



---

## UNIT 3 EDUCATION AS A FUNDAMENTAL RIGHT

---

### STRUCTURE

- 3.0 *Introduction*
- 3.1 *Learning Objectives*
- 3.2 *Concept and Need of Universalization of Elementary Education*
  - 3.2.1 *Article 45 of the constitution of India*
  - 3.2.2 *Reasons for non-achievement of goals of UEE*
  - 3.2.3 *86<sup>th</sup> Constitutional Amendment*
  - 3.2.4 *Right to education Act (RTE), 2009*
  - 3.2.5 *Rights of the Child*
- 3.3 *Roles and Responsibilities of Teacher*
- 3.4 *School Governance and Management*
- 3.5 *Curriculum and Evaluation Imperatives*
- 3.6 *Rules of the RTE Act, 2009*
  - 3.6.1 *Preliminary*
  - 3.6.2 *Right of Children to Free and Compulsory Education*
  - 3.6.3 *Duties of the State Government*
  - 3.6.4 *Maintenance of Records*
  - 3.6.5 *Responsibilities of Schools and Teachers*
  - 3.6.6 *School Management Committee*
  - 3.6.7 *Teachers*
  - 3.6.8 *Curriculum and Completion of Elementary Education*
  - 3.6.9 *Protection of Rights of Children.*
- 3.7 *Let Us Sum Up*
- 3.8 *Suggested Readings & References*
- 3.9 *Unit-End Exercises*



---

### 3.0 INTRODUCTION

---

You are aware of the fact that education is a key to progress of any country. The main aim of education is to bring about all round development of a child's personality. According to the census of 2011 the literacy rate in India was 74.04. In some of the states like Kerala the literacy rate was as high as 93.9 while in the state like Bihar it was as low as 63.8 (Percent).

In **unit-1** and **unit-2** you have studied the recommendations of the various commissions and committees regarding education. You have also studied the evolution of elementary education curriculum and major implications of NCF 2005. In this unit we are going to study, how education has emerged as a fundamental right of children. We shall discuss the provisions of RTE Act 2009

The United Nations issued two important documents as far as rights are concerned. In 1948 it issued a document titled 'Declaration of Human Rights' and in 1959 it issued a document titled 'Declaration of the Rights of the Child.' Though we are living in the 21st century we know that thousands and thousands of people are still forced to live in poverty and without any access to modern life. After independence there was a big expansion in the network of education, but in spite of this, several lakhs of children were not enrolled in schools, the rates of dropouts, wastage and stagnation were also very high. In the light of these facts the Indian Parliament has passed the Right to Education Act in August, 2009.

In this unit we will study the provisions of this Act and also our role as teachers for achieving the goals of Universalization of Elementary Education

---

### 3.1 LEARNING OBJECTIVES

---

After studying this unit you should be able to:

- explain the meaning of universalization of elementary education (UEE)
- discuss the reasons for non-achievement of goals of universalization of elementary education as mentioned in Article 45 of the Constitution of India
- state the provisions made in the 86th Constitutional Amendment (2002)
- describe the rights of the child as given in the United Nation's Declaration on Rights of the Child
- discuss the Provisions and Rules of the Right to Education Act, 2009
- explain the roles and responsibilities of the teacher in implementing the provisions of the Right to Education Act, 2009
- explain the evaluation procedures suitable for achieving the goals of RTE
- explain the role of the stakeholders in implementing the provisions of the RTE Act.



### 3.2 CONCEPT AND NEED OF UNIVERSALIZATION OF ELEMENTARY EDUCATION

As you know, elementary education caters to the needs of children in the age group of 6-14 years. In general, it includes education from Std. I needs of to Std. VIIIth. (Std. I to V-Lower Primary, Std. V to VIII upper primary). Universalization of elementary education means making elementary education available to each and every child in the country irrespective of his/her caste, creed, religion, ethnic group, gender and socio-economic status.

Education is at the base of all types of human development and progress. Education is said to be the sharpest weapon and strongest shield against all human problems. Human life becomes meaningless in the absence of education. It is through education, that we acquire knowledge and skills which enable us to lead a fruitful life. India is a democratic country and justice, equality and liberty are the guiding principles of our Constitution. You will agree with the opinion that to deprive someone of the right of obtaining education is a gross injustice, and hence, universalization of at least primary education is of prime importance in a democratic and secular country like ours.

