

Implementation of the Right of Children and Compulsory Education Act, 2009: An Analytical Study



Political Science

KEYWORDS : Education, Children, State, Compulsory, Act.

Dr. Badal Sarkar

Assistant Professor of Political Science, University of Gour Banga, Malda, W.B.

ABSTRACT

In this paper an attempt is made to explore the right to education as fundamental right. The Constitution of India provides special measures in articles 29 and 30 to protect the rights of the minorities. Article 29 provides that any section of the citizens residing in any part of India having a distinct language and a script or culture of its own has the right to conserve and develop it. Article 29 grants protection to both religious minorities as well as linguistic authority. Article 30 declares that all minorities, religious and linguistic can set up their own educational institutions to preserve and develop their own culture.

The Right of Children to Free and Compulsory Education Act 2009: Under the 86th Constitutional Amendment Act in 2002 inserted article 21A in the Indian Constitution. Article 21A declares that the state shall provide free and compulsory education to all children in the age group of 6-14 years as a fundamental right in such a manner as the state may, by law, determine. This provision is a major milestone in the country's aim to achieve 'Education for All'. Even before this provision, the constitution contained a provision for free and compulsory education for children under article 45 in Part IV i.e. in the Directive Principles of State Policy, but it was not enforceable by the courts. This amendment changed the subject matter of article 45 of the directive principles. 'The state shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years'. This amendment added a new fundamental duty under article 51A that reads "It shall be the duty of every citizen of India to provide opportunities for education to his children. The right of children to Free and Compulsory Education (RTE) Act 2009, which represents the consequential legislation envisaged under Article 21A, 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 21A and the RTE Act came into force on 1st April 2010. This act is called the Right of Children to Free and Compulsory Education act 2009.

Implementing the RTE: India has initiated a wide range of programmes for achieving the goals of UEE such as Operation Black Board, Shiksha Karmi project, Lok Jumbish Programme, Mahila Samakha, District Primary Education Programme etc. By several departments of the Government of India are implementing some scheme such as MDM Scheme of the Department of School Education and Literacy for providing a noon meal to children, The Total Sanitation Campaign (TSC) and the Drinking Water Mission (DWM) under the Ministry of Rural Development to providing drinking water and the toilets in school areas, The National Child Labour Project (NCLP) under the Ministry of Labour to provide special schools for the child labour, the residential facilities for SCs/STs children under the Ministry of Social Justice, the Integrated Child Development Services for pre-primary education under the Ministry of Women and Child Development, the School Health Programme under the Ministry of Health and Family Welfare and the Teacher Education of the Department of Elementary and School Education and others. Sarva Shiksha Abhiyan, Mid Day Meal, Rastriya Madhik Shiksha Abhiyan etc. are the major programmes of achieving the RTE of 2009.

Sarva Shiksha Abhiyan: SSA is a Indian Governmental programme aimed at the universalisation of elementary education "in a time bound manner" as mandated under 86th constitutional amendment act to provide free and compulsory education to children of ages 6-14 years as fundamental right. Prime Minister Atal Behari Vajpayee was the pioneer of the programme. Its roots were in 1993-1994 when District Primary Education Programme (DPEP) was launched with aiming of achieving the universal primary education. As an intervention programme, SSA has been functioning since 2000-2001. The RTE came into force on 1st April 2010. Its goals were-

- i. Open new schools in those habitations which do not have schooling facilities and strengthen existing school infrastructure through provision of additional class rooms, toilets drinking water and others related issues.
- ii. Address inadequate teachers and provides training to the teachers for development of their skills.
- iii. Provide quality elementary education including life skills with a special focus on the education of girls and children with special needs as well as computer education.
- iv. SSA provides for children's right to an education of equitable quality without discrimination etc.
- v. The programme provides for children's right to an education that is free from fear, stress and anxiety.

With the progress of RTE Act 2009, changes have been incorporated into the SSA approach, strategies and norms.

- i. To improve the RTE Act 2009, school to be established within in neighbourhood as lay down by the state government.
- ii. All existing EGS centres that have been working for two years or more closed down. No new EGS centres to be sanctioned from 2010-2011 onwards.
- iii. Special training to be provided to the drop-out children through residential courses.
- iv. Equal opportunities should be provided to the disadvantaged groups such as children of SCs/STs, Muslim Minority, landless agriculture workers and children with special needs.
- v. To bring a basic change in the status of women co-educational institutions both for boys and girls will establish.

