

GATHER INFORMATION AND AWARENESS OF PARENTS RE GARDING RIGHT TO EDUCATION ACT, 2009

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ABSTRACT

The data was collected from both public and private institutions across two different districts in Andhra Pradesh. In the state of Andhra Pradesh, two districts were selected as the sample for the research project. One of the districts had a dominant performance, while the other had a meagre performance. Both districts were chosen based on important indicators of basic education. The enrollment status under the RTE regime is relatively excellent, according to the main data analysis; nevertheless, the pupil-teacher ratio is which is not in conformity with the RTE norms. During RTE three, in addition to the efficient execution of the Act, it will be necessary to make enhancements to both the existing physical infrastructure and the available human resources. According to the findings of the survey, the vast majority of students provided favourable feedback on Teaching Learning - Quality Indicators and Provisions. The majority of the sample schools, as indicated by the replies given by the teachers, were successful in establishing a School Management Committee, and the administrations of the schools were happy with the committee's work. The vast majority of educational institutions have convened what are known as Parent-Teacher-Student (PTS) meetings, which typically take place once every calendar year. In 2010, the RTE Act has a number of objectives that it set out to accomplish, and it has been effective in achieving some of those objectives. The suggestions of RTE have been successfully implemented in a number of states. In addition to the fact that the RTE Act is functional, the present study found that there have been deficiencies in basic education since its implementation.

Keywords: Education, Rte

INTRODUCTION

The Universal Declaration of Human Rights establishes the moral grounds of the Right to Education. The right to education has a legal basis in the United Nations' Universal Declaration of Human Rights, which declares that "everyone has the right to education." At least in the early and elementary phases, education should be free. Elementary schooling will be mandated (UDHR, 1948). The European Convention on Human Rights (1952) safeguarded the fundamental human right to education, stating that no one shall be denied this right. Under Article 4(a) of the 1960 Convention against Discrimination in Education, basic education is free and compulsory. Article 13 of the International Covenant of Economic, Social, and Cultural Rights (1966) states that everyone has the right to education Article 10 of the CEDAW (1979) ensures their right to education. It supports gender equality by giving every woman the same educational rights as a male, from pre-

school to higher technical education. Education was recognised as a legal right to every child on the basis of equal opportunity in the 1989 Convention on the Rights of the Child. Article 31 of the ASEAN Human Rights Declaration (2012) stipulates that everyone has the right to education. With the aforesaid scenario, the relevance of the right to education will undergo a paradigm shift as a result of the right-based approach to development. The Act on Compulsory Education is being enforced. In India, there has been a need for a similar act for the Right to Education (Nalini, 2003). The Right of Children to Free and Compulsory Education Act (RTE), approved by the Indian parliament on August 4, 2009, makes India one of 135 countries to make education a basic right for all children. The 86th Constitutional Amendment, passed in 2002, was a huge stride forward for India's government by making primary education a fundamental right. India went even further in 2009, enacting the Right of Children to Free and Compulsory Education Act. In the table below, the evolution of India's Free and Compulsory Education landscape is summarised.

Table: India's Changing Free and Compulsory Education Landscape

Time	Elementary education	Across segments
1951-1974	Expansion of basic and elementary education (First Plan – 1951–56) Primary education made free and compulsory (Fourth Plan – 1969–74)	First National Policy on Education adopted (1968)
1974-1990	Launch of centrally assisted schemes such as Operation Blackboard (1986), Non-formal education scheme (1986), Shiksha Karmi Project (1987) and Mahila Samakya (1989)	Launch of integrated child development scheme (ICDS) for children up to six years of age (1975) Education made a concurrent subject (1976) Second National Policy on Education adopted (1986)
1990-2011	District Primary Education Programme launched to universalize primary education (1994) Mid- Day Meal scheme (1995) Sarva Shiksha Abhiyaan launched (2001)	NPE 1986 revised based on review by Acharya Ramamurti Committee (1992) Constitution amended to make Free and Compulsory Education a fundamental right (2002) Right to Education Act (2009)

Right to Education: The Private Sector's Role, Ernst & Young Pvt. Ltd., Kolkata, 2012.

For the first time in India's history, legislation was enacted through the Prime Minister's address. "We are determined to ensuring that all children, regardless of gender or social category, have access to education," Manmohan Singh, India's Prime Minister, said in his speech. They can gain the skills, knowledge, values, and attitudes they need to become responsible and engaged citizens of India through education" The success of a policy is primarily determined by how well it is implemented, regardless of how well it is put on paper The RTE Act is a precise and comprehensive piece of legislation that covers schools, teachers, curriculum, evaluation, access, and the exact division of tasks and obligations among various stakeholders. However, there is significant concern about the RTE Act's application in the educational system, particularly with regard to training or instruction, its modalities, and execution. States and UTs must pay special attention to dealing with the problem in terms of hiring qualified instructors, developing specific training programmers for out-of-school children admitted to age-appropriate courses, and developing relevant teaching learning materials for them.