#### 3.2.1 Article 45 of the Constitution of India

The constitution of India takes care of every aspect of human development. Article 45 of the Constitution provides for free and compulsory education to children in the age group of 6-14 years. You are aware of the fact that provision for universalization of elementary education was part of all five years plans. Government, non-government agencies, voluntary organizations and private organizations are engaged in this task but still the goal to provide education for all be achieved still remains.

#### 3.2.2 Reasons for Non-Achievement of Goals of UEE

Some of the reasons for non-achievement of goals of UEE are as follows-

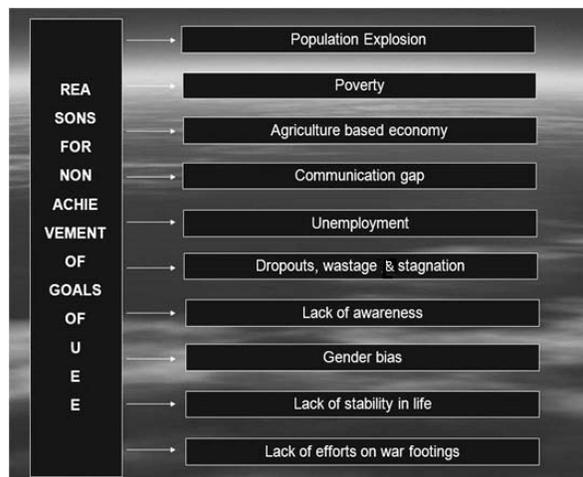


Figure 1- Reasons for non-achievement of goals of UEE



**Population-explosion:** In spite of quantitative expansion and network of schools education could not reach the doorsteps of each and every child in the country. The rate of development lagged behind the rate of growth of population. As you know, fast growth of population has created many problems in all walks of our life.

**Poverty:** For thousands of parents sending the children in school is a luxury which they cannot afford. Their children had to work hard for earning livelihood. Hence, they don't get their children enrolled in schools. We often see many young children engaged in different types of work.

**Agriculture based economy:** Due to poverty and in absence of modern technology the parents prefer to engage their children to work in the fields instead of sending them to schools. You might have seen children working in the fields with their parents or even working as laborers.

**Communication gap:** In remote, hilly and tribal areas there exists a big communication gap between the Govt. agencies and people. The children living in these areas don't have easy access to education. Local agencies and NGOs are also not in a position to cater for education in such problematic areas and hence the children have to suffer.

**Unemployment:** Many parents think that as educated youth are unemployed, there is no point in sending the children to schools. However, you know that this view is not correct and as a teacher you will have to work hard to change this type of negative attitude.

**Lack of motivation:** Though the government gives incentives to the school going children such as free education, scholarships and other facilities, still proper motivation is lacking among parents to send their children to the school. As a result of lack of motivation, enrolment of children in schools does not increase.

**Dropouts, wastage and stagnation:** We often experience that even if the children are enrolled in the schools they dropout due to various reasons. The wastage and stagnation are big hurdles in completion of education of children upto the elementary level.

**Lack of awareness and ignorance:** Ignorance about the value of education is curse. In our society, many of the parents don't realize the importance of education in human life and it is only out of ignorance they don't get their children enrolled in the schools.

**Gender bias:** In many States the rate of women literacy is lower than that of male literacy. In many societies gender bias is predominant. We often observe that education is imparted to male child while education of female child is neglected. Instead she has to shoulder the responsibility of helping her mother in routine work and also to look after the younger brother or sister.



Notes

**Lack of Stability in life:** Some tribes and nomads are still homeless and they have to wander from place to place in search of livelihood. Some laborers' also lack stability in life. Many children are orphans. We can imagine that in all such cases taking education becomes a distant dream.

 **ACTIVITY -1**

1. Add at least three more reasons for non-achievement of the goals of Universalization of Elementary Education.

.....  
.....  
.....

2. Did you observe any difference in life style of literates and illiterates? What type of differences have you observed between literates and illiterates people on the following counts - (Record your observations)

- Attitude towards life.
- Social Maturity
- Knowledge level
- Economic status
- Educational status of children
- Size of family
- Living standard

.....  
.....  
.....

**3.2.3 86<sup>th</sup> CONSTITUTIONAL AMENDMENT**

In the year 2002, 86th amendment in the Constitution was made by the Indian Parliament.

THE CONSTITUTION (EIGHTY-SIXTH AMENDMENT) ACT, 2002

1. **Short title and commencement-** (1) This Act may be called the Constitution



(Eighty-sixth Amendment) Act, 2002.(2) It shall come into force on such date as the Central

Government may, by notification in the Official Gazette, appoint.

