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The Evolution and Challenges to the Right to Education over the Years: An Introspection of Educational Facilities in India

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India's educational system is undergoing fast change. Institutions are attempting to concentrate on the students' whole development and have done away with "gurukuls" and rote learning. This gradual shift happened when popular culture and media started to prioritise cognitive development over memory. The internet and contemporary technology, on the other hand, are well-established. Even before the epidemic, there was a growing desire for technology. The educational sector was also impacted. This research paper mainly focuses on the critical analysis of the provisions under the Right of Children to Free and Compulsory Education Act 2009. It focuses on comprehending the challenges associated with the Act's successful implementation. Further the paper studies and discusses the loopholes under the Act and suggests effective ways of implementing the provisions under the Act.

Keywords: *compulsory and free education, students, teachers, educational facilities.*

INTRODUCTION

According to Jawaharlal Nehru, children are like blossoms in the garden that must be properly nourished since they are the prospective citizens of tomorrow. Education serves as the wind beneath the wings of youngsters, allowing them to develop into healthy and affluent individuals in the future. A kid plays an important part in opening the door to a nation's achievement, and

education plays a key role in unlocking a child's success. Only when a kid succeeds can a nation develop and prosper. India is home to 19% of the world's children population. But when it comes to education, one-third of the world's illiterate population resides here. In a developing country like ours, it is necessary to improve our system by introducing the right to compulsory education free of cost for children between the age groups of 6-14.

The entitlement to education has long been a contentious topic in India. People and politicians often feel that every child should receive an education to reinforce that foundation since children are sometimes referred to as the cornerstone of any nation. According to Article 26 of the Universal Declaration of Human Rights,¹ everyone has the right to free and compulsory education, at the very least through the primary grades, and no child should be denied that. The complete development of the human personality and the defence of fundamental freedoms are both supported by education, as stated in Article 26 of the Universal Declaration of Human Rights.²

All kids have a basic right to education, according to the Right to Free and Compulsory Education Act of 2009. The RTE Act of 2009 is the country's first national law overseeing education in schools. (Although not in Jammu and Kashmir). On April 1, 2010, the country underwent a turning point when Article 21-A and the Right of Children to Free and Compulsory Education (RTE Act), 2009, went into effect. It is a "historic" piece of legislation in our country. Before this modification, free and compulsory education was included as one of the "Directive Principles of State Policy" in Article 45³ of the Indian Constitution. India is one of the countries that acknowledge the basic nature of the right to education, which is guaranteed to all children by 21A of our constitution.⁴

The term "compulsory education" refers to the duty of the competent government to provide free basic school and to ensure that all children between the ages of six and fourteen enter,

¹ Universal Declaration of Human Rights 1948, art 26

² *Ibid*

³ Constitution of India, art 45

⁴ Constitution of India, art 21(A)

attend, and complete primary school.⁵ No child should be asked to pay any price, charge, or cost that may prevent him or her from continuing and completing basic education. All schools must comply with the law's basic requirements. While private schools must get a letter of approval, government schools must abide by the student-teacher ratio. All approved kids must attend government schools for free and without exception.⁶ This policy is based on the 4As, which describe what education means to them and their current condition in the framework of this philosophy which are Availability, Adaptability, Accessibility, and Acceptability.

ISSUES IDENTIFIED

- Whether the additions to the act have been progressive for the country.
- Whether the existing act is sufficient or if there is a need for modification.

RESEARCH OBJECTIVES

- Understanding and analysing the history, development, and current status of educational privileges in the country.
- Examining the effect of different policies and acts on the education system of India.
- Outlining options for better opportunities for the children.

CRITICAL ANALYSIS

Since the early days of the liberation fight in British India, free and mandatory education has been demanded in India. Later, it developed into a crucial aspect of the battle for liberation. The Indian National Congress battled tenaciously for the improvement of literacy and early childhood education in rural India in particular. The State of Baroda passed the first law requiring all children to attend school in 1906.⁷ This rule mandated that both boys and girls in the age groups of seven to twelve and seven to ten must attend school.⁸ India made a

⁵ Right to Education Act 2009

⁶ *Ibid*

⁷ Sharma R & Saini R, 'Implementation of Right to Education Act, 2009 in rural India' (2012) 3(29) International Referred Research Journal

⁸ *Ibid*

constitutional commitment in 1950 to give all children under fourteen, compulsory and free-of-cost education.⁹ For children between the ages of six to fourteen, this was made a fundamental right by a constitutional amendment in 2002.¹⁰ Universal access to elementary education is still problematic, and the service of quality varies. In India, there is a significant quantitative issue with the availability of high-quality education.¹¹

Over the past 20 years, the demand for education in India has increased, but the supply is still unequal. Regardless of their location, caste, gender, or faith, all children should have equitable access to basic education of comparable quality, according to the National Policy on Education (NPE) (1986)¹² and its Programme of Action (POA) (1992)¹³. However, access to education favours the wealthy, while disadvantaged groups (such as children from impoverished backgrounds and members of socially and economically disadvantaged classes like SC, ST, and OBC) have less access to and get education of lower quality. Access is significantly influenced by states, regions, and socioeconomic circumstances, among other things.

