



## Right to Education

---

 [drishtias.com/printpdf/right-to-education](https://drishtias.com/printpdf/right-to-education)

### Why in the news?

---

India's landmark Right to Education (RTE) Act, 2009 completes its decadal anniversary. Further, renewed focus on skilling and higher education, the RTE remains one of the most important catalysts for India to reap its much-anticipated “**demographic dividend.**”

### What is Right to Education?

---

Right to Education Act (RTE) provided free and compulsory education to children in 2009 and enforced it as a fundamental right under **Article 21-A.**

### Why Right to Education?

---

The Right to Education serves as a building block to ensure that every child has his or her right to get a quality elementary education.

### Constitutional Background

---

- Originally Part IV of Indian Constitution, **Article 45 and Article 39 (f) of DPSP**, had a provision for state funded as well as equitable and accessible education.
- The first official document on the Right to Education was **Ramamurti Committee Report in 1990.**
- In 1993, the Supreme Court's landmark judgment in the **Unnikrishnan JP vs State of Andhra Pradesh & Others** held that **Education is a Fundamental right flowing from Article 21.**
- **Tapas Majumdar Committee (1999)** was set up, which encompassed insertion of **Article 21A.**
- **The 86<sup>th</sup> amendment to the constitution of India in 2002**, provided **Right to Education as a fundamental right in part-III** of the Constitution.
- The same amendment inserted **Article 21A** which made Right to Education a fundamental right for children between **6-14 years.**

- The 86th amendment provided for a **follow-up legislation** for Right to Education Bill 2008 and finally **Right to Education Act 2009**.

## Feature of Right to Education (RTE) Act, 2009

---

- The RTE Act aims to provide **primary education to all children aged 6 to 14 years**.
- It enforces Education as a **Fundamental Right (Article 21)**.
- The act mandates **25% reservation for disadvantaged sections** of the society where disadvantaged groups include:
  - SCs and STs
  - Socially Backward Class
  - Differently abled
- It also makes provisions for a non-admitted child to be admitted to an **age appropriate class**.
- It also states that sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards related to:
  - Pupil Teacher Ratios (PTRs)
  - Buildings and infrastructure
  - School-working days
  - Teacher-working hours.
- It had a clause for “**No Detention Policy**” which has been **removed under The Right of Children to Free and Compulsory Education (Amendment) Act, 2019**.
- It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- It provides for the appointment of teachers with the requisite entry and academic qualifications.
- It prohibits
  - Physical punishment and mental harassment
  - Screening procedures for admission of children
  - Capitation fee
  - Private tuition by teachers
  - Running of schools without recognition
- It focuses on making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.

## Achievements of Right to Education Act,2009

---

- The RTE Act has successfully managed to increase enrolment in the upper primary level (Class 6-8).
- Stricter infrastructure norms resulted in improved school infrastructure, especially in rural areas.
- More than 3.3 million students secured admission under 25% quota norm under RTE.
- It made education inclusive and accessible nationwide.
- Removal of “no detention policy” has brought accountability in the elementary education system.
- The Government has also launched an integrated scheme, for school education named as **Samagra Shiksha Abhiyan**, which subsumes the three schemes of school education:
  - Sarva Shiksha Abhiyan (SSA)
  - Rashtriya Madhyamik Shiksha Abhiyan (RMSA)
  - Centrally Sponsored Scheme on Teacher Education (CSSTE).

## Limitation of Right to Education Act, 2009

---

- Age group for which Right to Education is available ranges from 6 – 14 years of age only, which can be made more inclusive and encompassing by expanding it to 0 – 18 years.
- There is no focus on quality of learning, as shown by multiple **ASER reports**, thus RTE Act appears to be mostly input oriented.
- Five States namely Goa, Manipur, Mizoram, Sikkim and Telangana have not even issued notification regarding 25% seats for underprivileged children of society under the RTE.
- More focus is being given over statistics of RTE rather than quality of learning.
- Lack of teachers affect pupil-teacher ratio mandated by RTE which in turn affects the quality of teaching .

## Steps to Be Taken

---

- Minority Religious Schools need to be brought under the RTE.
- More focus on teacher training programs.
- Quality of education needs to be emphasized over quantity of education.
- Steps should be taken to make the teaching profession attractive.
- Society as a whole needs to be supportive of education for children without biases.

## Way Forward

---

It has been ten years since the implementation of RTE Act, but it can be seen that it still has a long way to go to be called successful in its purpose. Creation of a conducive atmosphere and supply of resources would pave the way for a better future for individuals

as well as the nation as a whole.

### **No detention Policy**

The no-detention policy was introduced as a part of the Continuous and Comprehensive Evaluation (CCE) under the Right to Education Act (RTE) in 2010.

- Under this policy, students up to Class 8 are automatically promoted to the next class without being held back even if they do not get a passing grade.
- The policy was to ensure that no child admitted in a school shall be held back in any class or expelled from school until the completion of elementary education.

But, recently it has been removed by RTE Amendment Act, 2019.

*For Mind Map*