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## RTE ACT, 2009 - RIGHT TO EDUCATION-THE PARAMETERS AND THE PARADOXES”

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*“Education is the process to build up the character, mind strength and to sharpen the intellectual thinking, so that they can stand upon their own feet”.*

*–Swami Vivekananda*

### **Abstract**

There are certain necessities without which a man cannot live a life of his own. One of these is education. The Greek philosopher Aristotle has said that man is a social animal by nature and by necessity. If good is the aim of man's life, then its pursuit and achievement involve fulfillment of certain conditions. It implies that every individual should be conscious of his own good and develop his power of action to realize it. But simultaneously he must be conscious of the good of others and help in creating those conditions which lead to the development of their power of action. Consciousness of this fact that individuals can be realized in common with the good of others is the essence of rights. The importance of learning is to enable the individual to put his potential to optimal use. Education makes a man a right thinker and a correct decision-maker. It achieves this by bringing him knowledge from the external world, teaching him the reason and acquainting him with past history, so that he can be a better judge of the present. With education, a person finds a person in a room with all its windows open to the outside world. A well-educated man is a more dependable worker, a better citizen, a center of wholesome influence and pride to his community and honor to his country.

It is a lifelong process and necessary for the overall development of an individual. Education not only provides livelihood, but also opens up one's mind to new thoughts, possibilities and opportunities. No State could survive without the education policy for its citizens, nowadays the world is transiting to technocrat's world and for that the country must have a strong policy of education in order to compete with the global scenario.

The Right to Education (RTE) Act (2009) draws its strength from the right to development approach in the late 20th century sphere headed by civil society around the world. Involvement of civil society in the Indian educational system is not new. In the olden days, civil society was characterized by individual philanthropic Efforts that aided in the advancement of civilization. These social organizations which were created by the people were dedicated to the benefit of the community are reflected in today's NGOs and voluntary organizations. There are numerous examples of several civil organizations and institutions which have taken interest in establishing as well as imparting education for a long time in India. Taking cue from that, the engagement of civil society in recent times seems to have strengthen effective implementation of Right to Education (RTE) Act and its various provisions in India. In India, the civil society plays a dual role in raising RTE awareness among educators. While promoting the RTE provisions plans and programs, it also fosters knowledge of the duties and rights of educators, parents, and children. These rights and responsibilities are basic doctrines of education in India as a whole and Arunachal Pradesh in particular.

The present study is an attempt to examine the implementation of Right to Education related to awareness, implementation, and challenges of RTE. However, this seems to be an unfulfilled goal of the RTE Act. The 19th clause of RTE Act demands proper infrastructure, salaries, facilities of separate washrooms/toilets, pure drinking water etc. But in the present scenario, it is totally against the Act of RTE because all this demand is still like a dream. It seems that the RTE Act needs re-examine for its proper implementation and fulfill its main goal of compulsory education to all. The basic importance of RTE is to remove the discrimination in the field of education and also eradicate illiteracy. In this context, the supreme court of India while interpreting article 21 of the constitution "right to life", has made education a part of right to life. It seems that the RTE Act needs to be re- examined for its proper implementation and fulfil its main goal of compulsory education to all. Therefore, the present paper focuses on the proper implementation of RTE.

The sole purpose of enacting and implementing RTE in India was to eradicate all the problems of the elementary education system persisting in India. The RTE Act provision covers all the necessary and needed requirements to improve the standard quality of elementary education in India.

## INTRODUCTION

The aim of education is to promote personal development, strengthen respect for human rights and freedoms, enable individuals to participate effectively in a free society, and promote understanding, friendship and tolerance. The right to education has long been recognized as encompassing not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. In addition, education is necessary for the fulfillment of any other civil, political, economic or social right<sup>1</sup>.

