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A Study on 'Right of Education Analysis towards Children Education in India'

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ABSTRACT

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), is an Act of the Parliament of India enacted on 4 August 2009, which 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 Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools.

It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan). Kids are admitted in to private schools based on economic status or caste based reservations. It also prohibits all unrecognised schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.

Keywords: children, constitution, development, education, RTE Act, schools, training

INTRODUCTION

The RTE Act requires surveys that will monitor all neighbourhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson, has observed: "The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools."

The Right to Education of persons with disabilities until 18 years of age is laid down under a separate legislation - the Persons with Disabilities Act. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act.

Education in the Indian constitution is a concurrent issue and both centre and states can legislate on the issue. The Act lays down specific responsibilities for the centre, state and local bodies for its implementation. The states have been clamouring that they lack financial capacity to deliver education of appropriate standard in all the schools needed for universal education. Thus it was clear that the central government (which collects most of the revenue) will be required to subsidise the states.

A committee set up to study the funds requirement and funding initially estimated that INR 1710 billion or 1.71 trillion (US$38.2 billion) across five years was required to implement the Act, and in April 2010 the central government agreed to sharing the funding for implementing the law in the ratio of 65 to 35 between the centre and the states, and a ratio of 90 to 10 for the north-eastern states. However, in mid 2010, this figure was upgraded to INR 2310 billion, and the center agreed to raise its share to 68%. There is some confusion on this, with other media reports stating that the centre's share of the implementation expenses would now be 70%. At that rate, most states may not need to increase their education budgets substantially.

A critical development in 2011 has been the decision taken in principle to extend the right to education till Class X (age 16) and into the preschool age range. The CABE committee is in the process of looking into the implications of making these changes.

The Ministry of HRD set up a high-level, 14-member National Advisory Council (NAC) for implementation of the Act. The members included KiranKarnik, former president of NASSCOM; Krishna Kumar, former director of the NCERT; MrinalMiri, former vice-chancellor of North-East Hill University; YogendraYadav – social scientist. IndiaSajit Krishnan Kutty, Secretary of The Educators Assisting Children's Hopes (TEACH) India; Annie Namala, an activist and head of Centre for Social Equity and Inclusion; and Aboobacker Ahmad, vice-president of Muslim Education Society, Kerala.

A report on the status of implementation of the Act was released by the Ministry of Human Resource Development on the one year anniversary of the Act. The report admits that 8.1 million children in the age group six-14 remain out of school and there's a shortage of 508,000 teachers country-wide. A shadow report by the RTE Forum representing the leading education networks in the country, however, challenging the findings pointing out that several key legal commitments are falling behind the schedule. The Supreme Court of India has also intervened to demand implementation of the Act in the Northeast. It has also provided the legal basis for ensuring pay parity between teachers in government and government aided schools. Haryana Government has assigned the duties and responsibilities to Block Elementary Education Officers–cum–Block Resource Coordinators (BEEOs-cum-BRCs) for effective implementation and continuous monitoring of implementation of Right to Education Act in the State.

It has been pointed out that the RTE act is not new. Universal adult franchise in the act was opposed since most of the population was illiterate. Article 45 in the Constitution of India was set up as an act: The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

As that deadline was about to be passed many decades ago, the education minister at the time, MC Chagla, memorably said: "Our Constitution fathers did not intend that we just set up hovels, put students there, give untrained teachers, give them bad textbooks, no playgrounds, and say, we have complied with Article 45 and primary education is expanding... They meant that real education should be given to our children between the ages of 6 and 14" - (MC Chagla, 1964).

In the 1990s, the World Bank funded a number of measures to set up schools within easy reach of rural ommunities. This effort was consolidated in the SarvaShikshaAbhiyan model in the 1990s. RTE takes the process further, and makes the enrolment of children in schools a state prerogative.

