**Right to Education.**

The Right to Education Act (RTE) is important legislation that marks a watershed in the education system in India. With its enactment, the right to education has become a fundamental right in the country.

**Right to education act**

The Act is completely titled **“the Right of Children to Free and Compulsory Education Act”**. It was passed by the Parliament in August 2009. When the Act came into force in 2010, India became one among 135 countries where education is a fundamental right of every child.

* The 86th Constitutional Amendment (2002) inserted Article 21A in the Indian constitution which states:
* As per this, the right to education was made a fundamental and removed from the list of Directive Principles of State Policy.
* The RTE is the consequential legislation envisaged under the 86th Amendment.
* The article incorporates the word “free” in its title. What it means is that no child (other than those admitted by his/her parents in a school not supported by the government) is liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
* This Act makes it obligatory on the part of the government to ensure admission, attendance and completion of elementary education by all children falling in the age bracket six to fourteen year
* Essentially, this Act ensures free elementary education to all children in the economically weaker sections of society.

**Rte provision**

The provisions of the RTE Act are briefly described below. The Act provides for:

* The right of free and compulsory education to children until they complete their elementary education in a school in the neighbourhood.
* The Act makes it clear that ‘compulsory education’ implies that it is an obligation on the part of the government to ensure the admission, attendance and completion of elementary education of children between the ages of six and fourteen. The word ‘free’ indicates that no charge is payable by the child which may prevent him/her from completing such education.
* The Act provides for the admission of a non-admitted child to a class of his/her appropriate age.
* It mentions the duties of the respective governments, the local authorities and parents in ensuring the education of a child. It also specifies the sharing of the financial burden between the central and the state governments.
* It specifies standards and norms for Pupil Teacher Ratios (PTR), infrastructure and buildings, working days of the school and for the teachers.
* It also says there should be no urban-rural imbalance in teacher postings. The Act also provides for the prohibition of the employment of teachers for non-educational work, other than census, elections and disaster relief work.
* The Act provides that the teachers appointed should be appropriately trained and qualified.
* The Act prohibits:
  + Mental harassment and physical punishment.
  + Screening procedures for the admission of children.
  + Capitation fees.
  + Private tuition by the teachers.
  + Running schools with no recognition.
* The Act envisages that the curriculum should be developed in coherence with the values enshrined in the Indian Constitution, and that which would take care of the all-round development of the child. The curriculum should build on the knowledge of the child, on his/her potentiality and talents, help make the child free of trauma, fear and anxiety via a system that is both child-centric and child-friendly

**Significance of rte**

With the passing of the Right to Education Act, India has moved to a rights-based approach towards implementing education for all. This Act casts a legal obligation on the state and central governments to execute the fundamental rights of a child (as per Article 21 A of the Constitution).

* The Act lays down specific standards for the student-teacher ratio, which is a very important concept in providing quality education.
* It also talks about providing separate toilet facilities for girls and boys, having adequate standards for classroom conditions, drinking water facilities, etc.
* The stress on avoiding the urban-rural imbalance in teachers’ posting is important as there is a big gap in the quality and numbers regarding education in the villages compared to the urban areas in the country.
* The Act provides for zero tolerance against the harassment and discrimination of children. The prohibition of screening procedures for admission ensures that there would be no discrimination of children on the basis of caste, religion, gender, etc.
* **The Act also mandates that no kid is detained until class 8.** It introduced the Continuous Comprehensive Evaluation (CCE) system in 2009 to have grade-appropriate learning outcomes in schools.
* The Act also provides for the formation of a School Management Committee (SMC) in every school in order to promote participatory democracy and governance in all elementary schools. These committees have the authority to monitor the school’s functioning and prepare developmental plans for it.
* The Act is justiciable and has a Grievance Redressal mechanism that permits people to take action when the provisions of the Act are not complied with.
* **The RTE Act mandates for all private schools to reserve 25 per cent of their seats for children from socially disadvantaged and economically backward sections.**This move is intended to boost social inclusion and pave the way for a more just and equal country.
  + This provision is included in Section 12(1)(c) of the RTE Act. All schools (private, unaided, aided or special category) must reserve 25% of their seats at the entry-level for students from the Economically Weaker Sections (EWS) and disadvantaged groups.
  + When the rough version of the Act was drafted in 2005, there was a lot of outcry in the country against this large percentage of seats being reserved for the underprivileged. However, the framers of the draft stood their ground and were able to justify the 25% reservation in private schools.
  + This provision is a far-reaching move and perhaps the most important step in so far as **inclusive education** is concerned.
  + This provision seeks to achieve social integration.
  + The loss incurred by the schools as a result of this would be reimbursed by the central government.
* The Act has increased enrolment in the upper primary level (Class 6-8) between 2009 and 2016 by 19.4%.
* In rural areas, in 2016, only 3.3% of children in the 6 – 14 years bracket were out of school.