In India, there were 331 million children between the ages of 0-14. Of these 179 million were between the ages of 6-14 and 90 million of these children do not go to school. A large number of them are child workers, street children or child laborers. Obviously, the State has failed in its "duty" to provide free and compulsory education even in sixty years. The activist phase of the Supreme Court during recent years included the declaration of the right to education up to fourteen years a fundamental right.

The journey of the right to education - from being initially enumerated in the directive principles to being declared a fundamental right - has been a huge struggle and a triumph, for activists, child rights advocates, educationists and NGOs working on education all over the country. This journey however has been quite different from that of the other constitutional social rights, the main reason being that Article 45 of the directive principles gave a very different promise than the other provisions within the Constitution as it imposed a time-limit of ten years to implement the right to free and compulsory primary education.

Article 45 is the only article among all the articles in Part IV of the Constitution, which speaks of a time-limit within which this right should be made justifiable. Therefore, it was clear that when the Constitution of India was adopted in 1950, the framers of the Constitution were aware that for the realization of a person's capabilities and for full protection of her rights, education was an important tool. Thus, in addition to Article 45, the right to education has been referred in Articles 41 and 46 of the directive principles as well.

The theory of the complementary nature of rights declared in Part III and Part IV, and the harmonious interpretation of these rights has been the foundation for the realization of primary education being declared a fundamental right today in India. The two crucial judgments of the Supreme Court which paved the way for the declaration of the right to education as a fundamental right, give full realization to the interdependence argument of social and civil/political rights, as discussed below. Education as a necessary means of achieving socio-political justice was largely ignored until the 1992 Supreme Court judgment in **Mohini Jain v. State of**

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<sup>1</sup> BY DR.RATTANSINGH (INDIAN BAR REVIEW VOL. XXXVIII (3) 2011), BAR COUNCIL OF INDIA TRUST, NEW DELHI. (PAGE 89-91, 99-110)

**Karnataka**<sup>2</sup>. In this case, the two-Judge Bench of the Supreme Court, while declaring that the charging of capitation fees as illegal and categorically held that "the right to education flows directly from the right to life as the right to life and the dignity of an individual cannot be assured unless it is accompanied by the right to education", and "the fundamental rights guaranteed under Part III of the Constitution of India, including the right to freedom of speech and expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity".

The Supreme Court, in **Mohini Jain**, referred to the UDHR principles and to Article 41 of the Constitution, which recognizes an individual's right to education. Borrowing the words of Dr. Ambedkar, the Court held that "although a citizen cannot enforce the directive principles contained in Chapter IV of the Constitution but these were not intended to be mere pious declarations ... [and] the directive principles which are fundamental in the governance of the country cannot be isolated from the fundamental rights guaranteed under Part III". The Court also relied upon Article 21 elaborations and expansion laid down in earlier judgments to uphold the right to education

The zeal demonstrated in Mohini Jain continued in the later Constitution Bench decision in **Unni Krishnan v. State of A.P.**<sup>3</sup> where the Constitution Bench articulated that the fundamental right to education flows from Article 21. While declaring the right to education to be a fundamental right, it was held not to be an absolute right, and its content was defined by the parameters of Articles 45 and 41. In other words, every child has a right to free education up to the age of fourteen years and thereafter the right would be subject to the limits of the economic capacity of the State. This was in the nature of waking up the State from hibernation so that it may be fully alive to its obligations under the directives than an expansion of "life" or "liberty" in Article 21.

In **Unni Krishnan** the Court took support from UDHR<sup>4</sup> and Article 13 of ICESCR<sup>5</sup> and for the first-time articulated education as a 'social right'. By holding the right to free primary education up to the age of 14 years, the Court was thus reminding the State of the Endeavour it had to take under Article 45 within a prescribed time-limit, which had expired long ago. This has been one of the first judgments where the courts have employed ICESCR language for progressive realization of the right to higher education while declaring the fundamental right to free primary education. The argument that the right to life in Article 21 is merely negative in character was rejected by the Court. The question of insufficient resources was also very ingeniously dealt with by Jeevan Reddy, J. He states quite naturally that it is only Article 41, which speaks of economic capacity of the State, whereas Article 45 does not speak of the limits of its economic capacity as

