

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

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INTRODUCTION

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- The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between the age of 6 to 14 years in India under Article 21A of the Indian Constitution
 - India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory.'

HISTORY

- Present Act has its history in the drafting of the Indian constitution at the time of Independence but is more specifically to the Constitutional Amendment of 2002 that included the Article 21A in the Indian constitution making Education a fundamental Right. This amendment, however, specified the need for a legislation to describe the mode of implementation of the same which necessitated the drafting of a separate Education Bill. It is the 86th amendment in the Indian Constitution.

GOALS

- Free and compulsory education to all children of India in the 6 to 14 age group. ...
Provided further that a child so admitted to elementary education shall be entitled to free education till the completion of elementary education even after 14 years.
- The law guarantees every child in the age group 6–14 free and compulsory education up to class VIII. ...The Act seeks to achieve ten broad objectives including free and compulsory education, quality education, focus on social responsibility and the obligations of teachers and the de-bureaucratisation of admissions

CHARACTERISTICS

- The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age.
- The RTE act requires surveys that will monitor all neighbourhoods, identify children requiring education, and set up facilities for providing it. The World Bank education specialist for India, Sam Carlson, has observed

SIGNIFICANCE

- Education reduces poverty, decreases social inequalities, empowers women and helps each individual reach their full potential. It also brings significant economic returns for a country and helps societies to achieve lasting peace and sustainable development. Education is key to achieving all other human rights
- The **Constitution** (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the **Constitution** of India to provide free and compulsory **education** of all **children** in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine

FOLLOW UP LEGISLATION

- 2003: The free and compulsory education for children bill , 2003
- 2004 : The Free and compulsory education for children bill , 2004
- 2005 : The Right education bill , 2005 (CAFE Bill)
- 2005 : The Right education bill , 2005 (August)
- 2006 : The Model Right to education bill , 2006
- 2008/9 : The Right of Children to free and Compulsory education bill , 2008 , introduced /passed in Rajya sabha

86TH CONSTITUTIONAL AMENDMENT , 2002

- Art 21 –A inserted in Fundamental Right
- The state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state by law , determine
- Stipulates that :
- It shall come into force from such date as the central Government may by notification in the official Gazette , appoint .

CONCLUSION

- This concluding section brings together the theoretical insights derived from the earlier part of the paper, with a greater focus on the operational apparatus needed to ensure more effective implementation of compulsory education as part of a child labour strategy
- This is followed by an examination of the problems of enforcement and how they might be overcome