The Act, on the other hand, provides a number of good characteristics that, if followed, can result in long-awaited changes in India's school education system. These include infrastructure upgrades, teacher recruitment to meet the prescribed pupil-teacher ratio of 30:1 at the primary level, free education, enrolment of all out-of-school children, democratically elected school management committees in each school, and elimination of the screening procedure and capitation fee for admission of children, as well as private tuition by teachers (RTE Forum, 2012). Although the RTE Act satisfies the constitutional obligation of free and compulsory primary education, certain of its clauses have sparked dispute over time. Stakeholders are confronted with a variety of obstacles and issues when they implement the Act in schools Despite the fact that states are playing a key role in RTE implementation, there are a number of limits and challenges that RTE faces throughout implementation..

1.6 PASSING OF RIGHT TO EDUCATION ACT, 2009

The much-hyped and much anticipated "Right of Children to Free and Compulsory Education Act 2009" (also known as the Right to Education Act or RTE Act) was passed in August 2009 and took effect on April 1, 2010. This act is a thorough and complex piece of legislation that includes provisions for school teachers as well as specified divisions of tasks and obligations among various stakeholders. The following are some of the Act's key features: Every child aged 6 to 14 has the right to free compulsory education in a neighbourhood school until the completion of elementary education; Private schools must accept a quarter of their students from the weaker section and disadvantaged groups sponsored by the government; No child shall be subjected to physical punishment or mental harassment; No child shall be held back or expelled until the completion of elementary education; This bill, however, contains numerous flaws. To begin with, this bill exempted children under the age of six years old from the fundamental right to free early childhood care and pre-primary education. It also limited the fundamental right of children aged 6 to 14 by including a conditionality in the form of the words "as the State may, by legislation, determine," giving the state the power to unilaterally restrict, dilute, and distort the fundamental right guaranteed by Article 21 A. This bill also relocated the constitutional commitment for free and compulsory education from the states to parents/guardians, making it a basic duty under article 51 A (k) of the Constitution (Sadgopal, 2010). It also legitimised a multi-layered

education system, which runs counter to the essence of a traditional school system. So, in order to truly make elementary education a basic right, these flaws must be rectified.

86th Constitutional Amendment – Right to Education, a fundamental right

In 1992, the Hon'ble Supreme Court of India expanded the scope of the Right to Life to include the Right to Education¹². The Hon'ble Court repeated this in the case of J P Unnikrishnan v. State of Andhra Pradesh¹³, where it was held that children's educational rights are a part of their right to life under Article 21 of the Indian Constitution.

Following that, the Muniram Saikia Committee¹⁴ suggested that RTE be made a fundamental right for children under the age of 14, citing the essential requirement for parents to offer elementary education to their children in its report.

Article 21A was inserted into the Constitution of India through the 86th Constitutional Amendment Act in 2002 to include "free and compulsory education to all children in the age group of 6 to 14 years" as a fundamental right as a result of the two Apex Court pronouncements and the recommendations of the Saikia Committee. The provision not only recognised the right, but also required the state to ensure that it is realised by all children aged 6 to 14 in a neighbourhood school.

Right of Children to Free and Compulsory Education Act, 2009

In 2003, the process of drafting a central legislation to fulfil the State's commitment to provide free and compulsory education to all children began under Article 21A of the Constitution. The "Right of Children to Free and Compulsory Education Act, 2009" (RTE Act, 2009) was approved by Parliament in 2009 to give effect to Article 21A of the Constitution after a series of debates, deliberations, and bill modifications. "Every child in the age group of 6 to 14 years has a right to free and compulsory education in a neighbourhood school," according to the RTE Act of 2009, which went into effect in 2010. It is a child-centered act that aims to ensure not only that children have the right to free and compulsory education, but also that quality education is provided by providing necessary infrastructure and ensuring that schools adhere to specific norms and standards by removing all barriers (including financial barriers) to education.

