

# RIGHT TO DEVELOPMENT

## EDUCATION



The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine. **Article 21A in the Constitution of India**

The Constitution (Eighty-sixth Amendment) Act, 2009 inserted Article 21-A in the Constitution of India to provide free and compulsory education to all children in the age group of six to fourteen years as part of the 'Right to Life.' Originally the Right to Education was enshrined in Article 45 under the Directive Principles of the State Policy. It is by way of the above amendment **the Right to Education was declared as the fundamental right of every child in India between the age of 6 to 14.**

*Subsequent to it, 'The Right of Children to Free and Compulsory Education Act (RTE) of 2009' was enacted in the Parliament and came into force on the 1st of April 2010.*

**The Right of Children to Free and Compulsory Education Act (RTE) 2009:**

Under this Act, a “**child** “**means** a male or female child aged between 6 to 14 years (section 2 c)

**Chapter III** of the Act Talks extensively about the duties and responsibilities of the Central / State governments and Local Authorities in establishing neighbourhood schools within time limits.

**Chapter IV** of the Act talks about the responsibilities of the schools and teachers

As per this Act and the model rules framed on it -

- ✓ It is the obligation on the part of every State in India to provide a free elementary school up to standards 1 to 5 within 1 Kilometre Distance of the neighbourhoods where the children reside and within 3 Kilometres distance for children studying 6<sup>th</sup> to 8<sup>th</sup> standard. For those children living in difficult and remote terrain transport facilities to be provided to go to school.
- ✓ It requires all private schools to reserve 25% of seats for children (to be reimbursed by the state as part of the public-private partnership plan). Such kids are admitted into private schools based on economic status as well as caste-based reservations.
- ✓ Schools to ensure employment of adequate teachers with necessary qualifications.
- ✓ Children who had dropped out or were out of school were to be admitted back into age-appropriate classes by providing additional coaching classes to cope with their studies.

- ✓ No child to be detained in the same class or expelled from the school.

Whenever a child wishes to change schools, a Transfer Certificate (T.C) be provided.

- ✓ Schools should not deny admission for lack of TC or age proof.

- **CORPORAL PUNISHMENTS PROHIBITED:**

**SECTION 17:** Prohibition of physical punishment and mental harassment of children.—(1) No child shall be subjected to physical punishment or mental harassment.

(2) Whoever contravenes the provisions of sub-section (1) shall be liable to disciplinary action under the service rules applicable to such person.

18. No School is to be established without obtaining a certificate of recognition.

**Section 10** of the act talks about the duty of every parent to ensure school education for their children.

**Section 21.** of the ACT talks about the formation of the Management Committee. —

(1)A school, other than a school specified in sub-clause (iv) of clause (n) of section 2, shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers:

Provided that at least three-fourths of members of such Committee shall be parents or guardians: Provided further that

proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged groups and weaker sections: Provided also that fifty percent. of Members of such Committee shall be women.

(2) The School Management Committee shall perform the following functions, namely: — (a) monitor the working of the school; (b) prepare and recommend school development plan; (c) monitor the utilisation of the grants received from the appropriate Government or local authority or any other source; and (d) perform such other functions as may be prescribed:

#### ***PART V – of Model Rule on SCHOOL MANAGEMENT COMMITTEE***

Composition and functions of the School Management Committee for the purposes of Section 21

13 (1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction within six months of the appointed date and reconstituted every two years.

(2) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children.

(3) The remaining twenty-five percent of the strength of the SMC shall be from among the following persons

a) one-third of members from amongst the elected members of the local authority, to be decided by the local authority.

b) One-third of members from amongst teachers from school, to be decided by the teachers of the school.

c)remaining one-third from amongst local educationists/children in the school, to be decided by the parents in the committee

Hence, the RTE act empowers parents, especially in the Government and the Local Body Schools, to participate in enhancing the quality of the functioning of such schools.

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009 Clarification on Provisions

[https://www.education.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTE\\_Section\\_wise\\_rationale\\_rev\\_0.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTE_Section_wise_rationale_rev_0.pdf)

AUTHOR: MINISTRY OF EDUCATION- GOVERNMENT OF INDIA

RIGHT OF EDUCATION ACT 2009

[https://www.education.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/rte.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf)

AUTHOR: MINISTRY OF LAW & JUSTICE – GOVERNMENT OF INDIA

MODEL RULES UNDER THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

[https://www.education.gov.in/sites/upload\\_files/mhrd/files/upload\\_document/RTI\\_Model\\_Rules.pdf](https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/RTI_Model_Rules.pdf)

AUTHOR: MINISTRY OF EDUCATION – GOVERNMENT OF INDIA

## School Education

<https://www.education.gov.in/rte>

AUTHOR: MINISTRY OF EDUCATION – GOVERNMENT OF INDIA

THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

[https://www.indiacode.nic.in/bitstream/123456789/13238/1/the\\_right\\_of\\_children\\_to\\_free\\_and\\_compulsory\\_education\\_act%2C\\_2009.pdf](https://www.indiacode.nic.in/bitstream/123456789/13238/1/the_right_of_children_to_free_and_compulsory_education_act%2C_2009.pdf)

AUTHOR: INDIA CODE

**STATUS OF EDUCATION IN INDIA – NATIONAL REPORT**

<https://www.iccwtnispcanarc.org/upload/pdf/8649632484INDIA%20NATIONAL%20REPORT%20ON%20THE%20DEVELOPMENT%20OF%20EDUCATION%20-%20UNESCO.pdf>

**AUTHOR: NATIONAL UNIVERSITY OF EDUCATIONAL PLANNING & ADMINISTRATION –**

For DEPARTMENT OF HIGHER EDUCATION - MINISTRY OF HUMAN RESOURCE – GOVERNMENT OF INDIA

**CHILD PROTECTION A HANDBOOK FOR TEACHERS**

<https://www.haqcrc.org/publication/child-protection-handbook-teachers/>  
<https://www.slideshare.net/slideshow/child-protection-a-handbook-for-teachers/57815456#22>

**AUTHOR: CENTRE FOR CHILD RIGHTS**

**CHILD PROTECTION TRAINING MANUAL**

<https://bettercarenetwork.org/sites/default/files/Child%20Protection%20Training%20Manual%20-%20Facilitators%20Guide%20for%20Teacher%20Training.pdf>

**AUTHOR: SAVE THE CHILDREN**

**THE TEACHER AS A GUIDE: LETTING STUDENTS NAVIGATE THEIR OWN LEARNING**

<https://www.edutopia.org/teacher-learning-guide>

**AUTHOR: EDUTOPIA**

**HANDBOOK FOR TEACHERS**

[https://cbseacademic.nic.in/web\\_material/Manuals/Handbook\\_for\\_Teachers.pdf](https://cbseacademic.nic.in/web_material/Manuals/Handbook_for_Teachers.pdf)

**C B S E**

**TIME MANAGEMENT: A GUIDE FOR TEACHERS AND EDUCATION STAFF**

[HTTPS://WWW.EDUCATIONSUPPORT.ORG.UK/RESOURCES/FOR-INDIVIDUALS/GUIDES/TIME-MANAGEMENT-AND-WELLBEING-AT-WORK/](https://www.educationsupport.org.uk/resources/for-individuals/guides/time-management-and-wellbeing-at-work/)

**EDUCATION SUPPORT - 37 POWERFUL TEACHING STRATEGIES TO LEVEL UP LEARNING IN 2024**