**Criticism of rte act**

Even though the RTE Act is a step in the right direction towards the achievement of making education truly free and compulsory in India, it has met with several criticisms. Some of the criticisms are given below:

* The Act was drafted hastily without much thought or consultation being given to the quality of education imparted.
* Children below 6 years are not covered under the Act.
* Many of the schemes under the Act have been compared to the previous schemes on education such as the Sarva Shiksha Abhiyan, and have been plagued with corruption charges and inefficiency.
* At the time of admissions, many documents such as birth certificate, BPL certificate, etc. are required. This move seems to have left out orphans from being beneficiaries of the Act.
* There have been implementational hurdles in the 25% reservation of seats for EWS and others in private schools. Some of the challenges in this regard are discriminatory behaviour towards parents and difficulties experienced by students to fit in with a different socio-cultural milieu.
* Regarding the ‘no detention’ policy till class 8, an amendment to the Act in 2019, introduced regular annual exams in classes 5 and 8.
  + In case a student fails in the annual exam, he/she is given extra training and made to appear for a re-exam. If this re-exam is not passed, the student can be detained in the class.
  + This amendment was made after many states complained that without regular exams, the learning levels of children could not be evaluated effectively.
  + The states which were against this amendment were six states with higher learning outcomes due to their effective implementation of the CCE system as mandated in the Act. (The six states were Andhra Pradesh, Karnataka, Kerala, Goa, Telangana and Maharashtra.)
* It has been found that many states find it difficult to move to the CCE system of assessment. This is chiefly due to a lack of teachers’ training and orientation.
* Another criticism levelled against the Act is that instead of increasing the standards and outcomes of the public education system in India, it passes the buck to private schools with some respect.

**Unesco contribution towards right to education**

Through its programme on the right to education, UNESCO develops, monitors and promotes education norms and standards in relation to the right to education to advance the aims of the Education 2030 Agenda. It provides [guidance, technical advice and assistance](https://www.unesco.org/en/education/right-education/support) to Member States in reviewing or developing their own legal and policy frameworks, and builds capacities, partnerships and awareness on key challenges especially in light of the [evolving education context](https://www.unesco.org/en/education/right-education/evolving).

It also supports and monitors States in their [application of legal instruments, conventions and recommendations through periodic consultations](https://www.unesco.org/en/education/right-education/monitoring), its online [Observatory on the right to education](https://en.unesco.org/themes/right-to-education/database) and the interactive tool, [Her Atlas,](https://en.unesco.org/education/girls-women-rights) which shows where in the world and to what extent women and girls have their educational rights protected by law. As part of the monitoring, UNESCO also works closely with the UN system and the Office of the High Commissioner for Human Rights.

In addition, it advocates for and promotes the right to education through [communication actions](https://en.unesco.org/themes/right-to-education/campaign) as well as research and studies on [specific components of this right](https://www.unesco.org/en/education/right-education/adaptation) such as on pre-primary education, [higher education](https://www.iesalc.unesco.org/en/the-right-to-higher-education/), and [digital learning](https://www.unesco.org/en/education/right-education/digitalization).