Mid Day Meal Scheme: The world's largest school feeding programme is now Mid Day Meal Scheme covering 12 crore children in over 12.65 lakhs schools in India. It has its own long history providing nutritious food to the student studying in primary school. At first a MDM Programme was introduced for down-trodden children in Madras Municipal Corporation in 1925. The three states like Gujarat, Kerala and Tamilnadu had started a cooked Mid Day Meal programme with their own resources' for studying primary children in 1980. By 1990-1991, the 12 states of India had launched this programme as universal cooked MDM for children. On 15th August 1995, National Programme of nutritional Support to Primary Education (NP-NSPE) was launched as a centrally sponsored scheme and initially it was covered in 2408 blocks in the country. By 1997-1998, NP-NSPE was introduced in all blocks of the India. In 2002, it was extended not only in classes' I-V government, government aided and local body schools, it reached in children studying in Education Guarantee Scheme (EGS) and Alternative Innovative Education (AIE) centres. In September 2004 and in July 2006, this scheme was revised and central assistance to the states has increased. In October 2007, the scheme (NP-NSPE) has been revised to cover children in upper primary i.e. classes VI-VIII. Initially it is covered in 3479 Educational Backwards Blocks (EBBs). Around 1.7 crore upper primary children were included under this scheme. From 2008-2009 the programme covered all children studying in government, government aided, local body schools, EGS, AIE centres including Madrasa and Maqtab supported under SSA of all areas across the country. During 2009-2010, 8.41 crore in

primary children and 3.36 crore in upper primary children i.e. (8.41 crore+3.36 crore) =11.77 crore children were estimated to be benefited from MDM Scheme. 11.04 Crore children were covered under MDM Scheme during 2009-2010. During 2010-2011, (7.97 crore in primary and 3.39 in upper primary) i.e. 11.36 crore children were expected to covered in 12.63 lakhs institutions.

Presently, at secondary stage i.e. class IX to XII are being implemented in the form of centrally sponsored schemes such as Rastriya Madhyamic Shiksha Abhiyan(RMSA), Model School Scheme, Girls' Hostel Scheme, ICT @ Schools, Inclusive Education for Disabled at Secondary Stage, Scheme of Vocational Education, National Means-Cum Merit Scholarship Scheme, National Incentive to Girls, and Appointment of Language Teachers. Besides these, Navodaya Vidyalaya Sangathan (NVS), Central Tibetan Schools Administration (CTSA), Indo-Mongolian Schools are being implemented. The Ministry of Human Resource Development (MHRD) is implementing various schemes in Educationally Backwards Blocks (EBBS) such as Model schools, Construction of Girls' Hostel, Kasturba Gandhi Vidyalaya (KGV) etc.

Rastriya Madhyamic Shiksha Abhiyan: To enhance access to secondary education and to improve its equality the Rastriya Madhyamic Shiksha Abhiyan was launched in March 2009 which came into force from 2009-2010. It is started to imparting quality education at secondary education and for abolition of gender discriminations, socio-economic disparities and disability barriers, providing universal access to secondary level education by 2017, i.e. by the end of 12th Five Year Plans and achieving universal retention by 2020. Prime Minister Dr. Manmohan Singh, in his Independence Day speech of 2007 announced to establish the model schools to provide quality education to talented rural children through setting up of 6000 model schools at the rate of 1 school per block. This scheme was started in November 2008.

After the enactment of RTE 2009, the several states governments and union territories have been attempts for implementing and

adopted the provisions of the act except for Goa and Karnataka, which are yet to notify the state Rte rules. Many states have issued the rules of Rte such as banning capitation fees, corporal punishment, detention and expulsion and private tuition by school teachers, specifying the working days or hours and constituting the SCPCR or REPA. The central government has taken various steps for implementation of the RTE Act. The NCTE and the NCERT have been notified as the academic authorities under sections 23(1) and 29 (29) of the RET Act respectively. The NAC has been constituted under Section 33(1) of the Act.

Conclusion: Like Right to Information Act and National Employment Guarantee Act of UPA government the Right to Free and Compulsory Education of 2009 is another major achievement of UPA government. Under article 29 and 30, the government was not responsible to provide the education to the children, but under the new act the appropriate government i.e. Central Government, State Government, Administrator of Union Territories, Municipality, Municipal Corporation, Nagar Panchayats, Panchayats and others local body are responsible to provide the elementary education to the students. The new act recognised the elementary education as fundamental right. It is appreciable, but the discriminations and also disparities have emerged between the students of urban areas and the students of rural areas. The guardians of the urban areas students are more conscious than the guardians of the rural areas. The students and the guardians of the rural areas have felt that needless to study with seriously because there is no back system in education. The guardians of the rural areas feeling that it is the leisure time of education. So it is easy way to engage with another works to help economically to their families. These tendencies will return with boomerang on their shoulders in future. The principles of the abolition of screening procedure to get admission, abolition of back in any class or expelled from school till the completion of elementary education may hold breakdown the backbone of India's education system in future.

REFERENCE

1. The Gazette of India, The Right of Children to Free and Compulsory Education, 2009, New Delhi, Thursday, August 27, 2009. | 2. Added by the 86th Constitutional Amendment Act of 2002, Government of India. | 3. Article 45 of Part IV says- 'The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years. | 4. Article 51A says -It shall be the duty of every citizen of India to provide opportunities for education to his child or ward between the age of six and fourteen years. | 5. Press Information Bureau, 25th November 2013, Ministry of Human Resource Development, Government of India. | 6. <http://ssa.nic.in/> | 7. Mid Day Meal Scheme (2009), Ministry of Human Resource Development, Department of School Education and Literacy, Government of India. | 8. Rastriya Madhyamic Shiksha Abhiyan (2009) Ministry of Human Resource Development, Department of School Education and Literacy, Government of India. |