

Provisions of Right to Education in India

Out these 66 years of independence we boast of so many achievements as a country as a whole. one of the such achievement is the framing of **The Right of Children to Free and Compulsory Education Act** or **Right to Education Act (RTE)**, which was passed by the Indian parliament on 4 August 2009, which deals with the right of free and compulsory education for children between 6 and 14 in India, under Article 21A of the Indian Constitution. This act came into force on 1 April 2010. By passing this bill; India has joined the league of over 130 countries which have legal guarantees to provide free and compulsory education to children. The Judiciary showed keen interest in providing free and compulsory education to all the children below the age of fourteen years. Through case of **Mohini Jain V State of Karnataka**, the Supreme Court held that right to education is fundamental right under Article 21 of the Constitution.

The Right to Education Act, 2009 basically talks about the right that guarantees every child of the age of 6 to 14 be provided 8 years of free and compulsory elementary education. It also makes the state bear any cost that prevents a child from accessing school. This is done so that, no child shall be liable to pay any kind of fee or charges or expenses which may stop the child to get education.

PART III of the RTE talks about the duties of state government, local authority. Art.4 which falls under this talks about the areas or limits of neighborhood within which a school should be established, this is the duty allotted to the State Government. Where it provides for a school to be established within a Walking distance of one km of the neighborhood, for the children in classes I – V. And for children in classes VI – VIII. It's within a Walking distance of 3 km of the neighborhood.

The **RTE** Act also contains specific provisions for the disadvantaged groups, such as child laborers, migrant children, children with special needs, or those who have a disadvantage owing to social, cultural, economic, geographical, linguistic, gender or any such factor. The act stress on the point that the Children with disabilities should also be educated in the regular mainstream schools. This act not only limits to government schools, but also to all private schools. It provides that all the private schools should enroll children from weaker sections and disadvantaged communities in their incoming class to the extent of 25% of their enrolment, by simple random selection. The children admitted through above reservation should be treated on par with all the other children in the school. The State should subsidize the rate of average per learner costs in the government schools.

The Act provides a three year period from the date of commencement of the act (i.e three yrs. from 1 April 2010) for establishing a school where ever they are needed as by the provision of the law. The appropriate Government and the local authority are given this duty.

The Central Government is entitled to the following duties by the Act - (a) develop a framework of national curriculum with the help of academic authority specified under section 29; (b) develop and enforce standards for training of teachers; (c) provide technical support and resources to the State Government for promoting innovations, researches, planning and capacity building

A ‘The National Commission for Protection of Child Rights (NCPCR)’ has been set up as a Mandated to monitor the implementation of the RTE.

Until 2009, Right to Education has been a part of the directive principles of the State Policy under Article 45 of the Constitution, which falls under Chapter 4 of the Constitution. Where rights under this chapter cannot be enforceable in court of law. To overcome this and to make the law effectively, for the first time in the history of India this right is enforceable by putting it in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education, enforced as a fundamental right.

Further the constitution also talks about right to education in various articles. The most important one is **Art. 21A** which says “The State shall provide free and compulsory education to all children of the age of six to fourteen years”. **Art. 45. Also** talks about important Provisions for free and compulsory education for children, putting forth the following points

- a. “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.
- b. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years. “

Art. 51A. imposes the fundamental duty on the parents or guardians to provide educational opportunities to their children or wards between the age of 6 and 14 yrs.

The government tries to regulate and encourage the right Free and compulsory education to all children by programs such as - District Primary Education Programme (DPEP) ; Sarva Shiksha Abhiyan (SSA),Rastriya Madhyamik Shiksha Abhiyan (RMSA), Mid-Day Meal Program, etc...