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<sup>2</sup> AIR 1992 SC 1858

<sup>3</sup> (1993)1 SCC 645

<sup>4</sup> Universal Declaration of Human Rights, 1948

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, 1966

does Article 41 and therefore this hurdle does not stand as an obstacle in carving out a fundamental right to primary education from Article 21. Knowing that this would have grave budgetary implications, he goes on to hold that: “We are not seeking to lay down the priorities for the Government – we are only emphasizing the constitutional policy as disclosed by Articles 45, 46 and 41. Surely the wisdom of these constitutional provisions is beyond question.”

The declarations of the right to education as a fundamental right, has been further upheld and recently confirmed by the eleven-Judge Constitutional Bench of the Supreme Court in *T.M.A. Pai Foundation v. State of Karnataka*<sup>6</sup> and *Islamic Academy of Education v. State of Karnataka*.<sup>7</sup> The Supreme Court, in *P.A. Inamdar v. State of Maharashtra*<sup>8</sup> accorded wide freedom to private non-State funded educational institutions and made them beyond State control and regulation. In, *Prof. Yashpal v. State of Chhattisgarh*<sup>9</sup> held that the importance to the overall quality and standard that is to be maintained in institutions of higher education and accords primacy to the Union Government's policies on education.

Thus, constructing a fundamental right to education from a long-ignored directive principle as presented in Unni Krishnan as merely an example of the old idea that the directive principles furnish the technology of construction of Part III and now as a Swayambhu (self-manifesting) aspect of new judicial power.

The Amendment to the Constitution which sought to introduce a change to Article 21 of the Constitution to make the right to primary education for children up to the age of 14 a fundamental right. This sparked off a nationwide campaign spearheaded by NGOs working with various aspects of children's rights to pressurize the Government into passing the Amendment Act. The Amendment was finally passed in 2002 and inserted in the Constitution as Article 21A.

Finally, The Constitutional 86th Amendment Act, 2002, made three specific provisions in the Constitution to facilitate the realization of free and compulsory education to children between the age of six and 14 years as a fundamental right. These were (i) adding Article 21A<sup>10</sup> in Part III (fundamental rights), (ii) modifying Article-45<sup>11</sup>, and (iii) adding a new clause (k) under Article 51A<sup>12</sup> (fundamental duties), making the parent or guardian responsible for providing opportunities for education to their children between six and 14 years. After much

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<sup>6</sup> T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355

<sup>7</sup> Islamic Academy of Education v. State of Karnataka 2003 (6) SCC 697

<sup>8</sup> P.A. Inamdar v. State of Maharashtra .2005 (6) SCC537

<sup>9</sup> Prof. Yashpal v. State of Chhattisgarh 2005 (5) SCC420

<sup>10</sup> Article 21A: The State shall provide free and compulsory education to all children of the age six to fourteen years in such manner as the State may, by law, determine

<sup>11</sup> Article 45: The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.

<sup>12</sup> Article 51A (k): who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen years.

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dithering for almost seven years subsequent to the 86th Amendment to the Constitution, the RTE Act, 2009<sup>13</sup> received Presidential assent on 26 August 2009, taking forward the agenda of free and universal elementary education. On the basis of this Act, the centre has framed a subordinate legislation, the Model Rules, which are guidelines to states for implementing the Act. The states are now required to frame their own rules, for which only a few have started consultations.

In addition to the declaration and amendment declaring the right to education as a fundamental right, several States in India have passed legislation making primary education compulsory. These Acts, however, remain unenforced due to various socio-economic and cultural factors as well as administrative and financial constraints. With the Supreme Court declarations, it is to be seen whether the State machinery is put into work to enforce the right, and also to implement the State-level legislations, which seek to provide free and compulsory primary education. Therefore, the issue would be of enforceability and not one of justifiability.

