



Right To Education

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Why in News

Delhi High Court asked the Central government to respond to a petition against the authorities for **not deciding upon extension of free education under the Right To Education (RTE) Act to children of Economically Weaker Section (EWS) beyond Class 8 and up to Class 12 in school.**

Key Points

- **Constitutional Provisions for Right To Education:**
 - 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 the **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 **86th Constitutional Amendment in 2002**, provided Right to Education as a fundamental right in Part-III of the Constitution.
 - It **inserted Article 21A** which made Right to Education a fundamental right for children between 6-14 years.
 - It provided for a follow-up legislation **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.**
 - **Section 12(1)(c)** mandates that **non-minority private unaided schools should reserve at least 25% of seats in entry-level grades for children from economically weaker** and disadvantaged backgrounds.
 - It also makes **provisions for a non-admitted child** to be admitted to an age appropriate class.
 - It also states about **sharing of financial and other responsibilities** between the Central and State Governments.
 - Education in the Indian constitution is a **concurrent issue** and both centre and states can legislate on the issue.
 - It lays down the **norms and standards** related to: Pupil Teacher Ratios (PTRs), Buildings and infrastructure, School-working days, Teacher-working hours.
 - 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.**
- **Argument for Extension of Free Education under RTE beyond Class 8 for EWS:**
 - The **parents of children are required to pay hefty fees to unaided private schools in classes 9** and onwards which they can not afford.
 - Changing school from unaided private to government after class 8 **may affect the children's state of mind and education** and thus, an extension of the RTE benefits will ensure continuity in the education.

Reservation for Economically Weaker Section in Higher Education

- **103rd Constitutional Amendment Act** introduced an economic reservation (10% quota) in jobs and admissions in education institutes for Economically Weaker Sections (EWS) by amending Articles 15 and 16.
- It inserted **Article 15 (6) and Article 16 (6).**

- It was enacted to promote the **welfare of the poor** not covered by the 50% reservation policy for SCs, STs and **Socially and Educationally Backward Classes** (SEBC).
- It enables both Centre and the states to provide reservation to the EWS of society.

Source:IE