- 2. **Insertion of new article 21A**- After article 21 of the Constitution, the following article shall be inserted, namely:-Right to education.-”21A. 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.”
- 3. **Substitution of new article for article 45**- For article 45 of the Constitution, the following article shall be substituted, namely:- .Provision for early childhood care and education to children below the age of six years.”45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.”

The 86th amendment to the Constitution approved in 2002 providing free and compulsory education to all children aged six to 14 years has been notified.

Along with this, the Right of Children to Free and Compulsory Education Act which was passed by Parliament was also notified to enable the implementation of the 86th amendment.

In 2002, through the 86th Amendment Act, Article 21(A) was incorporated. It made the right to primary education part of the right to freedom, stating that the State would provide free and compulsory education to children from six to fourteen years of age.

Article 21 of the Constitution is related with protection of life and personal liberty. Article 21 A was added after Article 21.You will appreciate that Article 21 A makes the right of education of children of the age group of 6-14 years, a **fundamental right**.

Article 51 A of the constitution includes 10 fundamental duties of citizens. By virtue of this amendment 11th fundamental duty is added which read as follows, ‘to provide opportunities for education to his/her child or ward as the case may be, between the ages of 6 to 14 years. So to give education to the children / wards has now become a fundamental duty of every citizen.



**ACTIVITY-2**

- 1. What impact do you think the 86<sup>th</sup> amendment in the Constitution of India could bring in School system?

.....

.....

.....



### 3.2.4 Right to Education Act (RTE)-2009

On 26th of August 2009 the Indian Parliament passed a historic Act regarding education, known as ‘ Right to Education Act’ 2009. In view of the non-achievement of goals of UEE, this was the most awaited step on the part of Govt. of India. But you will be surprised to know that Act to provide free and compulsory education to the children in the age group of 6-14 yrs was already framed and implemented by Chhatrapati Shahu Maharaj in Kolhapur State (Maharashtra) way back in 1902. In 1918 Vitthalbhai Patel made primary education compulsory in all Municipal Councils of Bombay State by passing an Act to that effect. Mahatma Gandhi’s Basic System of Education or Wardha Scheme of Education, (1937) also advocated for compulsory and free education for children. You will definitely appreciate the argument of Mahatma Gandhi that, every person has right over free air and water, similarly free education should be available to each and every child and it is the duty of society and Government to look after the welfare of the child.

Our country is a party to the UN Declaration on the Rights of the Child 1959. Accordingly it adopted a National Policy on Children in 1974. UNICEF Report (2005) titled “Childhood under Threat” states that 72 million children in India between five and fourteen years do not have easy access to basic education. In order to ensure rights of the child and in response to India’s commitment to UN declaration to this effect, the Govt. of India set up a National Commission for Protection of Child Rights. Each and every child has a right to survival, development and participation. As a responsible citizen and moreover, as a teachers, it is our prime duty to protect the rights of the child.

You will now study in detail the following provisions of RTE Act

- Rights of the child.
- Roles and responsibilities of the teacher
- School governance and management
- Curriculum and evaluation imperatives.

### 3.2.5 Rights of the Child

As per declaration of the United Nations on rights of the child some of the important rights are as follows.



Figure 2: Rights of the child

- Every child of the age of 6 to 14 years shall have a right to free and compulsory education in a neighborhood school till the completion of elementary education.
- No child shall be liable to pay any kind of fee or charges for completing the elementary education. We should take every care to see that no child is denied admission in want of money.
- By some reasons or the other, if a child above 6 years could not complete his or her elementary education then he/she will be availed opportunity to get admission in the class in accordance with the age of the child.
- If the school where the child is admitted does not have facility for completing elementary education then the child shall have right to seek transfer to another school where such facilities are available, we should extend every help to the child who needs to get transferred.
- If for any reason a child is required to move from one school to another within a state or outside, such child shall have right to seek transfer at his/her will. As a teacher, we can help the child at this juncture.
- The headmaster or in-charge of the concerned school is expected to issue the transfer certificate to the child. Delay in issuance of transfer certificate shall be liable for disciplinary action under the service rules applicable to him or her.
- No child shall be denied admission in a school for lack of age proof. If possible we can help the child to get his/her age proof, this may help the child in future also.



Notes

- No child shall be denied admission even after the last date of admission & as a teacher it will be our responsibility to complete the studies of the child as per requirement.
- No child admitted in the school shall be held back in any class or expelled from school till the completion of elementary education.
- We should never subject any child to physical punishment or mental harassment.

