

ISSN 2582 - 211X

LEX RESEARCH HUB JOURNAL

ON LAW & MULTIDISCIPLINARY ISSUES

VOLUME I, ISSUE IV

JULY, 2020

Website - journal.lexresearchhub.com

Email - journal@lexresearchhub.com



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THE RIGHT TO EDUCATION

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ABSTRACT

The research paper on the topic Right to Education focuses on the education being listed in the fundamental right part-III article 21-A of the Indian Constitution which was added by the 86th amendment. the paper focuses on the education's necessity and various schemes presented by the government for the students so that everyone can get a chance to learn and write. It also focuses on the Right to Education Act, 2009 which talks about free and compulsory education for children up to 14 years and also provides the right to education to those who have not received or not able to complete primary education. The act also focuses on free and easy access to both technical and vocational education and training to be made progressively free. As we all know that educating a girl child is necessary. The paper also focuses on education's importance to the women and the govt. scheme for girl's education.

INTRODUCTION

“Investing in education pays the best interest”

“Educate one, Educate all”

The right to education is the fundamental right. Everyone has a right to get educated irrespective of caste, religion, colour, race, etc. Both individuals and society get benefit from the right to education. It is fundamental for human’s social and economic development and a key element to achieving lasting peace and sustainable development. It is a strong tool in developing the complete potential of everyone and ensuring human dignity in promoting individual and collective wellbeing. Education plays an important role in life. Educated minds serve the nation in the best way. Right to education includes:

- The right to equal access to higher education on the basis of capacity made progressively free right to free and compulsory primary education.
- The right to available and accessible secondary education (including technical and vocational education and training), made progressively free.
- Right to fundamental education for those who have not received or completed primary education
- Right to quality education both in public and private schools

- Freedom of parents to choose schools for their children which are in conformity with their religious and moral convictions
- Freedom of individuals and bodies to establish and direct educational institutions in conformity with minimum standards established by the state
- Academic freedom of teachers and students.

Education brings freedom to one's life. An educated person is free to express his views, share ideas, and make a huge contribution to the progress of the nation. The Constitution of India has provisions to ensure that the State provides education to all its citizens. The right to education is that the only right which finds its place in three parts of our Constitution- Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties. The three articles in all these three above mentioned parts were added by The Constitution (Eighty-Sixth) Amendment Act, 2002. The 86th amendment added Article 21-A, a fundamental right which says that- 'The State shall provide free and compulsory education to all or any children of the age of six to 14 years in such manner because the State may, by law, determine.'

RIGHT TO EDUCATION ACT 2009

'The Right of youngsters to Free and Compulsory Education Act' or 'Right to Education Act' is an Act of the Parliament of India which was enacted on 4 August 2009. It describes the procedures and also explains the importance of free and compulsory education for children between the ages of 6 and 14 years in India under Article 21A of the Indian Constitution.

- This Act makes it a right of every child to get an education.
- The Act makes it compulsory for the respective governments to ensure that every child between the ages of 6-14 years gets free elementary education.
- The Act authorizes that even private educational institutions have to reserve 25 percent seats for the children from weaker sections.
- The government's estimate found out there will be a requirement of rs.1.71 lakh crores in the next five years for implementation of the Act.

¹CONSIDERATIONS

The act is evidently silent on increasing the State outlay for Government schooling. Instead, it shifts the responsibility of ‘poor students’ to govt. schools which are clear by the 25 percent reservation clause.

The reservation of private institutions has already raised many objections within the past. Instead of the reasonable and unbiased education supported mutual dignity that the Amendment lays down, such a provision shuts the poor as a category and further deepens class barriers that already exist in our society. Also, following on the lines of the Constitutional Amendment, the Act limits its ambit to children between the ages of 6 and 14 years. The important point of consideration is that giving education to children up to class 8th is hardly sufficient to either prepare a child with the essential skills required and important for gainful employment or even to make an individual equipped to function with a basic degree of self- sufficiency and empowerment in this world full of competition. After all, this is often proper to education Act and not proper to literacy and numeracy alone. Education is much more than mere literacy and it aims at the full all-round development of an individual. Low standards of education are being provided and offered to all or any children by limiting the supply of free education only between students of classes 1 to 8. It is a choice that affects the poorest section of society badly. The selection of the 6-14 age groups could also be called arbitrary and it somewhat doesn't do justice to the country's promise to its children to create education available, accessible, and acceptable.

