

ADMINISTRATIVE ARRANGEMENTS FOR IMPLEMENTATION OF RIGHT TO EDUCATION ACT – 2009 ISSUES AND CHALLENGES

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Abstract:

Indian government has introduced “Right to Education Act-2009” for giving compulsory and free primary education to children from 6years to 14 years. This act is implemented from 2010April 1st. Directive Principles of our Constitution had stated in 45th Article that children below 14 years should be given compulsory and free primary education, but these are not implemented.

1993 in Unni Krishnan case Supreme Court of India had judged that According to 45th Article of Constitution should be seen along with 21st article to treat education as primary duty. For education act 86th constitutional amendment was made. But it had taken seven years for making it in to act.

Right to Education is a part of human rights. Without any discrimination of Race, Caste, Color, Sex etc., children between ages of 6-14 year should be given education. Even after 2 years of implementing this education act in many states including Telagana. The subjects implement thisact are in primary stages only.

Key words: *Right to Education, 86th constitutional amendment Act, compulsory and free primary education, Directive Principles of state policy, 21st article.*

Introduction

Right to Education Act issues and Challenges: Barthruhari says that “Vidya Viheena Pashu” (Uneducated is equal to an animal) Even after 66 years of Independence many million children in India are not getting chance to acquire education due to Socio-Economic reasons.

In Indian population approximately 40% People are below 18 years. They are around 400 Million. Below half of the children between the age of 6-14 years are going to school. Children who are joining in 1st class below 1/3rd of them are studying up to 8th class only.

In India only 53% of residing areas contains school in them only 20% areas contain secondary schools. In 22% of residing areas upper primary schools are located at the distance of 3kms. 60% of the Schools from 1st to 5th class contain less than 2 teachers. Every primary school on average contains less than 3 teachers daily they are teaching from 1st class to 5th class.

Majority of students studying from 3rd to 5th class are dropping in the middle. In them 58% are girls and 50% are boys. The following are the three reasons for their dropping:

1. Schools are located far distance from residing areas.
2. Parents they are not having economical status to join their children in private schools.

3. Due to poverty many children they are unable to seek education and they are joining as child labor compulsorily.

Compulsory Education: Indian government has introduced “**Right to Education Act**” for giving compulsory and free primary education to children from 6 years to 14 years. This act is implemented from 2010 April 1st. Directive Principles of our Constitution had stated in 45th Article that children below 14 years should be given compulsory and free primary education, but these are not implemented.

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Right to Education is a part of human rights. Without any discrimination of Race, Caste, Color, Sex etc., children between ages of 6-14 year should be given education. Even after 2 years of implementing this education act in many states including A.P. the subjects implement this act are in primary stages only.

According to rules of Education Act Private Schools should allot 25% seats for poor communities in the entrance stage. Entrance exams and capitation Fee should be abolished. Many States including Andhra Pradesh had not taken any action in relating to this matter.

State Government should pay monthly at least 500 Rupees for each student admitted in 25% quota in Private institutions State Governments are not paying any interest regarding this policy due to high expenditure. Without the financial involvement also delay is taking place in implementation in this Act.

Many State Governments have to give directions for banning donations and abolishing entrances. For the implementation of this Education Act 50% seats should be allotted to poor communities in Schools which got place by government subsidies. Private Educational Institutions should come far ward for this social responsibility.

More responsibility of Teachers: Future of the students depends on the teaching ability of the teachers. Teacher is an eminent personality in the society. He has major responsibility to mould the students in to responsible citizens. Education act contains friendly teaching. Unfortunately in our country this type of qualified people is decreasing gradually the reason for this is implementing default teaching plan in our country. Teacher education should mould teachers in to skill full professionals. By this we can rectify the educational subject defects in students.

According to the Right to Education Act serial pass system should be implemented without the involvement of exams. We should not conduct public exams up to 8th class. Teachers should teach quality education for serial pass system and without conducting exams. Students should be analyzed for their capacities this is possible only for capable teachers.

According to Right to Education act central government appoint authorized institution relating to Education. This institution decides the necessary qualifications for teachers. If present teachers are not having this qualifications they should acquired that qualifications with in 5 years. And this authorized institution frames rules and regulations related to salaries and serviceconditions.

According to Right to Education Act Teachers should attend their duties properly, they should teach the lessons in specific time period. They should estimate learning capacity of student and inform the progress of students to their parents or guardians. Depending on the necessity teachers should take additional responsibilities prescribed by the RTE act.

In the RTE Act disciplinary actions against abused teachers are mentioned. Concerned Officers should take proper action so that no of Teachers scarcity should not be less than 10% in any schools. Many State Governments are allotting many other duties to Teachers like census, election duties etc., by these Teachers are facing many problems regarding Teaching matter relating to this is mentioned in Education Act.

Education Act state that Teacher should not teach in private tuitions. Education related authorized body appointed by Central and State Governments should frame students value based knowledge and complete physical improvement in students and removing their hesitations and bring out their capacities that valuation should be done.

