & Development (CECED), Ambedkar University, Delhi, 76% of children in the nation who are pre-school age attend some kind of pre-school, with 65% attending private institutions.

The majority of brain growth occurs between the ages of 0 and 6, therefore preparing children for school requires using the right learning strategies and ideas. However, the lack of a framework prevents the uniformity of pedagogy and referential curricula. Several activists believe that the RTE Act needs to be revised to include provisions for children aged 0 to 6 as well as those between the ages of 14 and 18. Girls are dropping out of school for a variety of reasons, therefore grassroots advocates feel that continuing their education should be based only on merit in order to fulfill socioeconomic goals.

Suggestions to enhance the effectiveness of RTE:

Research has demonstrated that school kids' learning levels are declining, indicating that the Indian education system is unable to achieve its goals. The government schools are still plagued by the problems of teacher turnover and absenteeism. Annual dropout rates are rising. Nepotism, corruption, and bribery are present in institution approval and recognition processes as well as in teacher transfers and appointments. Failure examination systems were just marks-focused. India has a population that is less than 35 years old—about 65% of the total. This demographic has the potential to help our nation's educational system get back on track. The only viable path to address the inequalities, education functions as a tremendous leveler. The following recommendations may be made to improve RTE's efficacy:

1. The age range should be between three and seventeen years old. Many studies have shown

that a child's brain grows most rapidly between the ages of three and five, making this the time when they should be exposed to excellent education.

2. The government supports the establishment of technological programs in fields such as information technology, media, entertainment, telecommunications, automobile construction, food production, etc.

3. Although the US Common School System was formerly successful in providing high-quality education, it should now be integrated with the Model School System, which is based on the requirements and desires of society. Public-private partnerships that operate on a build-operate-transfer basis will be a successful model.

4. The Right of Children to Free and Compulsory Education Act of 2009 should be modified since the phrase "no child shall be held back, expelled, or obliged to pass a board examination until completion of primary school" undermines the purpose of education.

5. All stakeholders, including parents, villages, welfare organizations, and panchayats, should take an active part in projects since education is a two-way process and cannot produce the intended outcomes if it is conducted in a unilateral manner.

6. More funding should be given to education by the government.

7. Regular promotion of parent-teacher contacts is necessary.

8. The Mid-Day Meal's quality has to be continually monitored.

9. Infrastructure issues including classrooms, furniture, restrooms, and clean drinking water should be dealt with as quickly as possible.

10. While the state's main responsibility is to ensure that children get an education, civil society groups should also provide their assistance to other non-state actors.

11. Classrooms are recognized as learning environments where children develop the confidence to deal with challenging situations, take on tasks without hesitation, and engage in free, meaningful, and joyful interactions with their classmates, teachers, teaching learning materials, and other resources for expanding their knowledge. As a result, the government should fund the necessary infrastructure.

Conclusion:

The Right of Children to Free and Compulsory Education Act, 2009, was put into effect with the goal of ensuring that Indian children have access to high-quality, child-centered education. It will provide a clear timeline for putting different aspects into action, such as neighborhood schools, infrastructure, maintaining the student-teacher ratio, and building other facilities in accordance with the requirements of this Act. With the RTE Act's implementation in April 2010, several deadlines have already passed, and not a single state has been able to fully implement it. Just 10% of schools nationwide in India have been able to meet the RTE Act's 10 benchmarks. Each state, as well as the Union Territories, has received notice of this legislation.

To verify that the RTE legislation is being implemented, 32 states have designated monitoring organizations. The budgetary allotment for education, however, has not increased considerably. It won't go as far as is necessary for execution of the same. As part of child-centered measures, rules prohibiting corporal punishment, private tuition, board examinations, capitation fees, the screening process, and the no-detention policy have been announced and put into place.



Reforms have been started, such as Teacher Eligibility Tests (TET), modifications to the requirements for hiring teachers, and a system for teacher preparation. Several Indian politicians have failed to address the problem of illiteracy despite having gained independence for almost 70 years, disregarding this crucial area of human resource development for so long. Providing free health care and free education to all children without any kind of discrimination is the state's top priority today with the notion of the welfare state since it is a requirement or prerequisite for the right to life. Only India, one of 135 nations, is now proud to provide free education as a fundamental right. The RTE legislation and the recommendations it contains may really prove to be a significant step toward the long-term objective of building a solid foundation for education for our nation's future generations.

References:

- 1). *The Constitution (Eighty-Sixth Amendment) Act, 2002*, Retrived from <http://Indiade.nic.in/coiweb/amend/86>.
- 2). *The Right of Children to Free and Compulsory Education Act 2009*. New Delhi: MHRD, 2009.
- 3). *National Policy on Education*. New Delhi, 1968. MHRD. *National Policy on Education*. New Delhi, 1986, Para 3.2.
- 4). *A History of Education in India*", Macmillan, Bombay. Pillai, Chandrasekharan. *Right to Education in India, A Report*.
- 5). *Right to Education in South Asia: Its Implementation and New Approaches*, The Centre for Integrated Area Studies, Kyoto University, 2012.
- 6). *Constitutional Law of India*" 4th Ed., Vol.2, Universal Law Publication. Jagdish Swarup, "Constitution of India" 2nd Edition.
- 7). Aradhya, N. & A. Kashyap, *The Fundamentals of the Right to Education in India*. India: Books for Change, 2006.
- 8). *Nationalism and Indian Education*, Sterling Publications, Jullunder. H.M. Seervai, 2009.
- 9). *Historic Right to Free and Compulsory Education for Children Act 2009. The Articulation of A New Vision*, CIAS Discussion Paper No.24
- 10). *Second International Conference on Law, Organized by UNESCO, New Delhi and the Indian Society of International Law*, 2004.