FEATURES OF RIGHT TO EDUCATION ACT

Free and compulsory education to all children of India who are in the 6 to 14 age group. No child shall be held back, expelled, or required to pass a board examination until the completion of elementary education.

If a child is above 6 years of age has not been admitted to any school or could not complete his or her elementary education, then he or she shall be admitted during a class appropriate

¹ <http://lawtimesjournal.in/constitutional-right-education/>

to his or her age. However, if a case could also be where a child is directly admitted within the class appropriate to his or her age, then, to be at par with others, he or she shall have a right to receive special training within such deadlines as could also be prescribed. Provided further that a child who is admitted to education shall be entitled to free education till the completion of education even after 14 years.

Proof of age for admission: For the purpose of admission to elementary education, the age of a child shall be determined based on the birth certificate issued in accordance with the Provisions of Birth, Deaths and Marriages Registration Act 1856, or on the idea of such other documents as could also be prescribed. No child shall be denied admission during a school for lack of age proof.

- A child who completes elementary education shall be awarded a certificate
- The call needs to be taken for a fixed student-teacher ratio
- Twenty-five percent reservation for economically disadvantaged communities in admission to Class I in all private schools is to be done.
- Improvement in the quality of education is important
- School teachers need to have an adequate professional degree within five years or else will lose a job
- School infrastructure needs to be improved in every 3 years, else recognition will be canceled.
- The financial burden will be shared between the state and the central government.

²GOVERNMENT SCHEMES ON EDUCATION IN INDIA:

❖ SCHEMES FOR PRIMARY EDUCATION

² <https://www.sayingtruth.com/indian-government-education-schemes/>

1. Sarva Shiksha Abhiyan: An inclusive scheme for imparting education to all or any. The govt. of India has launched many projects for publicising the schemes of teaching and devices of coaching throughout the nation since the year 2000. All the state governments are being provided with proper guidelines and financial assistance.

New educational institutions are being established with the development of faculty buildings, supplementary classrooms and laboratories playgrounds, safe beverages, toilets, etc. Employment of normal and well-qualified teaching and official staff is extremely essential. The scholars are being given the assistance of free textbooks, uniforms, sports equipment, and support for improving learning under the Sarva Shiksha Abhiyan Scheme.

2. Mid-Day Meal Scheme: Mid-Day Meal Scheme in India was launched on 15th August 1995. All the scholars at government and aided schools are served with prominent, healthy, and tasteful food during their study at school. The diet is given with a specified menu for about 200 days once a year having about 300 calories, supplemented with nutritious sort of food (supported with sufficient proteins, minerals, and vitamins). The objectives of the Mid-Day Meal Scheme is to motivate poor students to accumulate admissions and progress with health improvement and higher retention. This scheme comes under the Ministry of HRD Government of India.
3. Rashtriya Madhyamik Shiksha Abhiyan (RMSA): Rashtriya Madhyamik Shiksha Abhiyan (RMSA) Programme has been projected by the Government of India since March 2009, to enhance upon the accessibility and quality of education. This plan has raised the speed of enrolment from 52% during 2005-2006 to about 75%. The implementation of this scheme targets discarding barriers of gender, caste and creed, socio-economic and disability fence, and also gives universal reach to secondary level education by this year of 2017.

