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# **Fundamental Right to Education in India**

**Sidrah Jami**

## ABSTRACT

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*Education is one of the most important aspects which is required for the development of the country. Firstly, the paper focuses on the concept of the Right to Education. The government implemented this act to increase the education level of children in India. The act focuses on providing free and compulsory education to all kinds of children belonging to the category of six to fourteen years and whether they belong to the rich section or weaker section of the society. It provides that equal opportunity should be given to children for increasing the education capacity of children. Thirdly the paper focuses on Sarva Shikshya Abhiyaan which is another important program that was initiated by the government. The government also implemented the National Curriculum Framework, National Policy on Education and started the Mid Day meal Program. Fourthly, we also focused on some of the important provisions given under the Act related to education, early childhood care, physical punishment, capitation fees. It also emphasised on the provision of School Management Committee which looked after the planning, monitoring and development of the school. Judiciary, media and social organisations also play a major role in achieving all the goals of the Right to Education act. Lastly, it focuses on the conclusion and suggestive measures that should be taken by the government to protect the education rights of children.*

## INTRODUCTION

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Education is a significant and most important essential pre-requisite of human life. It is the sole premise of the development of human civilisation.

It plays a crucial role in the development of the personality and well being of a child. Without education, a person is not able to achieve his goals. The education of children is mostly ignored because of the financial pressure of the families. Children are forced by their families to work and earn money instead of going to school.

**Directive Principles** given under the Constitution provides free and compulsory education. The government ensured that every person should be getting proper education and facilities. In 2002, the Indian Constitution was amended by the Parliament and later inserted the Right to Education as a Fundamental Right. In 2009, the Parliament implemented Right to children to free and compulsory Education Act. There are various laws implemented for the promulgation of education.

## **THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009**

The Right to Education Act got its consent from the president on 26 August 2009. It was instituted to provide free and compulsory education to all kinds of children from the age of 6 to 14 years. It concentrated on legitimate elementary education and on the challenges faced by the weaker groups of the society. A significant part of the RTE Act was to give an equivalent chance and opportunity regardless of gender, religion, class and race.

It has been a milestone enactment that tries to understand education as a basic right. However, it is being seen as a not well-drafted enactment. Numerous schools in the nation despite everything, still experience the ill effects of the absence of clean drinking water, play areas or the essential framework recommended by the Act. There are still instances of beating and physical force which has been prohibited by RTE. It shows that bureaucratic lack of concern and frail institutional systems are a few factors that have added to poor and less critical usage of the Act

## **SARVA SHIKSHA ABHIYAN**

The Sarva Shiksha Abhiyaan or SSA began in 2000-2001 under the HRD ministry Government of India to oblige a combination of intercessions for comprehensive access and support, disregarding gender and social class holes in rudimentary instruction and improving the training learning. It focuses on the opening of new schools, improvement of schools and additional examination corridors, improving latrines and drinking water, normal instructor in administration preparing and scholarly asset support, free course books and garbs for improving learning achievement levels result. There have been various changes united into the SSA approach, frameworks and measures. **National Curriculum Framework in 2005** was implemented for education planning and management. The government concentrated on providing equal opportunities and conditions to marginalised sections of society. It ensured that a school becomes accessible to all children.

The government likewise executed **National Policy on Education** to bring an essential change in the status of females. It focused on propelling them to develop and create an atmosphere in the classroom, which will help in creating a comprehensive domain for girls from weaker groups.



In 2002, the Right to Education became a Fundamental right. The government has implemented different programs for the poor sections of the society. It also implemented the “**Mid-day Meal**”. The government played a crucial role in empowering and motivating the children and in achieving the objectives of the RTE Act. The act provides the removal of barriers and provides equal opportunities for the development of children.

There are different boundaries in the path of providing education in areas. The right to education act focuses on important aspects:

- 1) Equal opportunities for Education
- 2) Eradicating the boundaries in the path of education
- 3) Reduction of the rate of Dropouts.

