



Education for all- right to education ACT, 2010

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Abstract: *The right to education is a universal entitlement to education, recognized in the International convenient on economic, social and cultural rights as a human right that includes the right to free compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of five higher education. The right to education to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. The state government shall enable constituting a cell in the state commission for protection of child rights or the KEPA as the case may be which may assist the commission or the REPA in performance of its function of its function under the act.*

Key words: *right to education, Indian constitution, child rights*

Introduction:

"By education, I mean an all-round drawing of the best in child and man in body, minds and spirit"- Gandhi

The right to education is a universal entitlement to education. This is recognized in the International Covenant on Economic, Social and Cultural Rights as a human right that includes the right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education.

The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to these

access to education provisions, the right to education encompasses the obligation to rule out discrimination at all levels of the educational system, to set minimum standards and to improve the quality of education.

Right to Education Act is an act of the Parliament of India enacted on 4th August, 2009, which describes the modalities of the importance of free and compulsory education for children between 6-14 year in India under A-21a of the "Indian constitution". India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1st April, 2010.

In the first time in the history of India a Law was brought into force by a speech by the Prime Minister. In his speech Manmohan Singh, Prime Minister of India started that "We are committed to ensuring that all children, An



education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India act 2009 stipulates that private schools 25% of seats for weaker sections.

The right to education is a universal entitlement to education, recognized in the International Convention on Economic, Social and Cultural Rights as a human right that includes the right to free compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education. The right to education to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education.

Fulfilling the right to education

The fulfillments of the right to education can be assessed using the 4 As framework. The 4 As framework proposed that government, as the prime duty-bearer has to respect, protect and fulfill the right to education by making education available, accessible, acceptable and adaptable. The framework also places duties on other stakeholders in the education process the child, which is the duty to comply with compulsory education requirements, the parents are the first educators and professional educators, namely teachers.

Funded by governments, education is universal, free and compulsory. There should be proper infrastructure and facilities in place with adequate books and materials for students. Buildings should meet both safety and sanitation standards, such as having clean drinking water. Active recruitment, proper training and appropriate retention methods should ensure that enough qualified staff is available at each school.

All children should have equal access to school services regardless of gender, race, religion, ethnicity or socio-economic status. Efforts should be made to ensure the inclusion.

Education narrowly refers to formal institutional institutions. Generally, international instruments use the term in this sense and the right to education, as protected by international human rights instruments, refers primarily to education free from discrimination. In education, the right to education defines education in

Article 1(2) as "all types and levels of education, including access to education". "The standard and quality of education and the conditions under which it is given". The European Court of Human Rights has defined education in a narrow sense as teaching or instruction, in particular to the transmission of knowledge and to intellectual development and in a broader sense as the whole process whereby in any society adults endeavour to transmit their beliefs, culture and other values to the young".



International Legal Basis

The right to education is reflected in international law in Article 26 of the Universal declaration of Human Right and Articles 13 & 14 of the international covenant on economic, social and cultural rights.

The right to education has been reaffirmed in the 1960 UNESCO convention against discrimination in education. The 1981 convention on the elimination of all forms of discrimination against women, and the 2006 convention on the Rights of persons with disabilities. In a wider sense education may disobey all activities by which a human group transmits to its descendents a body of knowledge and skills and a moral code which enable the group to subsist. In this sense education refers to the transmission to subsequent generation of those skills needed to perform tasks of daily living, and further passing on the social, cultural, spiritual and philosophical values job particular community. The wider meaning of education has been recognized in article 2(a) of UNESCO 1974. Recommendation concerning education for international understanding co-operation and peace and education relating to human rights and fundamental freedoms this article states that education implies.

In Europe article 2 of the first protocol of 20 March, 1952 to the European convention on Economic, Social and Cultural rights, the right to education includes the right to free, compulsory primary education an obligation to develop secondary education accessible to all in particular by the progressive introduction of free secondary education, as well as obligation

to develop equitable access to higher education in particular by the progressive introduction of free higher education.

The right to education also includes a responsibility to provide basic education. In addition to these access to education provisions. The right to education encompasses also the obligation to eliminate discrimination at all levels of the education system to set minimum standards and to improve quality.

The European court of Human Rights in Strasbourg has applied this norm for example in the Belgian linguistic case. Article 10 of the European Social charter guaranties the right to vocational education.

Rules for teachers and schools to implement Right to education Act

Admission of children belonging to weaker section and distinguished group of the purposes of clause © to section 12 (1)

The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause © to section 12 (1) shall not be discriminated from the rest of the children in any manner pertaining to entitlement and facilities such as text books, ICT facilities extra-cultural and sports.

The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause © to section 12 (1) shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings



different from the classes held for the other children.

It shall be provided in classes held on the premises of the school through classes organized in safe residential facilities.

The area of limits of neighborhood specified in rule 4 (1) shall apply to admissions made in pursuance of clause © to section 12 (1)

I shall be provided by teachers working in the school, or by teachers specially appointed for the purposes.

Provided that the school may for the purpose of filling up the requisite percentage of seats for children referred to in clause © to section 12 (1) extend these limits with the prior approval of the state government.

The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.

The child shall, upon introduction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class academically and emotionally.

Areas or limits for the purpose of section 6. In respect of children in classes VI – VIII, a school shall be established with in a walking distance 3 kms of the neighborhood. In respect of children in classes I – VI a school shall be established with in a walking distance of one km of the neighborhood. The areas or limits of

neighborhood with in which a school has to be established by the state govt. shall be as under.