4. National Scheme of Incentives to women for education: The central government of India has taken an unprecedented decision to reinforce the enrolment of young girls (in the age bracket of 14 to 18 years) at the secondary stage.
This centrally sponsored scheme projected with effect from May 2008, provides encouragement to women to progress in education and beyond.
5. Saakshar Bharat Mission: Saakshar Bharat is a Program that was designed and implemented within the year 2009 with a crucial motive of raising the national literacy level to 80 percent. Higher concentration was laid on educating adult women to the gap between the rate of literacy for females and males shouldn't be quite 10 percent under the objectives of Saakshar Bharat Mission this is often a nice approach in context to 2017. Another aspect of the scheme involved the general promotion of Reading, Writing, and Arithmetic (3' R).

❖ **SCHEMES FOR SECONDARY EDUCATION:**

The policy at the present is to form education of excellent quality available, accessible, and affordable to all or any young persons within the age bracket of 14-18. at the present the subsequent schemes targeted at the secondary stage (i.e. class IX to XII) are being implemented within the sort of Centrally Sponsored Schemes which are the following:

- Rashtriya Madhyamik Shiksha Abhiyan
- Girls Hostel Scheme
- National Scheme of Incentives to women for education
- Inclusive Education for Disabled at Secondary Stage
- Scheme of vocational training
- National Merit-cum-Means Scholarship Scheme
- Scheme for construction and running of Girls' Hostel for college students of secondary and better secondary schools
- Scholarship schemes for Minority students
- National Scholarship.

❖ **SCHEMES FOR HIGHER EDUCATION:**

- Higher Education is the shared responsibility of both the Centre and the States. The coordination and determination of standards in institutions is the constitutional obligation of the Central Government. The Central Government provides grants to UGC and establishes Central Universities within the country. Meritorious students, from families with or without necessary means, need an incentive or encouragement to stay on working hard in their studies and attend subsequent levels of education in their academic career. This is often where scholarships and education loans play an important role. Following are the scholarships and schemes are given by various institutions:
- Scheme of Apprenticeship Training
- National Scholarships
- Post-Doctoral Research Fellow (Scheme)
- Junior Research Fellowships for biomedical sciences
- All India Council for Technical Education Scholarships
- Department of Science and Technology grants and fellowships
- DST's Scholarship Scheme for ladies Scientists and Technologists
- Biotechnology fellowships for doctoral and postdoctoral studies by DBT
- Scholarships /Awards at Undergraduate & Postgraduate level in various science courses at the University of Delhi
- Fellowships/Scholarships/Awards by the Nehru University
- Sports Authority of India promotional schemes
- Empowerment of Persons with Disabilities - Schemes/Programmes
- Scholarship Schemes for ST Students by Ministry of Tribal Affairs
- Post-matric Scholarships for SC /ST students
- Scholarships for Minority Student

PROS OF EDUCATION SYSTEM IN INDIA

- ❖ **Reservation for Underprivileged Students:** Reservation in the education sector helped thousands of lower-class people to get quality education and raised their economic and social status. The credit for a reservation system in the field of

education goes to Dr, B.R. Ambedkar, the father of the constitution. 25% reservation in private schools for the lower section people.

- ❖ **Right to Education:** Education is upheld as a fundamental right that states free and compulsory education for children between 6 and 14 years ago. Thus, there is a free mid-day meal for school students in the lunch break which is provided by the government and their local bodies such as village panchayats or municipalities.
- ❖ **Free University Education for Girls:** Free university education for girls provided by various states or union territories. It aims at empowering women and remove the inequality between men and women. An ambitious project to encourage young women to study engineering is ongoing under the sponsorship of the Ministry of Human Resources Development and Central Board of Secondary Education (CBSE). The program referred to as ‘Udaan’ also provides free pre-loaded tabs to women to study engineering. Free classroom and online tutorials are also given by the government.
- ❖ **Countless scholarships:** There are countless scholarships across India. Every Indian school has a minimum of two scholarships that are available to economically poor, underprivileged, and meritorious students. Individuals, families, religious organizations, charity groups, social and sports clubs across India sponsor various types of scholarships for college and university students. While some cover the whole cost of studies, others cover specific elements like fees and study material, among others.

