

# RIGHT TO EDUCATION : PROBLEMS AND PROSPECTS

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## ABSTRACT

*This paper deals with Right to Education problems and prospects. Undoubtedly Right to Education is a great landmark legislation in the history of education in India. It is matter of pleasure that its role will provide not only for free and compulsory education to every child between the age of 6 and 14 years but also help in raising standard of education.*

**Key words:** *Right to Education, Primary Education, Secondary Education, Higher Education, Universalisation of Elementary education(UEE).*

## INTRODUCTION

Of course, education is the backbone of every society and nation. Education means to explore the insight abilities and capabilities of every child or person. Only school is not a way to give education. Although an individual can receive education from any where. For the sake of, level of education is mainly divided into three part- (i) Primary education (ii) Secondary education (iii) Higher education. But in the paper we are discussing about the primary education that is the fundamental of education, because in primary education the child takes basic elements of education. Child prepares himself for further education on the basic of primary education. So primary education is main pillar of education. child learns mostly at primary level of education because he has such inborn abilities who helps to develop good habits in him with education. Psychologist have also said that a man learns seventy percent of his whole life learning in his childhood and child hood learning is completed in primary education. Therefore every child can take primary education. So the Article 45 of Indian Constitution was introduced under iv Directive principles of state policy. The Article started provision for free and compulsory education for children. 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. Vigorous efforts

were made to implement the Article 45 but result were not satisfactory. From time to time great concerns were expressed in official and no-official circles on this. The target date of 1960 went on changing from year to year. The Government of India in 2001 initiated the *Sarv Shiksha Abhiyan*. The Supreme Court of India while hearing a case pertaining to education advised the Government of India to enact a suitable legislation for Universalization of Elementary Education (UEE). Accordingly the constitution of India was amended by the constitution (Eighty Sixth Amendment) Act 2002. The amendment included the following provision.

- ❑ Insertion of new article 21A means Right to Education. The state shall provide free and compulsory education to all children of the age of six to fourteen years in a manner as the state may by law determine.
- ❑ Substitution of new article for 45- means provision for early childhood care and education to children below the age of six years. The state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- ❑ Amendment of Article 51A – In Article 51A of the constitution, after clause (j) the following clause shall be added namely (k) who is a parent or guardian to provide opportunities for education to his child or ward, as the case may be, between the age of six and fourteen years.

The Right of children for free and compulsory education will having been passed by both houses of parliament on 26 August 2009. It came in the Statue Book as The Rights of Chidren to free and Compulsory education act 2009. There are some main provisions of the Act are following as.

- ❑ Provision of free and compulsory elementary education (class first to fifth) to every child.

- ❑ Ensuring availability of neighbourhood school.
- ❑ Ensuring that the children belonging to weak section are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- ❑ Providing infrastructure including school building, teaching staff and learning equipment.
- ❑ Providing special Training facility.
- ❑ Ensuring and monitoring admission, attendance and completion of elementary education by every child.
- ❑ Ensuring good quality elementary education confirming to the standard and norms specified in the schedule.
- ❑ Ensuring timely prescribing of curriculum and courses of study for elementary education.
- ❑ Providing training facility for teachers.
- ❑ Charging of no capitation fee.
- ❑ No screening procedure for admission.
- ❑ No denial for admission.
- ❑ No holding back in same class.
- ❑ No expulsion.
- ❑ No physical punishment to the child.
- ❑ No mental harassment of child.
- ❑ Appropriate condition of service teachers.
- ❑ Constitute of Managing Committee for every School Committee.
- ❑ Suitable pupils teachers ratio.
- ❑ Filling of vacancy of teachers in time.
- ❑ Prohibition of deployment of teacher for non education purposes.
- ❑ Prohibition of tuton by teachers.
- ❑ Monitoring child's right to education.
- ❑ Updating of curriculum from time to time and continuous and comprehensive evaluation.
- ❑ Constitution of national and state advisory councils.

The right to education Act 2009 have implemented on first April 2010. There are some major important points include in this act as like :

- ❑ To assure every child of 6 to 14 years will take education.
- ❑ 25 percent seats of all the private school will be reserved for economical poor students.
- ❑ To systematise the student teacher ratio of primary classes as 1:30 and for upper primary classes as 1:35.
- ❑ To available the facility of transport of those student who belong to interior areas.
- ❑ Total expense of teaching have beard by 45% state Govt. and 55% Central Government.

## OBSTACLES

No doubt there are many advantage of this act to improve the elementary education. Some section of the society have termed the Act as a land mark in the history of education. But some challenges or problems are also parallel to it. Which is following as :

- ❑ The document only for reimbursement of tuition fees of poor children enrolled in private schools but other feels levied by most private schools. Unjustifiably this burden may be passed an other students.
- ❑ There is no provision in this legislations for decent salaries/professional development, promotional avenues and social security for elementary teachers.
- ❑ The Act is silent on the procedure of election of the chairperson and office bearers of school management committees.
- ❑ The Act provides no detention policy. However their should be some monitoring of children's academic and personal. However for this perpose, it is better to hold back a pupil to repeat another year in the same class rather than pass him till class VIII.
- ❑ A major factor relating to Right of Children to free and compulsory education Act 2009 is

an economic one. For children to stay regularly in school require huge efforts on the part of each family. Only families with certain welfare level can continue in the situations. Families affected by chronic employment and other disabilities encounter major difficulties.

- ❑ Another question arises. What will happen if the parents do not send their children to schools? Will the government punish them? Will the government setup a special investigation department?

All these factors are responsible for the challenges for Right to Elementary Education.

## REMEDIES

For the solution of this giant problem. Some remedy can have taken which are following as –

- ❑ To control the uncontrolled fee structure and doubtful qualitative education of private schools.
- ❑ To follow the strategy of co-operation in the place of punishment.
- ❑ To define the accountability of institution for children.
- ❑ Teacher will also participate in refresher and orientation programme for improvement of knowledge.
- ❑ Curriculum should be behavioural and utilityful.
- ❑ The climate of government school should be better then private school.

## CONCLUSION

Finally it can be say that the Right to Education is very good policy to improve education at elementary level which is root point of education. For the radical activation of this policy it will be must that the co-operation of teachers, society and government is must expected. All the technical problems which

have play a dangerous role in development of this policy to be solve them.

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