

## **RTE Act -2009**

The **Right of Children to Free and Compulsory Education Act, 2009**, popularly known as the **Right to Education Act (RTE Act)**, is a Central legislation that details the aspects of the right of children of age six to fourteen years to free and compulsory elementary education (Classes I to VIII). This is now a Fundamental Right under India's Constitution (Article 21A).

**Important provisions** of the RTE Act (and, for completeness, of some of the Model Rules circulated by the Central Government for adoption by States) **are:**

### **1. Right to free & compulsory education**

- No school fees, capitation fees, charges or expenses are to be paid by a child to get elementary education.
- The child or his parents are not to be subjected to any screening procedure for admission to school.
- When a child of above six years has not been admitted to any school or, if admitted, is unable to continue studies, that child shall be admitted to a class appropriate to his age. He will be also given special training (minimum of 3 months; maximum 2 years) to bring him at par with his class. He can continue beyond 14 years in order to complete receiving elementary education.
- If a school does not provide facility to complete elementary education then a child of that school can take a transfer to any other government (govt.) or government-aided school.
- Each child is also entitled to free text books, writing material and uniform.

## **2. Duties of Appropriate Govt., Local Authority & Parents**

The RTE Act defines "appropriate government" as -

i. the Central government, for schools owned or controlled by the Central government or a Union Territory (UT)

Administration without legislature; and ii. the State and UT government with legislature, for schools established in the territory of that State/UT.

- The appropriate govt. or the local authority (meaning a municipal corporation or municipal council or equivalent body in urban areas or a Panchayati Raj Institution – PRI – in rural areas) has to provide-
  - i. a school within 1 km walking distance for children in classes I to V and
  - ii. within 3 kms for those in classes VI to VIII.
  - iii. In densely populated areas, depending on the number of children between the ages of 6 to 12, more than one school may be necessary.
  - iv. For remote areas, where distances are more than the prescribed kms, facility should be provided for free transportation or residence as required.
- Such a school is termed a 'neighbourhood school'.
- The appropriate govt. or local authority has to undertake school mapping to determine the locations of neighborhood schools.
- The location of each school has to be made known to the community it is meant to serve.
- All private schools (those that do not seek any govt. grants to impart education) in a neighbourhood are required to enroll 25%

students from the weaker and disadvantaged sections of society and provide free education to them. These schools can then claim reimbursement from the govt. for the expenditure incurred, provided that, per child expenditure does not exceed the amount a govt. school spends to educate a child.

- The Central and State govt.'s have concurrent responsibility to provide funds for execution of the RTE Act.
- The Central govt., apart from carrying out the mandated functions of the appropriate govt. in respect of schools owned/controlled by it, is also responsible for-
  - i. preparation of the National Academic Curriculum,
  - ii. developing and enforcing standards for teachers' training, and
  - iii. providing technical support to the State govt.'s for promoting innovations, research, planning and capacity building.
- The State govt. or local authority has to-
  - i. prescribe curriculum and courses for study for elementary education,
  - ii. ensure admission, attendance and completion of elementary education of the children and maintain records of children up to the age of 14 years,
  - iii. provide infrastructure including school buildings, teaching staff and learning equipment,
  - iv. see that children from the weaker and marginalized sections of the society are not discriminated against in school,

- v. provide special training facility for children not admitted to any school or those who have not completed elementary education,
  - vi. provide training to teachers and ensure each school follows the academic calendar,
  - vii. ensure good quality elementary education according to the specified standards and norms (see **Heading 5** below) and
  - viii. ensure that no new school is either started or allowed to function without obtaining a certificate of recognition from a designated authority and schools, already existing before the RTE Act came into effect, obtain such certificate within 3 years of the Act's commencement
- It is the duty of every parent to admit their children or ward to school and ensure that they receive elementary education.
  - The appropriate govt. has to make necessary arrangements to provide one year of free pre-school training for children.

### **3. School Management Committees**

- Each govt. and govt.-aided school is mandated to set up a School Management Committee (SMC).
- 75% of the SMC members have to be from among parents and guardians of the students of the school.
- Proportionate representation has to be given to parents/guardians of disadvantaged students or students from weaker sections of society.

- Of the remaining 25% members, one third will be from among the elected representatives of the local authority, one third from among the teachers of the school and remaining one third from among local educationists/children of the school.
- 50% of the SMC members should be women.
- From among the parent members, SMC has to elect the Chairperson and Vice Chairperson while the Head/Most Senior Teacher shall function as the Member-Convener of the SCM.
- SMC will meet once a month and the minutes of meeting need to be made available to the public
- The SMC will oversee the working of the school, prepare school development plan and monitor the utilization of the govt. grant, among other things. The sanction of grants to a school is dependent on the school development plan developed.
- It is also the responsibility of the SCM to:
  - effectively communicate to the population in the neighbourhood of the school the rights of the child as defined by the RTE and
  - protect children's rights while in school.

#### **4. Duties of Teachers**

They have to:

- be regular and punctual in attendance,
- ensure completion of curriculum within specified time,
- assess the ability of each child and recommend special training, if required, and

- conduct parent-teacher meetings to apprise parents on attendance, learning ability and actual progress of each child.

## **5. School Norms and Facilities**

- There should be one teacher for every 30 students for class I to V and one teacher for every thirty five students for class VI to VIII.
- For upper primary section (Classes VI to VIII), there should be one teacher each for teaching (i) Science & Mathematics (ii) Social Sciences and (iii) Languages.
- A full-time Head Teacher is recommended for a school with more than 100 students.
- Classes I to V should have 200 working days & Classes VI to VIII 220 working days per academic year, with a 45 hour work week.
- Each school should have-
  - i. an all-weather building with one classroom for every teacher,
  - ii. an office cum store cum Head Teacher's room,
  - iii. separate toilets for boys and girls,
  - iv. safe and hygienic drinking water facility,
  - v. a kitchen to prepare mid-day meals,
  - vi. playground,
  - vii. fencing for the premises,
  - viii. a library, and
  - ix. teaching learning equipment & play & sports equipment.
- All schools owned or aided by the govt. need to obtain a certificate of recognition.

## **6. Completion of Curriculum and Learning Outcome**

- The State Council for Educational Research & Training (SCERT) will be the academic authority to develop the age appropriate academic curriculum keeping in mind the following:
  - i. All round development of the child.
  - ii. Developing of child's knowledge, potentiality and talent. iii. Development of both physical and mental abilities.
  - iv. Learning through discovery, exploration and activities in a child friendly manner and environment.
- Medium of instruction should be the child's mother tongue.
- Comprehensive and continuous evaluation of the understanding and application of child's knowledge shall be adopted instead of periodical examinations.