CONS OF EDUCATION SYSTEM IN INDIA

- **Indian education system kills students:** 12 percent of Indian students between the ages of four and twelve suffer from some form of psychiatric disorder. young minds are unable to deal with the educational stress and pressure from parents to “excel” at studies Schools don’t have trained counselors while parents aren’t willing to simply accept their child has a psychiatric problem. Also, taking psychiatric treatment in India continues to stay taboo and it’s meant for mentally deranged or stark mad people.

- **Neglects innate skills:** Unfortunately for millions of students, the education system of India pathetically lacks processes to identify their innate skills. To explain better, every child is born with a single skill. That's why some become excellent singers, others are amazing sportspersons while yet others are writers or scientists. These successful people share one thing in common that they simply followed their innate skills. While they did attend school and college, such students gave wings to what they like best. And by following their passion, they are successful. The education system of India not only lacks a framework or procedures to spot innate skills or a child but it's also well geared to truly obscure and kill these talents. The system forces students to review subjects they aren't even remotely curious about and score high marks too.

- **Absence of Counsellors:** All students have a variety of questions and face different situations in the outer world, including at home. Students unwilling have to ask their parents or teachers thanks to fear of reprisal or mockery. The education system of India expects parents to counsel their children. In most cases, this doesn't work. A parent won't be qualified to counsel a child on a particular issue. Or the child could not be comfortable asking about something to the parent. In such situations, a counsellor plays a valuable role. Most Indian schools do not have one. Consequently, it's usually parents that devour a course or profession for his or her child. Parents decide a career on two basic criteria: prestige and income. Usually, children don't go against their wishes even if that means lifelong suffering.

- **Heavy Emphasis on Scores/ Marks:** The current education system of India lays extra heavy emphasis on scores rather than education itself. Those who score low suffer from all sides. They don't get admissions for education and face ridicule. This is evident from the thousands of coaching classes that flourish across India. In a bid to attain high, a student usually memorizes things instead of learning them. And once an exam is over, the scholar is blank about the topic to a great extent. Parents eager that their children should obtain high scores are willing to pay high fees demanded by coaching classes. In this bid to score high, students are forced to neglect recreation while making time to attend coaching classes. Furthermore, most

coaching classes also specialize in scores instead of actual learning. This grind between school and training kills creativity, diminishes innate skills, and makes studies an uneven race rather than a chance to find out. In most cases, the only recreation a student get is watching videos or playing games on the smartphone. Outdoor activity and sports, especially in higher classes, come to a near standstill.

RIGHT TO EDUCATION IS FAILING IN INDIA

The budgetary issue occurring in right to education because schools are not legally taking the monetary value from the parents. Private schools are charging so high. Admissions are done not on the basis of eligibility but on the basis that how high a parent can give monetary fees to the schools. The expenditures of schools are higher even govt. is providing uniform, books to the children so from where do the schools are getting money? Schools are asking the parents to pay activity fees or something every month despite of enrolling their children under the Right to Education. Even with free education, it's hard enough to convince parents to send their child to high school giving them a price in touch will completely discourage them from educating the child. People having lower income can't afford the sky touching private school's fees and they have to pay for free education too.

Low funding features direct pertaining to the standard of education in schools. Money is required to rent experienced teachers then train them to carry extra classes, provide additional assistance and tests for college students. But RTE schools don't even have the cash to rent credible teachers. They simply can't afford the salary expectations that come with experience. So they hire fresh graduates, a number of them without a degree of teaching. As a result, the teaching technique is so bad that students don't find themselves learning much. Other facilities like transportation and schoolbooks also are conveniently ignored thanks to funding issues. Some schools don't even have electricity. Students sit in candlelight, or worse, in playgrounds, under trees to study. Parents also are rarely reimbursed for transportation to schools and traveling to some schools isn't as simple as hopping into an auto. In some villages, schools are so inconveniently far away from homes that children need to navigate several kilometers of rocky roads on foot daily.

