

RTE -2009: RIGHT OF CHILD FOR FREE AND COMPULSORY EDUCATION

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ABSTRACT

Since the United Nations declared 1979 as the International Year of the Child, most countries in the world have become aware of the need to provide for the nutritional, health and mental needs of children. International organizations like UNICEF also initiated their efforts in this direction. In order to ensure that no child is deprived of education, the 86th amendment to the Constitution in 2002 made the right to primary education a fundamental right (Article 21A). In 2009, the Indian Parliament passed the Right to Free and Compulsory Primary Education for Children Act-2009, which was promulgated on 26 August 2009.

Keywords: UNICEF, Primary Education, Children Act-2009, Right to Education.

Introduction

The United Nations has set a goal of **universal "primary education" by 2015**. As we are partners in this decision, the Government of India has also embraced this goal. Prior to the enactment of this Act, the **Primary Education Act, 1961 was in force in the State of Gujarat**. Now the Right to Free and Compulsory Primary Education Act-2009 has been implemented in the State of Gujarat from 1st April 2010 which has been renamed as Right to Education (Primary Education Act-2009).

Appropriate Government, Local Authority and Parental Duties

Special clarification has been made here of proper government, local authority and parental duties. Which is briefly presented as follows.

Duties of the Central Government

The joint responsibilities of the Central Government and the State Governments have been fixed for setting up schools within the prescribed distance limits within three years of implementation of the Act, determining the budgets of financial expenditure, fixing the share of expenditure liability as well as planning about the availability of funds.

Combined Duties of State Government and Local Authorities

Some of the duties are as follows:

- Provide free and compulsory primary education to all children in the age group of 6 to 14 years.
- Care will be taken not to discriminate against vulnerable and disadvantaged children.
- Will ensure admission of children of migrant families in school.
- Supervise and control children's enrollment in school, attendance and completion of quality primary education.
- Quality of education, study courses and other programs of education will be ensured and implemented.

Duties of Parents and Guardians

It has been pointed out that it is the duty of every parent and guardian to admit or give admission to their child or foster child for primary education.

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Responsibilities of the School and Teachers

The primary education act defined the responsibilities of schools and teachers as follows:

- All types of schools such as those run by the Central Government or the State Government, run by local authorities as well as schools of specified classes will be given admission in self-reliant schools and primary education will be provided.
- The above facilities will be provided for 25% of the children belonging to the weaker and disadvantaged group in the self-reliant schools.
- No additional fee can be collected in the name of donation and no parent-child can take interview (investigation procedure). Provision has been made for penalty of up to 10 times per head fee for violation of the above matters as well as a penalty of up to Rs. 25000 / - at the time of first violation and Rs.50000/- for every consecutive attempt.
- If a school is run without a certificate of accreditation, a fine of up to Rs. 1,00,000 / - as well as in addition to that, a fine of up to Rs.10000/- per day for the period of non obtaining the certificate.

School Management Committee

SMC will perform some of the duties.

- All types of schools except self-finance will have to form a School Management Committee (SMC).
- The school management committee will have a total of 12 members.
- 75% of the member will be parents, out of which 50% will be female.
- Grant access can be monitored and controlled.
- Perform all kinds of functions as prescribed by the appropriate government.

Eligibility for Teacher Appointment

- Eligibility has been determined by issuing a notification by the appropriate government, in which–
 - P.T.C./C.P.Ed./A.T.D for Std-1 to 5.
 - P.T.C. with UG (Under Graduate) for Std-6 to 8. Or B.Ed.
 - Where there are untrained teachers, training will be compulsory within 5 years of the enactment of the Act.

Terms of Employment

- Attend school regularly and be punctual.
- Run the study course properly and complete it on time.
- To do quality teaching work keeping in view the individual differences.
- If the child needs additional education, he should also complete it.
- Private tuition or any other educational activity cannot be done.

Completion of Studies and Primary Education

The Primary Education Act-2009 provides guidelines for the study curriculum and assessment procedures. Guidance has been given to bring about a radical change in the assessment system by introducing a continuous holistic assessment system as well as to make it fearless, traumatic and worry free. In addition, it was directed to issue a certificate to be prescribed after completion of primary education.

Protection of the Rights of the Child

- The following functions have been assigned to the **SCPCR (State Commission for the Protection of the Child Right)** in the Primary Education Act-2009.
 - To inspect, review and recommend for effective implementation of the right to compulsory primary education.

- Investigate the child's right to education complaint and take all necessary steps.
- To set up a separate mechanism for the states which have not formed a commission.
- In addition to this, the local authorities should also hear the complaint and dispose of it properly.

Provisions of National and State Advisory Council

- Will form a council of maximum 15 members with knowledge and practical experience in the field of primary education and child development.
- Advise the State Government on effective implementation of the provisions of the Act.

Others

- Power has been shared to provide guidance.
- Prior approval of that authority is required for criminal proceedings.
- Protection has been provided for steps taken with good intentions.
- A description of the powers vested in the State Governments for making rules.
- The power to change or repeal any matter in the Act is vested in Parliament.

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