Wherever required the state govt. shall upgrade existing schools with classes I-V to introduced classes VI – VIII. In respect of schools which start from class VI onwards the state government required.

In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the state govt. / local authorities shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub rule (1)

The record refers to in the sub rule (1) shall be maintained transparently in the public domain, and under for the purpose of clause 9 (c) of section 9.

For children from small hamlets as identified by the state government / local authorities where no school exists within the area or limit of neighborhood specified under sub-rule (1) above, the state government / local authority shall make adequate arrangements, such as free transportation, residential facilities and other facilities for providing elementary education in a school, in relaxation of the limits specified under sub-rule (1).

In areas with high population density the state government/ local authority may consider establishment of more than one neighborhood school, giving having, regard to the number of children in the age group of 6-14 years in such areas. The local authority shall ensure that the names of all children



enrolled in the schools under its jurisdiction are displayed in each school. The record referred to in sub-rule (1) shall, in respect of every child include.

Name, sex date of birth, place of birth Parents, guardians, names address occupation, Pre-primary school / Anganwadi centre that the child attends up to age 6, Elementary school where the child is admitted, Present address of the child, Class in which the child is studying / for the children between age 6-14 and if education is discontinued in the territorial jurisdiction of the local authority the cause of such discontinuance.

Whether the child belongs to the weaker section within the meaning of clause © of section 2 of the act. Whether the child belongs to a discontinued group which in the meaning of clause (d) of section 2 of the act details of children requiring special facilities / residential facilities on account of migration and sparse population age of appropriate admission disability.

Protection of child Rights:

Performance of functions by the state commission for protection of child rights for the purpose of section 31

In respect of state which does not have a state commission for protection of child rights, the state government may take intermediate steps to set up the commission.

Till such time as the state government sets up commission it shall constitute an intern authority known as the right to education protection authority for the purpose of performing the functions specified in subsection (1)

of section 31 within six months of the commencement of art or the constitution of the state commission for protection of child rights which never is earlier.

Legal protection

The national commission for protection of child rights rules, 2006 shall so far as pertains to the terms and conditions, mutatis mutandis apply to chairpersons and other members of the REPA

All records and assets of the REPA shall be transferred to the state commission for protection of child rights immediately after its constitution.

In performance of functions the state commission for protection of child rights or the REPA as the case may be, may also act upon matters referred to it by the state advisory council.

The state government shall enable constituting a cell in the state commission for protection of child rights or the KEPA as the case may be which may assist the commission or the REPA in performance of its function of its function under the act.

All complaints to the helpline should be mentioned through a transport alert and action on-line mechanism by the state commission for protection of child rights or the REPA as the case may be

Implementation of Right to Education Act

Interaction law does not protect the right to preprimary education and international documents generally unit references to education at this. Level the universal declaration of human rights states that everyone has the right to



Education; hence the right applies to all individuals although children are understood as the main beneficiaries.

The right to education is separated into three levels.

Primary Education: - This shall be compulsory and free for any child regardless of their nationality, gender, place of birth or any other discrimination upon ratifying the international covenant on economic, social and cultural right states must provide free primary education within two years.

Secondary (or) Elementary: - Technical and professional in the UDHR education must be generally available and accessible.

Higher Education: - At the university level should be provided according to capacity meets the necessary education standards should be able to go to University.

Both secondary and higher education shall be made accessible by every appropriate means and in particular by the progressive introduction of free education.

Draw backs in “Right to Education Act:-

The major drawback of the prevailing system of education is that it is not easily affordable today in India more than 37% people are living below poverty line.

The government schools have not been able to perform as expected and they don't possess a good image among people. The next option is the private institutions who give degrees from private to post graduates. But they are

very costly and also the admission procedure is too complicated for common man to access. People in some parts of the country are still conservatives and apprehend modern system of education.

The privatization in all sectors is the major drawback.

There is a craze among people for some particular courses with equal opportunities are simply rejected. This has led to the business of coaching as there are more aspirants than seats available in some institutions and for some courses.

Also there are some slips taken by the government which lend to promote a particular field and are set back for some students.

Steps to Improve:-

Following steps can be taken to improve the current education system and bring it in everyone reach.

- The government should take steps to increase the number of primary schools so that people of each village can get education easily.
- There should be more emphasis given on about education as it is necessary to teach the parents and guardians first so that they become keen towards their wards education.
- The role of the private institutions should be made restricted and so that people don't depend too much on them. In this way they will not be taking high amount of fees as they want.
- The condition of the government colleges and institutions should be raised to a reasonable level.



- New curriculum should replace the old ones so as to provide latest knowledge to student.
 - There should be strict laws regarding the cheating the coaching centers.
 - Also the system of education should be made free of corruption.
 - Everyone should be given equal opportunity without discriminating on the basis of rich and poor as on the basis of gender.
 - Education loans should be made available easily that even poor students can afford high level of education.
 - Especially girl's education should be given top most priority.
- National Curriculum Framework for Teacher Education, N.C.T.E., New Delhi, 2009–10.
 - National Policy on Education 1986, Programme of Action, 1992, Ministry of Human Resource Development, Department of Education, Govt. of India, 1993

Conclusion:-

The conclusion that we can draw is that even in the modern time in India can be given back its status of a wealthy knowledge full and full of ethics and moral beauty. The only step to be taken is to improve ourselves and there is a need of strict laws to appreciate the good ones and to finish the wrong ones. How to improve the system of education? And the answer is "education". The only way to improve education is education.

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