**✂ ACTIVITY- 3**

- Study these rights of the child carefully and on the basis of your observations state how far these are followed in your area/school/class room.  
.....  
.....  
.....
- Mention the reasons for violation of child right  
.....  
.....  
.....
- Make a list of the child rights which are being violated in your area  
.....  
.....  
.....
- Visit the places (hotels, shops, farms, market places etc.) where child rights are being violated, interact with the children engaged in work at such places and record your observations.  
.....  
.....  
.....
- Organize programmes for creating awareness regarding child rights among the people.  
.....



Notes

- .....  
.....
- Prepare a script of Street play (Pathnatya) on the theme ‘rights of the child’ and play the same by involving your students.  
.....  
.....  
.....

### 3.3 ROLES AND RESPONSIBILITIES OF THE TEACHERS

As you know role of teacher is very important in smooth running of a school. As is the teacher so will be the school, is an experienced fact. The role of a teacher under RTE Act is as follows:

- You will have to maintain regularity and punctuality in attending the school.
- You have to complete entire curriculum within specified time.
- It will be our duty to assess the learning ability of each child and provide learning opportunities to the child accordingly.
- You should hold regular meetings with the parents/guardians of the child and apprise them about the overall performance and progress of the child.
- As a teacher it is your responsibility to extend all types of help to make the child free of fear, trauma and anxiety, you should implement carefully the procedure of comprehensive and continuous evaluation (CCE). You we have to make all efforts to build up child’s knowledge, potentiality and talent and work for development of his/her physical and mental abilities. In short, you are expected to bring about the all round development of the child.
- If you are committing default in performance of duties then you will be liable to disciplinary action.
- Performing only the prescribed duties by you may not help to achieve the goals of RTE. You should rather emerge as great supporters of RTE and work as an active agent for the effective implementation of the provisions of RTE Act 2009. You should render our best services to the nation to achieve the goal of cent percent literacy.



Notes

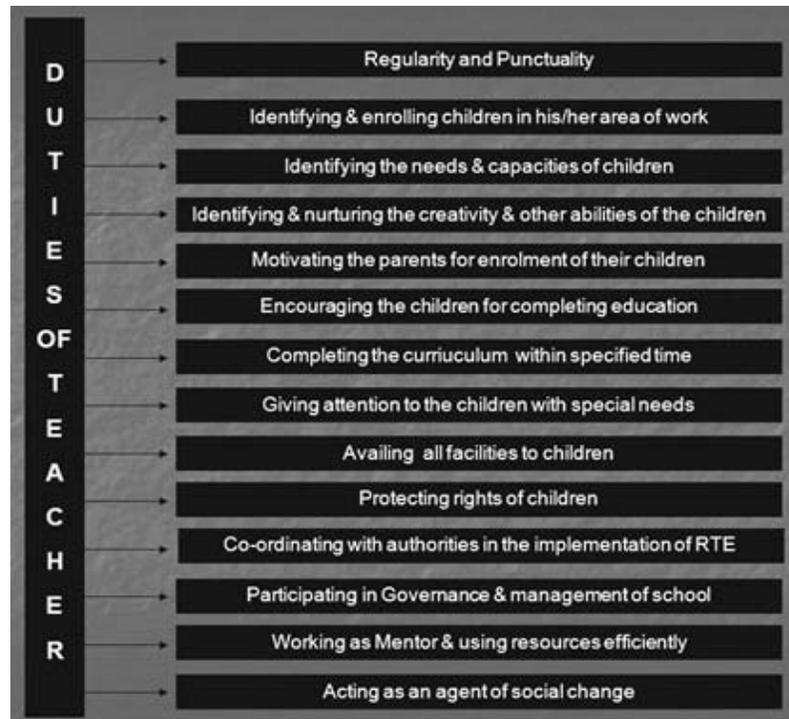


Figure 3: Duties of Teacher



#### ACTIVITY-4

1. You have studied the duties prescribed for teacher by RTE Act 2009. In your opinion which duties a teacher should adopt in order to achieve the goals of RTE?

### 3.4 SCHOOL GOVERNANCE AND MANAGEMENT

You should never forget the importance of governance and management of the school. Unless your school is managed in a proper way you will not be able to achieve the goals of RTE. There are many provisions in RTE regarding proper arrangement and governance of the school. It is clearly mentioned in the Act that no school shall be established or recognized unless and until it fulfills all the norms and standards for imparting education effectively. It means the school must have necessary infrastructural and educational facilities.

