
R.T.E. Act 2010: Its Implementation and Effect

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ABSTRACT

The need of education has been raised with the birth of child. From ancient times the effort have been made that education is provided for all children but in present time there are many children in our country who have been deprived from education. For the purpose of providing education to the deprived class, children in year 2009. RTE Act was passed and it was implemented in India from 1st April 2010.

The study was conducted to explore the awareness about the challenges of the right to free and compulsory education to the child Act 2009 and analyse the impact of the provisions in the present time for the convention and protection of child rights in India. The present article begins with historical prospective, salient features of the act, throws light on the challenges ahead and suggest ways to overcome them.

KEYWORDS: *Mapping, up to par*

The Right of Children to free and Compulsory Education Act or **Right to Education Act (RTE)** is an act of the parliament of India enacted on **4th Aug 2009** which describes the process of the importance of free and compulsory education for children between 6 and 14 in India under article 21A of the Indian Constitution. India became one of the 135 countries to make education a fundamental right of every child when the act came into force on **1st April 2010**.

The title of the RTE Act takes in the words free and compulsory education.” 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 free or charges or expenditure which may avert him or her from perusing and completing elementary education.” Compulsory Education” casts an obligation on the appropriate government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this India has moved forward to a right based structure that casts a legal commitment on the central and state governments to implement this fundamental child right as glorify in the article 21A of the constitution in accordance with the outline of the RTE Act.

Outline in the **R.T.E Act 2009** are as follows:-

1. Right of Children to free and compulsory education till fulfillment of elementary education in a neighborhood school.
2. It clarifies that compulsory education means compelled of the Belonging government to provide free elementary education and ensure compulsory admission, attendance and fulfillment of elementary education to every child in the six to fourteen age group. Free

means that no child shall be accountable to pay any kind of fee or charges in pursuance and completing elementary education.

3. It lays down the norms and standards relating paradigm to pupil teacher ratio 1:30 (PTRs), buildings and infrastructure school working days, teacher working hours.
4. It makes arrangement for a non-admitted child to be admitted to an age appropriate class.
5. It specifies the duties and responsibilities of belonging government, local authorities and parents in providing free and compulsory education and sharing of financial and other responsibilities between the central and state governments.
6. It favor for rational formation of teachers by ensuring that stated pupil teacher is maintained for each school rather than just as an average for the state or district or block. Thus ensuring that there is no urban-rural imbalance in teacher postings.
7. It furnishes for appointment of appropriate trained teachers, i.e teacher with the essential entry and academic qualifications.
8. It emphasis on the development of curriculum in consonance with the value enshrined in the constitution and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear trauma and anxiety through a system of child friendly and child centered learning.
9. It prohibits (a)Physical punishment and mental harassment;
(b) Screening procedures for admission of children;
(c) Capitation fee;
(d) Privatetutions by teachers;
(e) Running of school without recognition.

This Act make education a fundamental right of every child between the age of 6 and 14 and specifies minimum norms in elementary schools. It requires all private school(except minority institution) to reserve 25% of seats for the poor and other categories of children (to be refund by the state as part of the public-private partnership plan). Children are admitted into private school based on caste-based reservations.

It also constrain all anonymous schools from practice and makes provisions for no donation or capitation fees and no interviews of the child or parent for admission. The act also provides that no child shall be held back, exhaust, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

The World Bank education specialist of India,**Sam Carlson** has observed:

“The RTE Act is the first legislation in the world that pits the responsibility of ensuring enrolment, attendance and completion of the government. It is the parents' responsibility to send the children to schools in the US and the other countries.”

Education in the Indian constitution is a concurrent issue and Centre and states can enact laws on the issue. The act lays down specific responsibilities for the Centre, state and local bodies for its

exertion. The states have been outcry that they lack financial capacity to deliver education of appropriate standard in all schools needed for universal education.

A report on the status of implantation of the act was released by the Ministry of human resource development on the one year anniversary of the act(2011). The report admits that 8.1 million children in the age group 6-14 remain out of schools and there is a shortage of 508,000 teachers' country wide. A dusk report by the RTE forum, representing the leading education networks in the country led by Ambrish Rai (a prominent activist), however challenging the findings pointing out that several key legal undertaking are falling behind the schedule. The supreme court of India has also come between to demand utilization of the act in the north-east. It has also provided the legal base for ensuring pay resemblance between teachers in government and government aided schools.

With the **Right To Education Act** coming into force, government faces number of challenges in its implementation, especially availability of teachers and setting up of local schools. There is a shortage of nearly five lakh teachers while there are about three lakh untrained teachers at elementary stage. The model rules for the act says that state governments and local authorities will establish schools within walking distance of 1 km of the locale. In case of children for class 6-8 the school should be within a walking distance of 3 km of the locale.

Shortage of teachers and locale schools are the major challenges for implementation of the act. As per the guideline, the local bodies and the state governments will commence household surveys and neighborhood schools mapping to ensure that all children are sent to schools. Besides, there are thousands of students who are working as child labours. Providing education to such kids including the children of sex workers, will be a challenge. Nearly 92 lakh children have either dropped-out from schools or have never been to any educational institution. It will be binding on part of the local and state governments to ensure that all these children are deliver to schools.

The act percept that even private educational institutions have to reserve 25% seats for children from weaker sections but that is only in papers not in reality. The quality of education provided by the government school system is not good because there is a shortage of teachers and infrastructural gaps. Children attending the private schools are seen to be at an advantage, forming a differentiation against the weakest sections who are forced to go to government schools.

So for quality education to truly reach every child in the country that the following steps are taken:

1. Each state should prepare a guideline for utilization of the right to education with the participation of the community and other collaborator.
2. With the act coming into effect, it has been found that there is a big shortage of teachers in schools. Then states must take steps to employ more teachers and not depend on tutor or advisor to provide children with quality education.
3. School management committees should take it upon themselves to separate awareness about the act at the community level, in panchayats, so that people are encouraged to send their children to school.

4. For Powerful utilization or implementation of RTE act, states should give some sort of judicial power to the education department.
5. The Public Private Partnership (PPP) model in primary education should be avoided at all cost so that there is no economic state of education.
6. To effectively furnishing the RTE act, the human resource development ministry, labour ministry, women and child development ministry, panchayati raj ministry and rural development ministry have to work together.

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