FEATURES OF THE RIGHT TO EDUCATION ACT, 2009

- If a child over the age of six has not been admitted to any school or has been admitted but has not completed his or her elementary education, he or she shall be admitted in a class appropriate to his or her age and shall have the right to receive special training in order to be on par with others (section 3);
- If a child over the age of six has not been admitted to any school or has been admitted but has not completed his or her elementary education, he or she shall be admitted in a class appropriate to Provides for at least 25% reservation for economically disadvantaged children in admission to Class One in all private unaided schools in the country (section 4);

- Financial burden will be shared between the state and the federal government (section 7); No school shall collect capitation fee or perform a screening test during the time of admission (section 13);
- No kid shall be denied entrance to a school because of a lack of age evidence (section 12);
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education (section 14);
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education (section 15);
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education (section 16);
- Requires schools to be recognised (section 18); 8 NLSIU's Centre for Child and Law
- Every school shall have a School Management Committee consisting of the parents of the school-aged children (section 21);
- Every school shall have a School Management Committee consisting of the parents of the school-aged children (section 19 read with the Schedule to the Act);
- Every school shall have a School Management Committee consisting of the parents of the school-aged children (section 21);
- Requires improvement in educational quality by adhering to Constitutional values, focusing on the all-round development of the child, and engaging children in activities, among other things (section 23);
- Requires improvement in educational quality by adhering to Constitutional values, focusing on the all-round development of the child, and engaging children in activities, among other things (section 24). (section 29).

Interestingly, the RTE Act 2009 is a prime example of state-dominated arbitrariness, as no other fundamental right in the Constitution suggests selective enforcement of fundamental human rights. The Act abolished the fundamental right of children aged 6 to 14 years to receive an equal quality primary education (i.e. class I-VIII). The Act legitimises India's discriminatory multi-layered school system, which is a direct result of World Bank-IMF structural adjustment conditionality imposed on the Indian economy and implemented through neoliberal schemes such as the District Primary Education Programme (DPEP) in the 1990s and the Sarva Shiksha Abhiyan (SSA) in the first decade of the twenty-first century¹⁵. The arbitrariness demonstrated in the drafting and enactment of the RTE Act resulted in a decline in the quality of the government school system, with the exception of the elite government schools (i.e. Central, Navodaya, and Sainik schools), paving the way for the growth of both low-cost and high-cost private schools..

CONSTITUTIONALITY OF RTE ACT, 2009

The constitutional validity of the RTE Act, 2009 has been questioned on a number of grounds, the most important of which is the issue raised by private unaided schools about their obligation to admit students from underprivileged backgrounds to at least 25% of their classes [Section 12(1)(c) of the RTE Act, 2009]. In the case of Society for Unaided Private Schools of Rajasthan v. UOI¹⁶, the legitimacy of the legislation was challenged by private schools as an infringement of their fundamental right under Article 19(1)(g) and minority schools under Articles 29 and 30 of the Constitution of India. The Act's legitimacy was affirmed by the Hon'ble Supreme Court, which provided minority schools an exception from the Act's mandate.

The case was then referred to a Constitution bench of the Hon'ble Supreme Court, which maintained the constitutional validity of Articles 21A and 15(5) in the case of Pramathi Educational and Cultural Trust & Ors. v. UOI & Ors¹⁷. The Court also ruled that the Right of Children to Free and Compulsory Education Act, 2009 is not extra vires of Article 19(1)(g) of the Indian Constitution, but that it does not apply to minority institutions covered by Article 30.

With the exception of minority institutions, the RTE Act of 2009 has been legally recognised as being within the constitutional mandate and lawful.

AMENDMENT TO RTE ACT, 2009

The RTE Act of 2009 has been revised twice since its inception in 2012 and 2017, respectively. Another bill to change the Constitution is now being debated in Parliament.

The provisions of Sections 1, 2, 3, 21, 22, and 25 were revised in the first modification in 2012. Section 39 of the Principal Act was also amended to include a new provision. The amendment, among other things, guaranteed the right to education for children with disabilities, defined "child with disability," exempted minority institutions established under Article 30 of the Indian Constitution, madrasas, Vedic Pathshalas, and educational institutions imparting religious instruction from the Act's application, extended the deadline for achieving pupil-teacher ratios, and gave the Central Government the power to issue any order to address any dissent. ²

The second modification to the RTE Act was enacted in 2017, extending the deadline for instructors to get the required minimum qualifications to 2019 under Section 23.

Another bill that has been submitted in Parliament and is currently waiting is to change Section 16 of the RTE Act, 2009 to repeal the mandatory no detention policy. The bill is currently being debated.

OBJECTIVE OF STUDY

- The review is to dissect the Krishna et al. Print ISSN: 0976-7258 10 Online ISSN: 2230-7311 execution status of Right to Education Act 2009.

LITERATURE REVIEW

Jha and Parvati (2010) investigated the flaws and obstacles in the Right to Education Act of 2009. It was believed that the Right of Children to Free and Compulsory Education Act of 2009, after many rounds of drafting and redrafting, would be an effective tool for any child to claim her basic entitlement. However, a closer examination of the clauses shows several ambiguous elements.