The Right to Education (RTE) Act, 2009, has made elementary education a fundamental right for all children aged 6 to 14 in India, mandating free and compulsory education and ensuring access for marginalized groups through a 25% reservation in private schools. While the act has significantly increased enrollment rates and promoted inclusive education, challenges remain in achieving consistent quality of education, infrastructure improvements, and full implementation across the country. The act mandates government and private schools to follow specific standards, including student-teacher ratios and school infrastructure, to foster holistic child development.

KEY ASPECTS OF THE RTE ACT

- **Fundamental Right**: The Right to Education Act was enacted in 2009 under Article 21A of the Constitution, making it a fundamental right for children between the ages of 6 and 14.
- **Free and Compulsory**: The act mandates that elementary education be free and compulsory. This means no child can be charged any fees or expenses that would prevent them from attending or completing their education.
- **Inclusivity**: The act includes provisions for children with disabilities and mandates a 25% reservation in private schools for children from disadvantaged groups, such as Scheduled Castes, Scheduled Tribes, and socially backward classes.
- **Standardization**: The act sets norms for schools, including student-teacher ratios, infrastructure, and the number of school working days, to ensure a certain standard of education across the country.
- **Government and parental responsibility**: It outlines the duties of appropriate governments, local authorities, and parents in ensuring a child's education, with a financial and responsibility-sharing framework between the central and state governments.

POSITIVE IMPACTS

- **Increased Enrollment**: The act has led to a significant rise in school enrollment rates across India, with the enrolment percentage for children aged 6-14 reaching 98.4% in 2022.
- **Inclusive Education**: The reservation in private schools has helped integrate economically disadvantaged children into the mainstream, fostering a more inclusive educational environment.
- **Holistic Development**: The act promotes a curriculum that focuses on the all-round development of a child, including their knowledge, talent, and potential.

- **Quality of education**: A major concern is the inconsistent quality of education provided, despite the standards set by the act.
- **Infrastructure**: Challenges persist in improving school infrastructure and ensuring all required facilities are available across all schools.
- **Implementation gaps**: Full implementation of all provisions and guidelines remains a challenge in different parts of the country.
- **Drop-out rates**: While enrollment is up, reducing the rate of students dropping out before completing elementary education is an ongoing focus.

Everyone agrees that education is essential to social advancement and human growth. According to Article 21-A of the Indian Constitution, children aged 6 to 14 have a basic right to free and compulsory education, known as the Right to Education (RTE). The goal of guaranteeing that every kid, regardless of caste, gender, or financial situation, has access to high-quality education is reflected in this legal requirement. The ground realities, especially in rural India, present a different picture, despite the fact that government initiatives and the constitutional framework have broadened the scope of education. Rural India still has a number of obstacles that prevent the RTE from being fully implemented. The ongoing educational gap between urban and rural areas is caused by issues including poor infrastructure, a lack of qualified teachers, a lack of digital resources, gender inequality, child labour and poverty. Furthermore, socioeconomic disparities, language diversity, and social marginalization make it more difficult to access and provide highquality education in rural areas. To comprehend the discrepancy between policy promises and actual execution, a critical analysis of these issues is required. In addition to highlighting the structural and systemic problems with the rural education system, an analysis of these barriers offers insights into potential reforms and solutions. In addition to promoting literacy, strengthening rural education is crucial for community empowerment, poverty alleviation, and inclusive development.

Historical Context of Education in Rural India Important insights into the issues and inequalities that the Right to Education (RTE) Act, 2009, aims to solve can be gained from the historical background of education in rural India. Socioeconomic, cultural, and infrastructure hurdles have long influenced schooling in rural India, making it difficult for marginalized communities—especially girls— to receive high-quality education. Comprehending the educational environment prior to RTE is crucial for assessing the revolutionary potential of the RTE Act in advancing social justice and gender equality [2] . 1. Pre-RTE Educational Landscape in Rural Areas: The rural Indian educational system had several shortcomings prior to the passage of the Right to Education Act, which significantly hampered children's access to education, particularly for those from underprivileged backgrounds. The educational system in rural areas was undeveloped in terms of resources and infrastructure. Schools were absent from many areas, and those that were present were frequently understaffed and ill-equipped. There were significant differences in educational outcomes between urban and rural locations, indicating that the quality of education was uneven. The high dropout rates in rural areas were partly caused by the perception that agricultural work came before education.