There are different purposes behind dropouts like early marriage, poor economic conditions, lack of exposure, safety and security, less per capita income, poor performance, absence of awareness, poor health. There are also practical reasons like the infrastructure issues, the distance of schools, thinking of teachers that discourage the implementation of the RTE Act.

### **CRITICAL ANALYSIS OF THE RTE ACT**

RTE act provides various provisions for the proper education of children. The government of India implemented this act for the fulfilment of the education need in society. There have been a number of children who've been deprived of the education facility which is available to them in rural and urban areas. One of the most common reasons for the children not going to school is the lack of awareness. Families that belong to the weaker sections of society and are not financially stable, children are forced to work in the industries because of the monetary pressure.

In India, children below the age of fourteen years of age work in hazardous industries which involves bidi making or bangle industry. The government has made strict provisions regarding the working of children in hazardous industries and has made provisions that focus on sending children to school.

**Section 4 of the Act** provides special provision for children not admitted or who have not finished elementary education. It provides that children above six years who have not been admitted to any school, or have not completed their elementary education and have dropped out will be allowed to be admitted to a school according to their age.

**Section 11 of the Act** lays down duty on the government that it should provide early childhood care and education above three years of age until six years of age. It focuses on pre-school education and preparing children for basic school.

**Section 13 of the Act** provides that the acceptance of capitation fees is not allowed in schools and any kind of screening procedure for the admission of a child is also prohibited under this act.

**Section 17 of the Act** emphasis on prohibition for physical punishment and mental provocation. The government has made laws that the teachers are not allowed to use physical or mental force and on students.

**Section 21 of the Act** concentrated on establishing the School Management Committee. It focuses on performing different functions like:

- (a) monitoring and planning the working mechanism of the school;
- (b) preparing a development plan of a school
- (c) utilising the grants received from the appropriate Government or local authority.

It plays an important role to play in developing a healthy and motivating environment for the proper education of children.

## **RIGHT TO EDUCATION AND JUDICIARY**

The Right to Education Act is authorised by the Judiciary. Courts as a statutory body for resolving issues when a proper body is absent. In 2014, a PIL was filed by National Coalition for Education in SC which provided a report that about 3.77 crores children who were between the age of 6 to 14 years were admitted to schools. However, the judiciary alone can't secure the rights of the citizens because of a lack of absence of information and awareness.

## **RIGHT TO EDUCATION AND MEDIA**

Media plays a significant role in imparting education amongst the children. It should go to rural and backward areas and should provide a detailed study and coverage of schools there. It is accepted by every person of the nation, therefore should give proper news and bulletins regarding the schools.

Media should also do string operations to bring out the issue of high capitation fees taken by schools during admission. They should make programs to make the citizens of the country aware.

## **RIGHT TO EDUCATION AND SOCIAL ORGANISATIONS**

Social organisations also play a very crucial role in today's world. Children are the most vulnerable section in society. Often they are mistreated because of lack of financial help and support. In some instances, children are not able to attend school because of the poor salaries of the marginalised groups.

Social organisations should provide them basic support so that every child is able to go to schools to receive elementary education. Therefore all the pillars of the should work together to achieve the goals and objectives of the Right to Education Act.

## **SUGGESTIONS**

Some of the suggestions which can be done to improve the level of Education are

- 1) Firstly, the age of free and compulsory education should be changed for the children belonging to 3 to 18 years of age group.
- 2) Secondly, the private school should ensure and safeguard that proper treatment is given to weaker and marginalised students in schools.
- 3) Thirdly, teachers with proper and exemplary knowledge should be kept for teaching students in rural and metropolitan areas.
- 4) Fourthly, the state should provide lesser fees criteria for children who belong to weaker sections.

## CONCLUSION

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Education is the best platform to remove all the hindrances and obstacles from social and personal life. Without education, the growth of individuals and society as a whole is next to impossible. Therefore we have seen education is an important aspect of growing and enhancing a child's personality. It helps in the development and growth of the child. The legislature should implement laws and amend the statutes according to the changes in society. The government and various other agencies should take steps to ensure proper education for every individual. The government should implement nationwide programs for creating awareness amongst the societies in rural and urban areas.

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