Reddy and Sinha (2010) looked at statistics and research literature on school dropouts in order to find ways to overcome impediments to the right to education. One of the most significant obstacles to India's right to education is the persistently high dropout rate. Bhan and Rodricks (2012) looked into the viability of RTE and the obstacles to its implementation in India. They discovered that there were attitudinal hurdles, a lack of awareness of legal provisions and subsequent schemes, a lack of school accessibility, a lack of necessary infrastructure, a lack of and retention of trained staff, and a lack of control systems.

According to Kaushal (2012), despite many obstacles and obstructions in the path of the 86th Constitutional Amendment Act's ultimate aims These challenges must be addressed immediately in order to develop the educational scene at the grassroots level. Soni and Rahman (2013) attempted to determine the status of key aspects of the RTE Act 2009 in terms of implementation. The findings suggested that the RTE Act, 2009 was being implemented to a large extent, and that attempts were being made to execute various components of the Act.

Agrawal (2013) used the Right to Education Act to examine educational achievement in India's backward states. The results were extremely discouraging for society's most vulnerable social groupings. Quotas under the Right to Education Act of 2009 were validated by Sarin and Gupta (2014). Quotas have forced a discussion on issues of social integration and equity in education that had previously been avoided by commercial entities.

Thakur (2014) investigated the extent of RTE Act awareness among trained school teachers. The findings demonstrated that RTE act awareness was low, that there was no significant difference in RTE act awareness between male and female trained teachers, and that there was a significant difference between urban and rural trained teachers. Cheruvalath (2015) investigated whether India's Right to Free and Compulsory Education Act can achieve its goal of providing education to all children. He discovered the sad reality that the Right of Children to Free and Compulsory Education Statute will not assist in bringing poorer children into the main arena of education; in fact, the poor souls are absent from the picture, and the act will only benefit a few lower middle-income people.

Malakar and Mahato (2015) investigated the state of the Right to Education (RTE) Act 2009's implementation. They claim that since the establishment of RTE, a great deal of progress has been made. A study on the Right to Education and inclusion in private unaided schools was undertaken by Mehendale et al. (2015). It finishes by outlining policy gaps and difficulties that require immediate attention. This provision's applicability to specific types of schools, such as those associated with foreign boards and residential schools, is unclear. Chauhan and Sati (2016) conducted research to learn more about the state of RTE in Uttarakhand

after such a long time since it was implemented. After such a long time of implementation, this study determined that RTE is currently not at a sufficient level.

Mahajan (2016) investigated the status of the right to education act's implementation in the context of drinking water and sanitation facilities, finding that pre-RTE, 97.26 percent of Himachal Pradesh's primary schools were equipped with a drinking water facility, which increased to 99.88 percent post-RTE. Dutta and Khan (2017) looked into the educational and social inclusion of children who were admitted under the RTE Quota. The findings revealed that kids admitted to private schools under the EWS quota are mainstreamed and socially integrated, although the process of social and educational inclusion is not seamless.

Sucharita and Sujatha (2019) investigated social inclusion using RTE. The children admitted under this clause were deemed to be unsatisfactory. Despite the adoption of RTE, India's objective of universal primary education by 2019 appears to be disappointing in certain ways. It remains to be seen whether the Act has been executed well enough to have a substantial impact on the lives of children after eight years of implementation. In this backdrop, the implementation status of the Right to Education Act 2009 in Andhra Pradesh was examined in this research report.

CONCLUSIONS

One of the few important pieces of legislation passed in recent decades is the Right to Education Act. It has provided a huge boost to India's long-cherished objective of universal elementary education. Some elements were inserted in the Act in order to support free and compulsory education, which helped kids avoid dropping out of school. The Right to Education Act of 2009 has a number of provisions aimed at reducing school dropout rates, including the following: "A kid has the right to seek transfer to any other school to complete his or her elementary education," says Section 5(1). "No child should be refused entrance to a school because of a lack of age documentation," says Section 14(2). "Until the conclusion of primary education, no child accepted to school may be held back in any class or expelled from school." "Physical punishment and mental abuse of children are prohibited," says Section 17(1)." The parts above were created to make it easier for pupils to stay in school until their primary education was completed. However, the Investigator discovered that there were pupils in the schools who had not attended in a long time and had been labelled as dropouts by school authorities. In Anantapur, Atmakur, Guntakal, Bhunerheri, Kudair, Tadipatri, and Ghanour blocks, the proportion of kids who had not attended school for a long time (dropouts) declined. After the enactment of the Right to Education Act, 2009, the proportion of children in Kalyandurg block increased somewhat each year. The proportion of kids who had not attended school for a long time (dropouts) remained stable in certain blocks (Anantapur, Atmakur) and fell in others (Guntakal, Bhunerheri, Kalyandurg, Tadipatri, Ghanour). After the adoption of the Right to Education Act 2009, the proportion of pupils not attending school in aided schools in Anantapur district has fallen in all blocks.

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