Families, especially those from caste-based and economically challenged areas, frequently placed more value on their children's involvement in labour or domestic duties than on their education, especially for girls. The idea that girls were mostly intended for household duties, which further widened the educational disparity between the sexes. The cycle of illiteracy was further maintained in rural regions by the fact that many parents were ignorant of the value of formal education. Moreover, there were entrenched social norms, such as the caste system, that often excluded children from lower caste communities (SCs, STs, and OBCs) from accessing quality education. Children from these communities frequently faced discrimination, segregation, and prejudice in schools, which further limited their chances of academic success.

Challenges Faced by Marginalized Communities in Accessing Education:
Long before the RTE Act was passed, marginalized groups—such as women, girls, and members of lower castes—faced several obstacles to education. Even though the Right to Education (RTE) Act of 2009 has significantly improved social justice and educational access in rural India, there are still a number of obstacles to overcome in its implementation. These challenges, which vary from sociocultural hurdles to infrastructural deficiencies, limit the Act's ability to successfully promote social justice and gender equality. It is essential to comprehend these difficulties in order to solve the enduring differences in educational achievements and guarantee that all children in rural areas, especially those from marginalized populations, benefit from the provisions of the RTE Act.

Gender-based Barriers: The ingrained patriarchy was one of the biggest obstacles, especially in rural areas where girls were frequently dissuaded from going to school. Girls were confined to household duties by sociocultural conventions, and it was generally accepted that teaching girls was less significant than teaching boys. Girls' education was further discouraged by early marriages and the expectation that they would stay at home and help with domestic responsibilities.
Discrimination based on caste: Children from underrepresented castes, especially Dalits and Adivasis, were frequently kept out of mainstream schools. They were placed in separate areas of schools, subjected to prejudice from

peers and teachers, and had few opportunities to socialize with kids from backgrounds from higher castes. Educational discrepancies were further exacerbated by the pervasive caste-based inequality, which frequently excluded these populations from the educational process completely.

Economic Restraints: It was frequently too expensive for families with low incomes to send their kids to school. Education became less important due to the expense of books, uniforms, and transportation as well as the loss of possible revenue from child labour. Because they depended on their children to assist with labour or household chores, low-income families sometimes lacked the funds to send their kids, particularly females, to school augment the family's income.

Geographical Barriers: Schools in many rural communities were situated distance from the settlements, making regular attendance challenging. This was particularly true for girls, who were deterred from making the long commute to school by worries about their safety, social disapproval, and parental command. 3. Role of Government and NGOs in Pre-RTE Education: Both the government and non-governmental organizations (NGOs) made major contributions to efforts to address these educational issues prior to the RTE Act's implementation.

Infrastructure Deficiencies and Teacher Shortages: The serious lack of facilities in schools is one of the biggest obstacles to the RTE Act's implementation in rural India. The physical state of the school environment is frequently directly related to the quality of instruction, and rural schools nevertheless face a absence of essential facilities.

Poor School Infrastructure: Many rural schools are devoid of basic amenities like playgrounds, drinking water, restrooms (particularly separate ones for ladies), and spacious classrooms. Low attendance rates are caused by the lack of these essential facilities, particularly for girls, who are especially susceptible to dropping out because of safety and hygienic issues. All schools are required by the RTE Act to have sufficient infrastructure, but in rural regions, there is still a significant disconnect between legislation and practice.

