



THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT (*RTE 2019*)

CONTEXT

The Universal Declaration of Human Rights identified the right to education as a fundamental human right. Education plays a critical role in the empowering of an individual and in the development of a just, equitable and humane society. It is a human right that enables other rights.

Prior to 2009 the right to education came under the Directive Principles of State Policy and therefore was not enforceable.

In 2002 the Indian constitution was amended to include the right to education as a fundamental right under the right to life.

The Right of Children to Free and Compulsory Education (RTE) Act, 2009 was written because of this amendment. It came into effect on 1st April, 2010.



KEY PROVISIONS

The Act lays down the specific duties of the centre, state and local bodies

RESPONSIBILITIES OF THE STATE

Admission And Attendance

It is the responsibility of the appropriate government to ensure compulsory admission, attendance and completion of elementary education in a neighbourhood school for every child between the ages of 6-14. They must establish neighbourhood schools where there are none.

R e m e d i a l P r o g r a m

Remedial programs must be created for children who have not previously been part of the education system so that they may be placed in age appropriate classes.

C u r r i c u l u m F r a m e w o r k

The central government must develop a national curriculum framework, develop and enforce standards for teaching and provide technical support and resources to State governments. The curriculum framework has to conform to the values of the Constitution and ensure the all-round development of the child.

R e d r e s s a l

It is the function of the National Commission for the Protection of Child Rights (NCPCR) to inquire into complaints related to the child's right to free and compulsory education.

R E S P O N S I B I L I T I E S O F T H E S C H O O L

A p p l i c a t i o n & A d m i s s i o n

The Act is applicable to all categories of schools, private and public. Minority institutions are however exempt. Schools established by the government or local authorities must provide free education to all children admitted.

Private schools are required to reserve 25% of their seats for children from the disadvantaged and economically weaker sections. Schools cannot interview parents or children for the purpose of admission and cannot charge a capitation fee.

E v a l u a t i o n

No child can be held back, expelled or required to pass a board examination prior to the completion of elementary education.

F r e e E d u c a t i o n

The child is not legally responsible to pay any fee or charges which may prevent them from pursuing and completing their education.

W o r k i n g C o n d i t i o n s

Schools must appoint competent teachers and follow the norms laid down for pupil teacher ratio, infrastructure, school working days and teaching working hours.

S a f e S p a c e

Schools must ensure that children are not mentally or physically harassed.

R e c o g n i t i o n

No school can operate without a certificate of recognition from the competent authority. Non-compliance with the norms of the Act will lead to withdrawal of recognition.

ACTION POINTS

One of the central arguments against the creation of a national curriculum framework is that it cannot possibly consider all the various social, economic, regional and linguistic differences in India. Vesting the responsibility of creating a curriculum framework and its enforcement on the Centre potentially threatens the federal structure of India.



In 2012, the RTE act was amended to include children with disabilities amongst disadvantaged groups. However, the Act fails to make provisions for students who would not be able to fit within a conventional school framework. Where would alternative education setups fit within the RTE?