WOMEN EDUCATION IN INDIA:

Educating a girl means educating the nation. Female education plays an important part in the progress of the country. India is the world's largest democracy having a low female literacy rate.

IMPORTANCE OF FEMALE EDUCATION:

Female education is important to keep balance in the lives of females and males. Educating girls narrow the gap and open up the various fields for them. If girls get educated that will be a great help for the family financially. Educating mothers to improve child nutrition as they get to know the various ways to improve their child's nutrition and give a child a happy and healthy life.

Sometimes, the unhappy married women left no option as they don't have skills so education helps those women in enhancing their skills and work for themselves. Better to get an education and be independent rather than relying upon someone in the future.

³SCHEMES FOR GIRLS EDUCATION:

- **Sukanya Samridhi Yojana: (SSY):** Sukanya Samridhi Account is a popular scheme backed by the govt of India. As part of 'Beti Bachao, Beti Padhao' campaign started by the Government, this is a saving scheme for the benefit of the girl child. The scheme secures the life of girl children by encouraging parents to create a fund to satisfy the expenditure for the education and marriage of their girl child. It has a number of benefits which are mentioned below.

Benefits: The interest for each financial year. The interest rate offered in this is the highest when compared to other small saving schemes. This scheme is also one of the most tax-saving ones. One of the best features of this scheme is the provision of a lock-in period. It helps in building an adequate amount to supply a bright future for the girl child. The account can also be transferred to another place if required.

³ <https://parenting.firstcry.com/articles/list-of-government-schemes-for-girl-child-in-india/>

- **Balika Samridhi Yojana: (BSY):** The Balika Samridhi Yojana, specifically for the upliftment of women with small saving deposit scheme launched by Government of India in August 1997 for the attitude of the community towards daughter at birth, retain and enroll girl children in schools and assist a woman to require income-generating activities. It is being implemented in both urban and rural areas. Benefits: scholarship for successfully completing years of schooling. The amount of scholarship can be deposited in an interest-bearing account and the maximum possible rate of interest is ensured. No premature withdrawal is allowed and it matures when the girl turns eighteen years.
- **Mukhya Mantri Rajshri Yojana (MRY):** To curb the speed of female feticide and supply proper medical aid and education, the government of Rajasthan has launched this program called Mukhya Mantri Rajshri Yojana. The scheme Mukhya Mantri Rajshri Yojana aims at educating and financially assisting families so that they can take care of their girl child. This scheme helps in spreading positivity about the girl child. Benefits: The first installment of Rs. 2,500/- is given to the mother of a newly born girl child by the respective medical center. After completing one year with all vaccinations done the second installment of 2,500/- is given through a cheque. At the time of admission in any public school in grade I, Rs.4.000/- is paid to the girl child. To encourage the girl child to continue studying, Rs.5.000/- is paid to women in grade VI and Rs. 11,000/- to girls in Grade XI.
- **Mukhya Mantri Laadli Yojana (MLY):** In order to boost the female sex ratio, financial assistance is provided to BPL (Below Poverty Line) families in Jharkhand state through the Mukhya Mantri Laadli Yojana. This scheme ensures gender equality and creates awareness on women's rights. The scheme aims at making girls independent. The girls not only get an interim payment but also receives a large amount of money at the age of 21. Benefits: A government initiative during which Rs.6000/- is deposited per annum within the name of the girl child within the post office bank account. This is done for a period of five years. When the child starts attending school she will receive Rs. 2,000, Rs. 4000, and Rs. 7,500 in grades VI, IX, and XI, respectively. In the higher secondary classes, girls are given a

monthly stipend of Rs 200/-so that they do not have to depend on others for their needs in their teenage years. At 21 years, the deposited amount will mature and may be used at the time of marriage. The scheme can be availed by parents with one or two daughters only.

