

1.1 Introduction

The Right of Children to Free and Compulsory Education Act / (RTE) Act 2009, describes the modalities of the importance of free and compulsory education for children between 6 and 14 in India under Article 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 1 April, 2010. The enforcement of this right is a joint responsibility of the State and the Central Government to provide free and compulsory Education. Free and compulsory Education means that, " All children between the ages of 6 and 14 shall have the right to free and compulsory elementary Education at a neighbourhood school. The right to free and compulsory Education has proven to be a big challenge to the nation. The implementation will not be effective unless all the agencies involved work together to achieve the ultimate goal to universalizing education. Not many people are still fully aware of this Act and its provisions. This Act serves as a building block to ensure that every child has his or her right (as a right) to get a good quality elementary Education and the State with the help of families and communities, fulfill what the act aims at achieving.

1.2 Historical Background of the RTE Act (2009):

Article 45 stated that the state shall endeavor to provide free and compulsory education to all children until they complete the age of fourteen years within a period of ten years from the commencement of this Constitution. 86th Amendment Act (2000) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. The amendment also introduced a new article 21 A, which imposes a duty on parents and guardians to provide their children with educational opportunities. In October, 2003 a first draft of the legislation envisaged in the above Article, viz., Free and Compulsory Education for Children Bill, 2003, was prepared and posted on this website in October, 2003, inviting comments and suggestions from the public at large. In 2004, subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and Compulsory Education Bill, 2004, was prepared. In June, 2005, the CABE (Central Advisory Board of Education) committee drafted the 'Right to Education' Bill and submitted to the Ministry of HRD. MHRD sent it to National Advisory Committee (NAC). The National Advisory Committee (NAC) sent the bill to Prime Minister of India for his observation. The finance committee and planning commission rejected

the Bill citing the lack of funds and model bill was to states for making necessary arrangements (post-86th amendment, States had already cited lack of funds at State level). This was revised and became an Act in August, 2009 but was not notified for roughly 7 months. The Right of Children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from that day the Right to Education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age-appropriate classroom in the vicinity of his/her neighbourhood. This entitles children to have the right to education enforced as a fundamental right. Now 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 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. 'Free' means as removal of any financial barrier by the state that prevents a child from completing eight years of schooling. 'Compulsory' means compulsory admission, attendance and completion of elementary education. 'Compulsion' means as compulsion on the state/ local bodies, rather than targeting parents, fundamental duty of parents to send their children to schools.

1.3 Basic Provisions made in the RTE Act (2009):

Some important basic provisions of the RTE Act (2009) have mentioned below:

1. It is included in the fundamental rights of Indian constitution in Article 21A inserted by the 86th Amendment in December, 2002. The provisions of the Act came into force from 1st April, 2010.
2. The name of the Act is "The Right of Children to Free and Compulsory Education Act, 2009".
3. It shall extend to the whole of India except the State of Jammu & Kashmir.
4. It is an Act to provide for free and compulsory education to all children of the age of 6-14 years i.e., from Class I to VIII.
5. Both the Central and State Government will share the financial and other responsibilities.

6. The local authority like, Municipal Corporation, Municipal Council, Zilla Parishad or Nagar Panchayat or Panchayat maintain records of children up to the age of fourteen years residing within its jurisdiction and ensure admission, attendance and completion of elementary education by every child.

7. The local authority shall ensure admission of children of migrant families.

8. It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward to an elementary education in the neighborhood school.

9. 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.

10. No capitation fee and screening procedure for admission in elementary classes and no child shall be denied admission if he or she is entitled to take admission according to the provision of the Act.

11. No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education.

12. No child shall be subjected to physical punishment or mental harassment.

13. A teacher shall maintain regularity and punctuality in attending the school and complete curriculum within the specified time.

14. The pupil teacher ratio from class I to V shall be 30:1 and from class VI to VIII shall be 35:1.

15. The Act provides for the admission of a non-admitted child to a class of his/her appropriate age.

16. No teacher shall be deployed for any non-educational purpose either than the decennial population census duties relating to disaster relief and general election in different purpose.

17. No teacher shall engage himself or herself in private tuition or private teaching activity.

18. 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.

19. Minimum numbers of working days/instructional hours in an academic year shall be: 200 working days for Class I to V or 800 instructional hours and 200 working days or 1000 instructional hours for Class VI to VIII.

20. A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall, without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), and a child referred to in sub-clauses (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995: Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) may also have the right to opt for home-based education

21. 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.

22. **School Management Committee.**—(1) A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers: Provided that at least three-fourth of members of such Committee shall be parents or guardians: Provided further that proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section:

23. **Qualifications for appointment and terms and conditions of service of teachers.**—Any person possessing such minimum qualifications, as laid down by an academic authority, authorized by the Central Government, by notification, shall be eligible for appointment as a teacher.

Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in that notification: Provided that a teacher who, at the commencement of this Act, does

not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

1.4 Basic Provisions made in the RTE Act (2012):

1. This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2012.

2. "It's subject to the provisions of articles 29 and 30 of the Constitution; the provisions of this Act shall apply to conferment of right on children to free and compulsory education."

3. A child with disability referred to in sub-clause (A) of clause (ee) of section 2 shall , without prejudice to the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995, and a child referred to in sub-clause (B) and (C) of clause (ee) of section 2, have the same rights to pursue free and compulsory elementary education which Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995: Provided that a child with "multiple disabilities" referred to in clause (h) and a child with "severe disability" referred to in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 may also have the right to opt for home-based education'.

1.5 Social disadvantaged

The disadvantaged sections of society constitute that part of population which is denied the opportunity to fully explore and utilize its abilities and enjoy a quality life. There are various types and modes of discrimination of disadvantaged sections: physical, mental, social & cultural, educational and emotional etc. Socially disadvantaged can be defined as those individuals who have been put to prejudice on racial or ethnic levels or any type of cultural bias and discrimination because of their identity as a member of a group without giving due recognition of their individual qualities. They are not handicapped by any genetic deficiency, but by the *socioeconomic* circumstances of their lives related to their birth. The various groups identified for facing discrimination due to their social disadvantaged status include – Scheduled Castes (SC), Scheduled Tribes (ST), Backward Class (BC), Women and Minorities.

1.6 Need of study

The purpose of this is to examine the phenomenon of the role for child education that belongs from the disadvantaged group and identify the issues and challenges faced by the teacher, school, and students to follow the RTE Act -2009 in the teachers, students, and parents of the disadvantaged group students in the schools.

1.7 Objective of the study

This study will be carried out in the schools of Bhopal. The Objectives of this study are: -

- I. To study the challenges faced by disadvantaged group students under RTE Act 2009 at teachers and parents' level.
- II. To find the issues and challenges faced by the teachers and parents to follow the RTE Act 2009.
- III. To check the awareness levels among teachers, and parents of the provision under RTE Act 2009 for disadvantaged group.