Teacher Shortages: The ongoing lack of certified and experienced instructors in rural schools is another serious problem. The RTE Act stipulates that all teachers must have the necessary credentials and training, as well as a minimum student-teacher ratio. However, it might be difficult to find and keep qualified people in remote locations. instructors, especially in isolated communities. Children from underprivileged backgrounds are among the varied student demographics that many teachers are either unprepared or insufficiently trained to teach. The Act's efficacy is compromised by this lack of qualified teachers since students, particularly those from SC, ST, and OBC communities, may receive inadequate instruction.

Absence of Teachers: Absenteeism is a major issue in rural schools even when there are teachers on staff. The remote location of schools, low pay, and a lack of enthusiasm are some of the reasons why teachers could not be present. Students' learning outcomes are strongly impacted by this, particularly those from marginalized communities. children whose upward mobility is mostly dependent on the educational system.

Socio-Cultural Barriers to Education: Many children in rural India, particularly females from impoverished groups, are still unable to receive an education due to sociocultural constraints. These obstacles necessitate all-encompassing solutions that go beyond traditional beliefs, cultural customs, and gender conventions. the RTE Act's legislative foundation.

Child Labor and Early Marriage: Children, particularly girls, are frequently pulled out of school in rural regions to assist with farming, household chores, or caring for younger siblings. Although the RTE Act requires compulsory education, child labour is still common in rural areas, keeping kids from going to school. school on a regular basis. Furthermore.early marriage remains a significant contributing factor to girls' school dropout rates, especially in conservative areas where young girls are frequently married off before completing their schooling.

Rural vs. Urban Disparities: The differences in educational availability and quality between rural and urban areas present another difficulty. Compared to rural schools, urban schools typically have better facilities, more qualified teachers, and stronger community support. In a lot of rural places, particularly those that are isolated, the Due to the RTE Act's sluggish implementation, children in these areas continue to confront major obstacles to obtaining highquality education. Children in rural areas, especially girls and those from underprivileged backgrounds, are still at a disadvantage when compared to their metropolitan counterparts.

Digital Education: The goal of the government's Digital India initiative is to give rural communities access to the internet and digital resources. By providing students with access to online resources, multimedia content, and interactive learning tools, digital education can raise educational standards. Additionally, it closes the access gap to high-quality educators by allowing seasoned teachers from urban areas to provide rural students with high-quality education.

GOVERNMENT POLICIES AND PROGRAMS

To enhance education in rural areas, the Indian government has put in place a number of policies and initiatives. Raising rural school access, enrolment and retention rates is the main goal of programs like the RashtriyaMadhyamikShikshaAbhiyan (National Mission for Secondary Education) and the SarvaShikshaAbhiyan (Education for All Movement). These initiatives offer teachers financial support, infrastructure development, and capacity improvement.

Development of Skills: In addition to academic education, skill development is becoming more and more important in rural areas. Students' employability and financial prospects can be improved by providing them with marketable skills and practical knowledge through vocational training and skill-based education. This strategy supports individual development and fits well with the demands of the regional business and economy.

Provisions given in Constitution for promoting and strengthening Education

Article 28: In our Constitution Article 28 provides freedom to attend any religious instruction or religious worship in educational institutions.

Article 29: This article gives equality of opportunity in educational institutions.

Article 30: Acknowledge the right of minorities to establish and administer educational institutions.

Article 45: This article mandate the state shall dispense to provide within a period of ten years from the inception of this Constitution for free and compulsory education for all children of this country until they complete the age of 14 years. The responsibility for providing elementary education lies with the scope under state Government, the central Government, the Local Bodies and authorities, and voluntary organizations or any other government organization.

Article 46: Talks about the special care for the furtherance of education and economic Interests of the Scheduled Tribes, Scheduled Caste, OBC and the weaker sections of society.

Article 337: This article regulates the special provision with respect to educational grants for the benefit of the AngloIndian community. Article 350B: It provides for grants and offers for linguistic minorities.

Article 351: This article deals with the development and promotion of the Hindi language.

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