### **MEANING DEFINITION AND PURPOSE OF EDUCATION**

The world education comes from the Latin word *e-ducere*, mean "to lead out". It is indeed, difficult to define education. Education is a relentless process of becoming.<sup>14</sup>

Education is the basis for development and empowerment for every nation. It plays a vital role in understanding and participating in day to day activities of today's world. It builds one's character and plays a significant role in transmitting one's culture, belief and values to others in society. It helps in creating innovations and meeting the growing needs of every nation. Education is therefore more crucial factor not only to equip the new generations with skills so essential for earning a livelihood but also to create among them an awareness to social and environmental realities and inculcate in them scientific temper, independence of mind and spirit which are of paramount importance for them to become responsible citizens.<sup>15</sup>

The growth of society is not possible without education. It is with this reason that almost all the eminent educationists have unanimously agreed that education is the pillar on which the entire fabric of nation resides. Whether a society is formed through contract or communication, education plays its vital role in preservation and transmission of social values. The process through which they are transmitted is educational and the process through people are brought up and made conscious of their rights and duties are social. A non-social human being is made social through and educational process and therefore education is called a social process<sup>16</sup>. It prepares the child for adult life where he will be in a position to fulfill his responsibility of adult

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<sup>13</sup> Act 35 of 2009, The Right to Children to Free and Compulsory Education Act, 2009, published in The Official Gazette of India, Extraordinary Part-II Section-1, No.39 on Thursday, 27th August, 2009.

<sup>14</sup> V.Narayan Karan Reddy, (1979) Man Education and Values, New Delhi: B.R. Publication, at 50

<sup>15</sup> P.L.Mehta and Rakhi Poonga (1997) Free and Compulsory Education, New Delhi: Deep and Deep publication, at 1.

<sup>16</sup> Jagannath Mohanty, (1982), Indian Education in the Emerging society, at 150.

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life. In the words of Lodge, "Life is Education and Education is Life".

Dr. Radhakrishnan has rightly said that: "A civilization is not built of bricks, steel and machinery, it is built with men, their quality and character". So the true aim of education is to develop in the body and in soul all the beauty and all perfection of which they are capable.<sup>17</sup>

The aim of education was at the manifestation of the divinity in men, it touches the highest point of knowledge. In order to attain the goal the whole educational method is based on plain living and high thinking pursued through eternity.

Learning in India through the ages had been prized and pursued not for its own sake, but for the sake, and as a part of religion. (It was sought as the means of self-realization, as the means to the highest end of life. viz. Mukti or Emancipation. Ancient Indian education is also to be understood as being ultimately the outcome of the Indian theory of knowledge as part of the corresponding scheme of life and values. Education must aid in this self-fulfillment, and not in the acquisition of mere objective knowledge.

Education has been defined as "a process of development in which consists the passage of human being from infancy, to Maturity, the process by which he adopts himself gradually in various ways to his physical and spiritual environment." In this definition the ability of social adaptation means the development of social qualities like cooperation, coordination among social groups and communities.

Article 26 (2) of Universal Declaration of Human Rights has stated the purpose of Education as - "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious group, and shall further the activities of the United Nations for the maintenance of peace". "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit".<sup>18</sup>

### **ROLE OF GOVERNMENT IN EDUCATION IN INDIA**

India is on the way to fulfilling its national and international commitments in the fields of education. The Government of India has started many schemes for elementary education that motivates the child to go to school, to increase enrolment in early years, to reduce drop outs ratio. Along with these many schemes were

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<sup>17</sup> Supranote 4

<sup>18</sup> Article 26 (1) of Universal Declaration of Human Rights

also launched to increase girl's participation in the education so that gender disparity would lower down and in turn total literacy rate would increase. To produce global citizen, India has started various initiatives in University Education.

