



Right to Education Act 2009: Major Issues and Challenges

KEYWORDS

Adequacy, Quality of Life, Homemaker, Scales, Reliability and Validity.

Dr. D. Hassan

Assistant Professor, Department of Education, Acharya Nagarjuna University, Ongole Campus, Ongole

Education has continued to evolve, diversify and extend its reach and coverage since the dawn of human history. Every country develops its system of education to express and promote its unique socio-cultural identity and also to meet the challenges of the times. Twentieth century is generally known as century of Asia where India played an important role. Former president of India Mr. Abdul Kalam has made a blue print where India has to emerge as a developed nation by 2020 (Kalam 1998). Presently, India has emerged as a leading nation in the world in software, pharmaceutical automobile and number of other industries. On the basis of purchasing power parity method, Indian economy is the 4th largest economy in the world and likely to be 3rd largest by 2025. India has a third largest pool of technical and scientific man power. Nevertheless, there is another part of the story also. According to UNESCO data largest numbers of illiterate people of the world are in India. According to 2001 census, the female literacy in India is around 50 percent. In other words, half of the female population of the country is illiterate. The number of child labour in India is the highest in the world and most important reason for this is the prevailing illiteracy amongst the vast majority of Indian population. Obviously, no worthwhile transformation of Indian society is possible without bringing the entire population of India under the net of education.

In the post-independence era, numbers of steps were initiated in this direction. The preamble of Indian constitution emphasized the need for equal opportunities for the entire population of the country irrespective of caste, creed or religion. In our national perception education is essentially for all. This is fundamental for all-round development, material and spiritual. Education has an acculturating role. It refines sensitivities and perceptions that contribute to national cohesion, a scientific temper and independence of mind and spirit- thus furthering the goals of socialism, secularism and democracy enshrined in our Constitution. Education develops manpower for different levels of the economy.

It is also the substrate on which research and development flourish, being the ultimate guarantee of national self-reliance. In sum, Education is a unique investment in the present and the future. This cardinal principle is the key to the National Policy on Education.

The Constitution of India in Articles 21A, 24 and 39 of the Directive Principles of State Policy pledges its commitment towards the cause for upliftment of children (www.labour.nic.in). According to the Article 21A, the State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State, by law, may determine (Raina 2008). Article 24 prohibited of employment of children in factories, etc. No child below the age of fourteen years shall be employed in work in any factory or mine or engaged in any other hazardous employment. Article 39- the state shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. Apart from constitutional provisions, the Government of India initiated various educational

policies to achieve the goal of Universalization of education.

Education is fundamental to nations's all round development, material and spiritual. Education has an acculturating role. It refines sensitive's and perceptions that contribute to national cohesion, a scientific temper and independence of mind and spirit thus furthering the goals of socialism, secularism and democracy enshrined in our Constitution. Education develops manpower for different levels of the economy. It is also the substrate on which research and development flourish, being the ultimate guarantee of national self-reliance. In sum Education is a unique investment in the present and the future. This cardinal principle is the key to the national policy on Education.

Right of Children to Free and Compulsory Education Act, 2009

The Right of Children to Free and Compulsory Education Act, 2009 received the assent of the president of India in August 2009. The main provisions of the Act are:

- The debates on the Right to Education is Solution Exchange,
- Innovative approaches to universalizing basic education
- Legislation for the Right to Education
- Advocacy Material on Children's Right to Free and Compulsory Education
- Right to Education Act
- Role of Local Governance System in Implementation of Right to Education Act.

Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The right to education act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee. The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

Main features of Right to Education 2009 Act

- Free and compulsory education to all children of India in the 6 to 14 age groups
- No child shall be held back, expelled, or required to pass a board examination until Completion of elementary education
- A child above six years of age has not been admitted any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; as may be prescribed; Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.
- For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration

Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof.

- A child who completes elementary education shall be awarded a certificate;
- There will be a 25 percent reservation for economically disadvantaged communities in admission to Class One in all Private schools;
- Schools will need adequate professional degree within five years or else will lose job;
- Financial burden will be shared between state and central government.

The act can be considered as a major revolutionary step in the direction of Universalization of education in India; however, the goal of 100 percent literacy in India is still a far cry. Therefore, in order to achieve the described results, it is important to analyze the socio- economic constrictions prevailing in the country.

Management Decentralization –focus on Schools and Panchayats

- Every School to have School Management Committee
- Issues of freedom for private managements with Government aid – also for minority managed institutions
- Awareness and Capacity Building at school level
- Monitoring the implementation – panchayati raj bodies are given the first responsibility
- Monitor school functioning as well as participation of children in schooling
- Are they prepared and willing to take up the task? How will they actually ensure?

Involving Private Self-Financing Schools

- Ensuring compliance externally is difficult and may become messy – onus is placed on the school
- Disclosure of lists of children taken in this category
- Periodic Social audits that report on the level of conformity

- Contentious issue – but blown out of proportion – only the top 5-10% private schools are likely to contest – currently Supreme Court is hearing the case
- Private school participation may not significantly influence achieving the goal of universal elementary education – but it is very important for making schools inclusive spaces

Redefining the Role of NGOs

- Government alone without civil society involvement cannot fully implement the RTE
- But the engagement of NGOs and the Government requires to be redrawn afresh.
- There is need to mobilize parents as well as school and local authorities in favour of the Act; State Governments also have to accept a sense of urgency – Possibly NGOs and Governments have to work together to make this happen and make the Right of Education of every child a reality

Meeting Financial Requirements

- Is this an issue? Yes it could be as we go ahead – but not immediately
- Innovative strategies – surcharge on taxes has helped significantly
- Bigger challenge is to create capacity for effective utilization funds at the local level –
- If all schools prepare good school development plans, begin improving their quality of work, and become effective in utilizing resources - one is likely to face a challenge of resources – but that will be a welcome challenge!!

REFERENCE

1. Besharov, Douglas J. Recognizing Child Abuse: A Guide for the concerned. New York: Free Press, 1990. | 2. Bianchi, Anne. Understanding the Law: A Teen Guide to Family Court and Minors' Rights. New York: Rosen, 2000. | 3. Kalam Abdul APJ, India 2020: A Vision for the New Millennium, Penguin Books, New Delhi. 1998. | 4. Mnookin, Robert H., and D. Kelly Weisberg. Child, family, and state: Problems and Materials on Children and the Law. | 5. Gaithersburg MD: Aspen Law and Business, 2000. | 6. Ramsey, Sarah H., and Douglas E. Adams. Children and the Law in Nutshell. 2nd ed. St. Paul, MN : Thomson/West,2003. | 7. Raina Vinod, Child Rights, Rights to Education Bill 2008, Yojna, November 2008.P.5. | 8. The Hindu, December 9, 2009. | 9. World Development Report 2009, | 10. Yojna, November 2008. (Editorial) | Sites | <http://www.Labour.nic.in/cwl/ChildLabour.htm> | <http://www.icbse.com/2010/education-rte-act-2009/> | <http://www.unicef.ca/portal/SmartDefault.aspx?at=2086&gclid=CPmqnsCF-qQCFcZA6wodZS8bhg> | <http://www.indg.in/primary-education/policiesandschemes/right-to-education-bill> | http://www.ndtv.com/news/india/parliament_passes_landmark_right_to_education-bill.ppha.