Mother is said to be the first teacher of a child, you will appreciate the provision that the management committee of school will consist of at least 50% women and most of the office bearers and members of this committee will be from parents' category. The Management committee is expected to perform the following functions-

- Monitor the working of school.

- Prepare and recommend the school development plan.
- Monitor the grants received from various sources.
- Work for the mission of achieving the goals of RTE.

You are expected to assist in the governance of the school. It is joint responsibility of teachers and management of the school to ensure that all eligible children get enrolled in the school and continue to attend the school till they complete elementary education. To prevent irregularity and dropout is a challenge but you can overcome the same by motivating children and parents as well.

---

### 3.5 CURRICULUM AND EVALUATION IMPERATIVES

---

The curriculum of this stage is expected to develop minimum basic skills and attitudes in the children. It will be child-centered and related to day-to-day life of the child. It should be flexible enough to accommodate the needs and requirements of children of different abilities and belonging to varied Socio Economic Status. It is expected to be inclusive and flexible enough, to cater to the requirements of children with special needs. Curriculum will be constructed in conformity with the values enshrined in the RTE Act. It should be helpful in building up child's knowledge, potentiality and talent. You will agree with the view that the curriculum should promote learning through activities and there should be ample scope for games and sports and organization of the co-curricular activities.

There shall be no external examination till the completion of elementary education of the child, all children are to be promoted to higher class but this does not mean that you should neglect the evaluation part. A scheme of comprehensive and continuous evaluation (CCE) is to be implemented. You will have to be very careful regarding quality of education. Though there is no pass and fail system, in any case the standard of education should be maintained. As you know, the main aim of education is to bring about all round development of the child. It is our responsibility to build up the child's knowledge, potentiality and talent. We should take every care to inculcate favourable attitudes and positive values of life in the children. We should also promote various skills, learning through activities and spirit of discovery. We should try our level best to develop physical and mental abilities of children to the fullest extent.

#### ACTIVITY -5

- i. Visit the elementary school in your area, interact with the people working there and record your observations regarding the functioning of the personnel.



Notes



Notes

- ii. How far the efforts are being made to achieve the goals of elementary education.
- iii. Are you satisfied with the present system of evaluation of progress of the students? Give your observations
- iv. Do you think that the scheme of comprehensive and continuous evaluation will help you evaluate the progress of children? Give your comments.

### 3.6 RULES OF THE RTE ACT

We have studied the provisions of RTE Act 2009. For actual implementation of the RTE Act some rules are framed which are called the Right of Children to Free and Compulsory Education Rules, 2009. These rules may vary up to some extent from state to state. Here, we shall try to study some of the important rules for free and compulsory education of child. The rules to RTE Act are divided into 8 parts.

The Model Rules, 2009 on the Right to Education Act have been formulated to help operationalize the Act. These rules provide a broad framework which the different states could use while devising their own State Rules on RTE. The States must ensure that their RTE Rules include all aspects of grievance redressal including the method of lodging complaints, specific authorities from the State machinery to be approached for complaints, timeline for grievance redressal etc.

The RTE Model Rules document in its current form lays down details on:

- Provisions and methods special training of children in order to bring them up to the learning level of their peers
- The limits of neighbourhood schools
- Duties of the state govt. and local authorities in up-gradation of schools, provision of transport facilities, or residential facilities and all forms of learning support to children with disabilities to ensure completion of elementary education.
- Method and details of records to be maintained of children within the jurisdiction of a local authority.
- Responsibilities of schools and teachers with regard to enrolments and classroom transactions with children from weaker sections and disadvantaged groups.
- Documents as age proof required for every child
- Application and procedure to be followed by all schools '*other than a school established, owned or controlled by the State Government or Local Authority*' in order to gain recognition as mandated by the Act.



- Conditions and procedures under which this recognition could be withdrawn.
- Composition and function of the school management committee.
- Details on the school development plan to be designed and monitored by the SMC.
- Teacher qualifications norms.

### 3.6.1 PRELIMINARY

This preliminary section is dedicated to define key words of the rules to RTE.