There have been certain challenges that came up while implementing the Right to Education Act. Some of which are discussed in brief below:

No proper guidelines¹⁴: Teachers, who serve as the primary providers of educational services, were required to comply with the action despite not being given any particular instructions. Teachers, who are crucial to the implementation of the RTE Act, lack precise instructions. The act's implementation was impeded by this.¹⁵

⁹ Iftikhar Islam, A Study of Challenges of Right to Education act, 2009 Among Primary School Teachers of Nagaon Municipality Area' (2020) 11(2) Int J Recent Sci Res 37481-37484

¹⁰ *Ibid*

¹¹ *Ibid*

¹² National Policy on Education 1986

¹³ Programme of Action 1992

¹⁴ Iftikhar Islam (n 11)

¹⁵ *Ibid*

Limited Resources: A lack of resources is also a significant barrier to implementing the Right to Education Act. Teachers require that resources be increased, including physical infrastructure, monetary and human resources, and so forth.¹⁶

Insufficient knowledge: Instructors must have a thorough grasp of the RTE Act to avoid obstacles during implementation. Furthermore, knowledge of the Act will aid them in comprehending and, finally, executing it by the needs of the circumstance.

Lack of clarity amongst the teachers: Many instructors commented that the RTE Act raises the duty of schools and teachers while providing no information on how the act will be implemented. It jeopardises educational quality, which leads to questionable implementation. The implementation guidelines are inadequate, and student retention is overlooked.¹⁷

Alarming high Pupil Teacher Ratio¹⁸: A large proportion of employees stated that their schools had a high pupil-to-teacher ratio. As a result, teachers are prohibited from providing personalised attention to students. It also contributes to the consequences of high-quality education. The teachers stated that the authorities should be more active and motivated to improve educational quality.¹⁹

Adequate information and training not being provided: RTE was viewed positively by the majority of teachers as an essential step forward in school instruction. The majority of instructors stated that the Act ensures equal access to education. The main obstacles identified by teachers in the execution of the RTE Act are a lack of training and proper information. Given that a lesser number of principals and instructors are aware of the act, it is obvious that its objective is not being realised. Teachers attribute the child's poor academic performance to the behaviour. The research makes it clear that instructors must be educated, that they must be given the tools they need to teach, and that they must regularly get advice on how to set up their classrooms to carry

¹⁶ Sharma R (n 9)

¹⁷ Iftikhar Islam (n 11)

¹⁸ *Ibid*

¹⁹ *Ibid*

out the law. It is crucial that instructors be ready and that schools have the resources needed to meet the needs of all kids when there are more pupils attending school.

There have been certain amendments to the Act in 2018²⁰ and 2019²¹ regarding the no-detention policy as well as minimum requirements for the teachers respectively. Before the no-detention policy, a child could not be kept back or detained until he finished primary school. However, whether or not the non-detention policy is maintained following the amendment is up to the state. The other adjustment will help to ensure that all teachers have the minimum qualifications required to maintain the teaching quality standard.²² The Supreme Court ruled that a child's "right to an education should not be confined to free and compulsory education,²³ but should be enlarged to include quality education regardless of economic, social, or cultural background."²⁴

According to the Supreme Court's division bench,²⁵ the "right to life" is an essential component of all the rights that courts must defend since it is essential to the dignified enjoyment of life. Education is intrinsically related to the right to life.²⁶ Article 21²⁷ guarantees the right to life. Individual life's dignity cannot be realised unless it is paired with the right to an education.²⁸ By a 3-2 majority,²⁹ the five-judge panel agreed with the Mohini case conclusion and concluded that the right to education is a fundamental right³⁰ since it follows directly from the "right to life".³¹

CONCLUSION/RECOMMENDATION

High school students should be included under the Right to Education Act's purview in addition to minors under the age of 14. For the RTE policy to be successful in India, parents must be

²⁰ Right to Education (Amendment) Act 2018

²¹ Right to Education (Amendment) Act 2019

²² P Jha & P Parvati, 'Right to Education Act 2009: Critical gaps and challenges' [2010] Economic and Political Weekly 45

²³ *Ibid*

²⁴ *State of Tamil Nadu & Ors v K Shyam Sunder & Ors* AIR 2011 SC 3470

²⁵ *Ibid*

²⁶ *Ibid*

²⁷ Constitution of India, art 21

²⁸ *Miss Mohini Jain v State of Karnataka & Ors* 1992 AIR 1858

²⁹ *Ibid*

³⁰ *Unnikrishnan v The State of Andhra Pradesh* 1993 SCR (1) 594

³¹ *Ibid*

ruthless, and the government must make this a basic role of guardians and parents. Most importantly, local governments and governing bodies should step in to guarantee that newborn babies are enrolled and their records are transferred to a nearby school.

International and national agencies should focus more on the disadvantaged parts of society, the economically backward, women, and India's most populous states; improving the quality of this act should be a major goal for these states. The act's primary objective isn't being achieved since so few people—including parents, administrators, and teachers are aware of it. The RTE Act is certainly increasing kid enrolment in schools, but delivering excellent education is the need of the hour. New laws and regulations related to the right to education should be passed to raise literacy rates, which are still in the early stages of development. Only India can then evolve into a developing nation that would never regress as long as its inhabitants are educated.

Although the Right to Education was a terrific government initiative, the outcome was not particularly outstanding. The quality of this Act and education both require significant government effort. Because education is the cornerstone of all progress, whether it be personal or societal, education. You have the power to affect change when you are read and educated.