### ***Schemes for elementary and secondary education***

1. Mid-Day Meals (MDMS)
2. Sarva Siksha Abhiyan (SSA)/Integrated education program
3. Scheme for Infrastructure Development in Minority Institutes (IDMI)
4. CBSE Merit scholarship scheme
5. Samagra Siksha Abhiyan (SSA)/ Samagra Samriddhi Yojana

Certain initiatives are taken under SAMAGRA SAMRIDDHI YOJNA:

- i. Padhe Bharat Badhe Bharat.
- ii. Shalakosh
- iii. Rashtriya Avishkar Abhiyan
- iv. Swacch Ahiyan
- v. Shala siddhi
- vi. NAS & SAS Learning outsources.

### ***Schemes for Girl child***

- i. Sukanya Samriddhi Yojana
- ii. Balika Samriddhi Yojana
- iii. National Program for education of girls at elementary level (NPEGEL)
- iv. Beti Bachao Beti Padhao Yojana (BBBP)
- v. Kasturba Gandhi Balika Vidhalaya

### ***Schemes for higher education***

- i. Rashtriya Uchchatar Siksha Abhiyan
- ii. National initiative for design innovation
- iii. Pradhan Mantri Vidhyalakshmi Yojana

## **CHALLENGES FACED IN EDUCATION**

Education is considered as a means of escaping the dark and achieving contemporary statehood. Since 1950, Indian legislators have attempted multiple times to define the national and state government's educational roles and obligations. As the country's industrial development progressed, a highly educated and trained



workforce became necessary. India is one of the first countries to adopt the United Nations Convention on the Rights of the Child, demonstrating its commitment to modernity and acknowledgement. The Supreme Court also ruled that education should be considered a basic right. With the implementation of the Right to Education (RTE), the Indian government pledged to ensure that all children, regardless of gender or social status, had access to education. In India, every child has the right to life, housing, and education under the new law. The law is significant because it is more than a suggestion; it is a fundamental right guaranteed by Article 21A of the Indian constitution. The particular ages covered by the law, as well as the requirement that no fees or costs be incurred by the child's family, are only a few of the provisions. The Right to Education Act was passed by the Parliament in August 2009 and was put into effect in April 2010. All children aged 6 to 14 are guaranteed an education under the Act.<sup>19</sup>

More than 6 million Indian children are still out of school, despite the passage of the RTE. Even though India's RTE Act has been in effect for more than several years government primary schools continue to fail to meet all of the Act's requirements. However, the latest data from the Ministry of Human Resource Development put the figure of children out of school at 80 lakhs. It would be foolish to expect that the RTE Act will miraculously place all of these children in classrooms. Admissions to some schools have reportedly increased by 120 percent in some states.

As per RTE Act, students have to be passed till standard 8th without appearing in the exam. This has reduced the sense of competition among the students in general which pose a serious threat to their further study. The Act does not guarantee knowledge resulting in wastage of formative school life, pupils are neither able to develop skills nor obtain knowledge. Although the act permits the state to develop suitable model rules for assessment of the progress of the students, the question remains whether the state education department has done anything about it. The formative and summative evaluation methods adopted by RTE do not really assess the progress of the students, rather more a formality of documenting reports for teachers. Due to the non-presence of rigorous methods of appraising most students drop out after facing board exams. Very few continue their studies after their first failure. Thus, there is increasing school drop out in the district. In addition, the School managing committees lack knowledge regarding their roles and responsibilities towards improving the quality of education. Further, the RTE Act provides for proper infrastructural facilities, and other logistical needs to be complied.

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<sup>19</sup> Shah M, Steinberg B., 'The Right to Education Act: Trends in Enrollment, Test Scores, and School Quality', In AEA Papers and Proceedings Vol. 109, pp. 232-38, 2019, American Economic Association, Stable URL: <https://www.aeaweb.org/articles?id=10.1257/pandp.20191060>, (21/11/2010 11:14).