Compulsory free education: India has signed on agreement made by UNO regarding Child Rights. According to this agreement children below 18 year of age should be given free education by Government. According to Right to Education Act children below 6 years and above 14 years are neglected. Many schools are not having facilities for basic needs. Drinking water, toilets, etc., necessary class rooms should be provided. Girls are facing problems regarding Toilets in many schools.

Midday meals should be implemented for decreasing for the absentees. Uniforms and Text Books should be given to SC, ST and BC students in time. Special care should be taken for Girl Education because approximately 50% of Girls is not joining schools. Girls who are joined in schools are becoming dropouts after 12 years of age. Right to Education Act should bring change in this situation. Many State Governments are not implementing Education Act due lack of funds.

Central State Governments should allot funds for implementing Education Act for giving Primary compulsory Education.

Constitutional features of Right to Education Act: Article 21-A: The State shall provide Right to Free and Compulsory Education to all children of the age of 6 to 14 as may be provided by law (86th Amendment, 2002) as Fundamental Right.



- ❖ Constitution Article 45: The State obligation to provide early childhood care and education for all children until they complete the age of six years Directive Principles of State Policy.
- ❖ Article 51-A (k): Fundamental duty of every parent/guardian to provide opportunities of education to his child/ward between 6 & 14 years of age.

The Right of Children to Free and Compulsory Education Act 2009 - salient features:

- ❖ It makes the Right of Children to Free and Compulsory Education justiciable. It envisages that each child must have access to a neighborhood school.
- ❖ It is enacted keeping in mind the crucial role of Universal Elementary Education for strengthening the social fabric of democracy through provision of equal opportunities to all.
- ❖ The provisions are intended not only to guarantee right to Free and Compulsory Education to children, but it also envisages imparting of quality education by providing required infrastructure and compliance.

The Andhra Pradesh Right of Children to Free and Compulsory Education Rules 2010:

- ❖ Issued vide GO. Ms. No. 20 Dated: 03.03.2011- w.e.f. 01st April'2010.
- ❖ Child belonging to Weaker Sections - a child belonging to BC, Minorities and includes OCs whose parents' income does not exceed Rs. 60,000/- Per annum.
- ❖ 'Neighborhood area of a school' means the habitations in a safe walking distance of 1 km for a Primary School, 3 kms. for an Upper Primary /High School having classes VI to VIII.
- ❖ Effect of amendment: of Rules, 2010 – Amendment vide G.O. Ms. No. 130 Dated:09.09.2011.
- ❖ Teachers' Accountability –R.22(3)(c),(d),&(e) – difficulty in ensuring 60% performance- How to ensure it? How to ensure 90% and above?- possibility of manipulation.

- ❖ Further held: However, Ss.12 (1) (c) and 18(3) of the Act infringe the fundamental freedom guaranteed to unaided minority schools under Article 30(1) (per majority).
- ❖ Held: that Article 21A, as such, does not cast any obligation on the private unaided educational institutions to provide free and compulsory education to children of the age 6 to 14 years. Article 21A casts constitutional obligation on the State to provide free and compulsory education.
- ❖ Though we have held that Right to Education Act is not applicable to nursery schools, in our opinion there cannot be any difference yardstick to be adopted for education to children up to the age of 14 years irrespective of the fact that it applies to only elementary education. It is the right time for the Government to consider the applicability of Right.

Contentious issues in implementation of the Act:

- ❖ Conflict between the Act, Article 21A, Article 45 and Article 51A (k) - E.G.: Pre School Admissions Procedure starting at age of 4 & encouraging the Schools to openly ask for "Donations" during Pre School/Nursery Admission Stage. How to curb the practice?
- ❖ Out-of-school children-How to bring them in?
- ❖ Coordination between various implementing agencies- Difficult task?
- ❖ Various kinds of schools (four under the Act)-can they afford uniform standard?

Importance of Education:

- ❖ Importance education and more importantly elementary education.
- ❖ Educating a child required more than "a teacher and a blackboard, or a classroom and a book".

Hindrances of Right to Education:

- ❖ Without teachers - leave alone good teachers - in schools and the absence of infrastructure like good laboratory does not give any meaning to the RTE act.
- ❖ Central Govt. is not taking any responsibility in Education treating it as state subject. Rather it has to be the primary motive of our centre to concentrate on universalization of education for national integration.

Conclusion:



India has a historic opportunity to elevate education and healthcare as the strongest pillars of its future development. We need to invest in 'quality of education' and 'infrastructural development'. Teachers, school buildings, books, computers and modern technologies in teaching. NGO'S and social workers can play a big role in achieving this goal. There is simple method for any development, it can be education, health and agriculture, the funds should reach the needy people. RTE implementation should be taken at war front. Promotion of merit and reduction of political control are must. Strong commitment towards rising outlays for education alone can determine India's long-term development.

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