- **Mazi Kanya Bhagyashree Scheme (MKBS):** In 2016, the govt. of Maharashtra started a replacement scheme to exchange the old Sukanya scheme called Mazi Kanya Bhagyashree scheme. Under this scheme, the economically weaker group or BPL category families are given financial assistance by the state government for survival and education of daughters. The brand ambassador for this scheme is a popular actress Bhagyashree. The name of the scheme is from her name. Benefits: The key advantage of the Mazi Kanya Bhagyashree scheme is that it will help families receive aid to send their girls to attend schools in Maharashtra. A mother will get Rs. 5,000/- for the first five years after her daughter's birth. Then the child will get Rs. 2,500/- per annum until she reaches Grade V then Rs.3000/- per annum until she reaches Grade XII. After attaining 18 years of age, she will be entitled to Rs. 1 lakh per year of her education. The pay-outs are planned to fund many of the costs associated with further studies.

- **Nanda Devi Kanya Yojana: (KY):** The State government of Utrakhand, in association with the Women and Child Welfare Department, has launched the scheme, Nanda Devi Kanya Yojana, to provide financial help to couples with one girl child. A fixed deposit of Rs. 1,500/- is formed with the name of the newly born girl child within the state. The amount is given to the girl when she attains 18 years and completes her high school examination. The government has taken this good initiative for female children. Benefits: The scheme helps to supply monetary assistance to families with one girl child. It helps to develop a positive attitude towards girl childbirth, improves the health and academic status of the women prevents female feticide, minimizes child marriages, and provides them with a far better future.

- **Mukhya Mantri Kanya Suraksha Yojana: (MKS)**: The scheme Mukhya Mantri Kanya Suraksha Yojana was launched in the state of Bihar to provide financial assistance to the girls of BPL families who are born after November 2007. The birth of each girl child is to be registered within a year and Rs.2000/- is given after showing the birth registration certificate. The scheme was introduced as an alliance between the Bihar government and UTI mutual fund. The most attractive feature of the scheme is that the consolidated amount will be given to the girl child after she attains adulthood. Benefits: Financial assistance is provided by the state to the primary school girls during a family who belongs to below poverty line families and is born after November 2007. When the girl attains 18 years of age the amount equal to the maturity value is given to the girl. If the girl dies within the intervening period the quantity is meant to be paid back to the ladies Development Corporation, Patna.

- **CBSE Scholarship Scheme**: The Central Board of Secondary Education has launched a scholarship for single girl children who pass their Standard X Examination from a CBSE affiliated school with a minimum of 60% marks. It is a Central Government scheme for investing more in female education in India. This scholarship is to spot the efforts of people in promoting education among girls and to supply a financial boost to deserving and meritorious students. The scholarship will be given to girls who are studying in schools where the tuition fee is less than Rs.1500/- per month. The selected students get a scholarship of Rs.500/- per month. Benefits: The scholarship distinguishes the efforts of the people who support education among girls with a superb academic record but having a lack of resources and money. It offers some relaxation in the school tuition fee. It indirectly promotes the thought to possess one girl child.

CONCLUSION

Thus, **education is necessary for all. Educate one, Educate all.** Educating the people of the nation is the best way to keep them together. “Education is the most powerful weapon to empower the world”. Compulsory admission of Economically Weaker Section

(EWS) children require careful handling by the school staff. School education can't be separated from its social context that teaches and learn to carry with them attitudes, beliefs, habits, customs, and orientations which differ from class to class and caste to caste. The elite schools have their own culture and their teaching-learning environment which suits children of the upper class but which children from weaker sections may find alien. Most of the teachers in schools belong to the middle class which gives an edge to middle-class children in learning. Children of upper classes can comprehend the contents of the syllabus better than their counterparts belonging to marginalized sections of society. The present experience of India with the mixed or diversified classroom isn't encouraging. The children from marginalized sections of society are discriminated in the classroom on the bases of gender, caste, and ethnicity despite the fact that the Indian constitution strictly prohibits discrimination based on caste and other social backgrounds and is a punishable act. Teachers must exercise due caution to ensure that they are no discrimination against and their lack of knowledge not ridiculed.

“Padhega India, Badhega India”