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## **REVIEW AND ANALYSIS OF NEW EDUCATION POLICY**

The Indian government has faced several criticisms when it comes to education; the literacy rate of the country remains always a matter of debate. The various states have drastic differences in literacy rate. The state of Kerala is on one side of see - saw while Haryana is on the other side. The basic criticism comes from the fact that child labor is still prevalent in the country which shows that lack of education is lasting from generations in large sector of the society. In 1986, the National Education Policy was formulated and later revised in 1992. It was over three decades since the previous policy. In these three decades, significant changes took place in the economy of our country, society, and the world at large. There was a need to reform the education sector due to the demands of the 21st century and the needs of the country.

On 29 July 2020, the Union Cabinet announced the approval of the new “National Education Policy” (NEP) and renamed the “Ministry of Human Resource Development as the Ministry of Education.”

There have been many changes in the new national education policy. To curb the effects, the government has brought new education policy 2020. There are four parts of the New Education Policy 2020 which are as follows and it includes the following sub points respectively: -

1. SCHOOL EDUCATION
2. HIGHER EDUCATION
3. ADDITIONAL KEY FOCUS AREAS
4. MAKING IT HAPPEN means financing and way forwarding.

### ***Highlights of New Education Policy-2020***

1. New policy gives a clear signal to a common man regarding the working of the ministry.
2. According to the NEP, by 2030 there will be universality from ECG to secondary education related to SDG 4.
3. The goal of acquiring foundational learning and numerical skills through the National Mission by 2025 has been set.
4. According to the NEP, by 2030 there will be 100% GEW from pre-school to secondary level.
5. By 2023, teachers will be prepared for assessment reforms.
6. A target has been set till 2023 for the provision of an inclusive and equal education system.
7. The board examination will focus on the overall development of the child rather than the rhetoric, so the main concepts and application of knowledge will be tested.
8. It has been targeted that every child should complete his or her schooling and acquire a skill.
9. There will be a standard of learning in government and private schools and fees will also be made

uniform.

### ***Reforms in School education***

- The new structure will now be 5 + 3 + 3 + 4, removing the 10 + 2 board structure.
- According to the new guidelines, by 5th it will be prep school, 6th to 8th middle school and 8th to 11th high school, while graduation will be from 12th onwards.
- After 6th grade students can select vocational courses and students from 8th to 11th can choose the subjects of their choice.
- There will be a provision of major and minor subjects in all undergraduate courses. Instead of applying the ratta, the student's basic knowledge test has been targeted.
- It has been decided that the language of teaching will be the mother tongue by 5th grade.
- The trilingual formula will apply and Sanskrit will be given as an option until higher education.
- States will be free to choose the language of their choice and there will be no pressure on them.
- A student's report card will have a comprehensive report of the student's skills and abilities in place of the students' academic marks.
- The National Mission aims to focus on basic literacy and numeracy.
- Major changes have not been made in the faculty rather than major changes in the academic structure of the curriculum.
- All kinds of barriers between professional and academic and curriculum related and extra-curricular will also be removed.
- The ECE will be the new National Curriculum framework for teachers and adults.
- The board exam will be based on the knowledge application.
- The progress of the student will be tracked periodically to track the progress of learning.
- A National Evaluation Centre named PARAKH will be established.
- The National Testing Agency will conduct an entrance examination for admission to HEI.
- There will be National Professional Standards (NPST) for teachers.
- The curriculum will be tailored to integrate 21st century skills, mathematical thinking and scientific temperament.

- Meritorious children will be integrated with the current school education system.
- The course will be limited to basic concepts only.
- According to the NEP, by 2030 there will be universality from ECG to secondary education related to SDG4.