UNESCO mobilises, develops and fosters global partnerships to raise awareness on key issues such as the right to education of [climate-displaced persons](https://www.unesco.org/en/education/right-education/climate-change-displacement), [non-state actors in education](https://www.unesco.org/en/education/right-education/non-state-actors) and the [right to education of vulnerable groups](https://www.unesco.org/en/education/right-education/vulnerable-groups).

UNESCO has the lead role and responsibility in the field of the right to education in the United Nations system and cooperates with the following United Nations human rights bodies in monitoring the implementation of treaties and conventions relating to that right:

* [Office of the United Nations High Commissioner for Human Rights](http://www.ohchr.org/EN/pages/home.aspx)
* [UN Human Rights Committees](http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx)
* [Universal Periodic Review](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx)
* [UN Special Rapporteur on the Right to Education](http://www.ohchr.org/EN/Issues/Education/SREducation/Pages/SREducationIndex.aspx)
* [International Labour Organization](http://www.ilo.org/global/lang--en/index.htm)

UNESCO also acknowledges the importance of non-governmental organizations (NGOS), associations and the intellectual community in international cooperation and has built a network with organizations in its fields of competence including:

* [The Right to Education Initiative](http://www.right-to-education.org/) promotes mobilization and accountability on the right to education and builds bridges between human rights, development and education.
* [The International Organization for the Right to Education and Freedom of Education, OIDEL](http://www.oidel.org/?lang=en) - a non-profit NGO promoting and creating novel educational models and policies and financing options for schools

**Importance of right to education**

Education is an essential condition to free individual development. It is what can make a person fit for the tasks of citizenship. Moreover, when you are not educated, you will hardly understand politics or stay vigilant about national interests.

Thus, participation in state affairs is going to be negligible only. In other words, a citizen like that will be no less than a slave to others. This will prevent them from rising in the stature of their personality. Usually, others will make decisions for that person.

Consequently, it will be a failure of democracy. The right to education is a [civil](https://www.toppr.com/ask/en-in/question/what-was-the-civil-rights-movement/) right that safeguards individuals from all this. While it does not guarantee an identical intellectual training of everyone nonetheless, it does provide provisions for that type of education.

Without the right to education, people won’t be able to get live their life as they wish to, especially those who cannot afford it. It ensures that everyone gets an equal right to education so that we all can develop as a society without leaving anyone section out.

Thus, the right to education can be life-changing for people who wish to change their lives and break the old-age cycle. It helps individuals to get equal access to education like any other citizen without any discrimination.

**Benefits of right to education**

There are many benefits which the right to education provides us with. Firstly, it has brought many changes in society in terms of ease of education. Further, it ensures a consistent fee structure for all.

In other words, [schools](https://www.toppr.com/guides/essays/essay-on-my-school/) cannot make any sudden hikes in fees so people don’t suffer from it. After that, it also ensures that everybody gets an education easily by making it available to everyone.

A lot of underprivileged students cannot find ample resources despite having talent. Thus, it ensures that they can rightfully pursue their education. Consequently, it increases the literacy rate of a nation.

This is without a doubt a great advantage for any country. Moreover, it removes any kind of discrimination especially for people belonging to different economic backgrounds. Similarly, it applies to disabled people as well.

Most importantly, it ensures that schools offer seats to those who cannot afford to pay their fees. Thus, it helps the underprivileged people to partake in it thereby making education reach all sectors of society.

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words ‘free and compulsory’. ‘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 fee or charges or expenses which may prevent him or her from pursuing 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 rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act.

The RTE Act provides for the:

* Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
* It clarifies that ‘compulsory education’ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. ‘Free’ means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
* It makes provisions for a non-admitted child to be admitted to an age appropriate class.
* It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
* It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.
* It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio 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. 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 appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
* It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
* It provides for development of curriculum in consonance with the values 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