



Received on 4th Jan. 2019, Revised on 8th Jan. 2019; Accepted 18th Jan. 2019

ARTICLE

Right to Education Act: Some Issues

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Key words: Right to education, Teacher, Implementation Issues etc.

Right to Education was recognized by the United Nations as fundamental to man - indeed as the UN was being established, India had argued vehemently in favour of education as a fundamental right. The 1968 and 1986-1992 National Education policies in India recognized education as a precondition for development and set out three critical issues in those policies - equity, accessibility and quality. The right to education act 2009 was the result of a long process, discussions and recommendations made by various educational commissions and committees.

This act provides that the states will ensure that no non-teaching work is given to the teachers. The act recommends quality teachers and mandates that untrained teachers will have to upgrade themselves in 5 years.

Getting away from the rote learning method, fostering a culture of creativity and an ability to learn multiple jobs in one's career lifespan, is critical for the jobs of tomorrow. Let us first accept that the underlying idea behind the RTE is a good one - the concept of underprivileged children attending private schools - but the execution is at fault. Common sense and strong economics should help us improve the Act's intention.

This paper discuss with the constitutional provisions related with right to education act, A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act. The education of India's next generation is far too important a priority to leave to the mercy of a poorly thought out, and hastily drafted Act. Government needs to replace the RTE with a new Act, worthy of its' practical and pro-free market reputation.

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The 93rd Amendment Bill was discussed and passed By Lok Sabha on 27 November 2001 and Rajya Sabha on 14th May 2002. The date of the bill was to amended from 2001 to 2002 so it again went to Lok Sabha. After ratification by the President, it became Constitution 86th Amendment Act. The 86th amendment provided for a follow-up legislation, which culminated in Right to Education Bill 2005, Right to Education Bill 2008 and finally Right to Education Act 2009.

Right to Education Act: Main Features

Education as Fundamental Right:

- Every Child of the age group of 6-14 years shall have right to free and compulsory Education.
- No child is liable to pay any kind of fee/ capitation fee/ charges. A collection of capitation fee invites a fine up to 10 times the amount collected.

Children from Disadvantaged Group:

- This right provides that " child belonging to disadvantage group" means a child who
 1. Belongs to SC & ST
 2. Socially backward class.
 3. Geographical, Linguistic, Gender or such other matters.
 4. Is differentially abled.

The Right to Education Act 2009 did not initially talk about "Physically disabled" children. To enable such provisions, the Right of Children to Free & Compulsory Education (Amendment) Bill 2010 was introduced in the Rajya Sabha on April 16, 2010. This bill was later referred to a standing committee on Human Resource Development. The bill was passed in both the houses of the parliament by May 2012 thus expanding the definition of "Child belonging to disadvantaged group". Now this group shall also include the children with disability. Disability means blind, leprosy cured, hearing impaired, locomotor disabled and mentally ill. It also includes autism, cerebral palsy, mental retardation & multiple disabilities. These children have the same right as of other children. A number of other