### **RESEARCH OBJECTIVES**

- The specific objectives of the present study are as follows:
- Providing brief introduction to present status of right to education in India
- Tracing the legislative history of right to education and its aims in India.
- Tracing the legislative history of right to education and its aims in India.
- Reviewing the functioning and challenges in implementing of Right of children to free and compulsory Education Act, 2009.
- To review the merits and shortcomings of Government programs and policies relating to education.
- Ultimately assessment of right to education in India, appreciate the achievement, highlight the factors for non-achievement of results and to give suggestions

### **HYPOTHESIS**

The researcher has formulated the certain hypothesis to highlight the importance of the right to education in India and to provide some suggestions for its effective working under Indian Constitution. Poverty, certain loopholes in Right of children to free and Compulsory Education Act, 2009, Gender disparity in education are the main reasons for the problematic scenario. India society promotes male education rather than female population, especially in remote areas and this disparity gets wider if a girl child is disabled also. One can go to the court to claim legal entitlement is not known to many due to lack of awareness of right.

### **METHODOLOGY**

Predominately a proper synthesis of subject matter under the present study requires in depth study of constitutional and statutory provisions as well as categorization, analysis and valuation of the various judicial decisions. This can be done through the Doctrinal method of legal research. The historical method has been used to trace out the origin and development of the right to education. The analytical method has been used whenever and wherever necessary to the research problem. Hence, the main research is analytical, descriptive

and doctrinal study and not based on any empirical data and no field studies etc. were conducted.

## **CONCLUSIONS AND SUGGESTIONS**

There are certain lacunae in the Act, which are to be overcome successfully for the children in the age group 6 to 14 years to have access to free and compulsory education for the enlightenment of their lives. They are (1) 25% reservation of seats for poor people and etc., (2) Paucity of funds, (3) Cooperation between State and Central Government, (4) Medium of instruction in Mother tongue, (5) Various state laws giving effect to right to education and implementation.

### **Suggestions:**

1. **Specific Standards;** The Act continues the current practice to require private schools to meet the specified standards but exempts all schools established by the Government from those standards. Ideally all schools, government as well as private, must meet the same standards.<sup>20</sup>
2. **Lack of sufficient resources:** Priority should be provided to primary schools with all the minimal facilities required for services in the neglected areas. It should disburse its allocation of funds to the state as early as possible. More facilities should be expanded in the current government school. These schools must be helped to improve their facilities through resources support and the links with the financial institutions in order to prevent the closure of unknown private schools for failure to fulfill the prescribed recognition standards within three years.
3. The position of parents and all shareholders is essential, since this right can not only be exercised by the state but requires the community as a whole.
4. In semi-urban and rural areas successful conscientiousness camps should be arranged to make people aware of the right to education up to a certain age.
5. Propagative measures via booklets, radio and TV should be taken to show that their poverty is primarily because their right to education is not understood and their lack of awareness about the implementation of these rights is not known.
6. The concept of organizational competence must be able to understand the fundamental principles of the RTE and there should be no one waiting for a leader, but one that is a leader, etc.

## **REFERENCES**

- Aggarwal, J.C.: National Policy on Education, Arya Book Depot, New Delhi 1979. - Development and planning of Modern Education with special Reference to India, Vikas Publishing House, New Delhi. 1982.

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<sup>20</sup> The Right of children to Free and Compulsory Education Bill, 2008.

- Anil Kumar Thakur, Mohan Patel.: Challenges of Education in 21st Century, Deep & Deep Publications Pvt. Ltd., New Delhi
- Dr. Bhaskara Rao Digumarti. 'Right to Education, Neel Kamal Publications Pvt. Ltd., New Delhi, 2011.
- A. Biswas and S.P. Agrawal, "Development of Education in India" A Historical Survey of Educational Documents before and after Independence, (Concept Publishing Company, New Delhi, 1994)
- Asha Bajpai, "Child Rights in India: Law Policy and Practice, (Oxford University Press, New Delhi, 2006)
- B C Rai, "History of Indian Education", (Prakashan Kendra, lucknow, 1977)
- P.M. Bakshi, "The Constitution of India", (Universal Law Publication, 15th edition 2016)