- (a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009.
- (b) “Anganwadi” means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India
- (c) “appointed date” means the date on which the Act comes into force, as notified in the Official Gazette
- (d) “Chapter”, “section” and Schedule” means respectively Chapter, section of, and Schedule to, the Act.
- (e) “Child” means any child of the age of 6 to 14 years
- (f) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation
- (g) “school mapping” means planning school location to overcome social barriers and geographical distance

### 3.6.2 Right of Children to Free and Compulsory Education

- **Special training:** Special training for those students whose admission is delayed is to be given by the specially appointed teachers. The purpose of this training is to enable children to successfully integrate themselves with the rest of the class, academically & emotionally. Duration of the training shall be of three months. As a teacher, it is our duty to help the children who are lagging behind.
- **Special Training for the purposes of first proviso to section 4**

The School Management Committee/ local authority shall identify children requiring special training and organise such training in the following manner, namely:

The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in section 29(1). It shall



be provided in classes held on the premises of the school, or through classes organised in safe residential facilities. It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose. The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years. The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.

### 3.6.3 DUTIES OF STATE GOVERNMENT

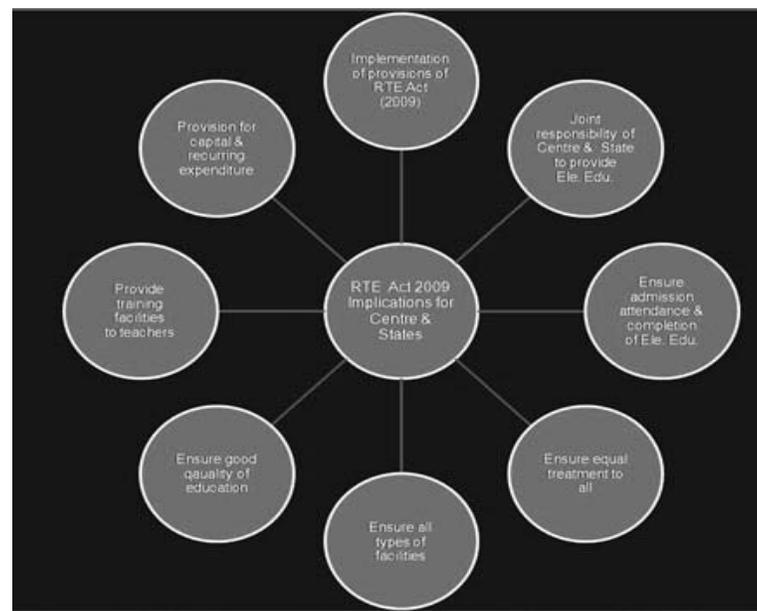


Figure 4-duties of state government

- **Local authority:** The schools are to be established by the State Government within a walking distance of 1 KM from his/her residence for the children of classes I-V & within a walking distance of 3 Kms for the students of Classes VI to VIII. If in a particular area the schools already exist then classes as per requirements shall be added to those schools. You know that many states in our country could not evolve the network of elementary schools, as per requirements. Transportation or residential facilities are to be provided by the concerned state governments as per need. We should appreciate the efforts put in by some state governments in this regard. Some states are issuing free travel passes to girl's student while some are providing bicycles to the girls, for enabling them to attend the school. For establishing neighborhood schools the state government/local authority is going to undertake the school mapping and all types of children including children with special needs shall be identified by the authorities.



### 3.6.4 Maintenance of Records

The Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain the age of 14 years & the record should be updated each year. Here, as a teacher our role is of vital importance. It is our duty to bring to the notice of the local authority any deviation from the rights of the child, in particular physical and mental harassment of children, denial of admission etc. We should be very watchful regarding this issue. We are required to identify the needs, prepare a plan and monitor the implementation of the provisions of RTE Act.

The local authority is expected to monitor the implementation of the mid-day meals in the school. As you know this scheme is already in existence in many states and we often read the news of some mal practices in the scheme. It is our duty to check the mal practices if any, at our level. The management committee shall prepare a school development plan which shall be for three years. It shall include infrastructural requirements, requirements regarding human resource i.e. headmaster & teachers and additional financial requirements as per need. We can assist the management committee for preparing this plan.

### 3.5.4 Responsibilities of Schools and Teachers

Every school controlled or recognized by the State Government shall help to implement the provisions of RTE. We should never forget that the school is not run for profit to any individual, group or association of individuals or any other persons. The role of District Education Officer is very important because he is expected to act as custodian to implement the provisions of RTE Act in an effective way. The schools shall work under instructions of DEO. As a teacher will have to play a pivotal role in the Universalization of Elementary Education (UEE) because we are supposed to be main human resource in implementation of the RTE, Act.

Our school may face the action of de-recognition if we fail to comply with the responsibilities entrusted with ourselves and the school. We are required to identify and enlist all eligible children within our area of work, identify the neighborhood school and make the same available to the child.

### 3.6.6 School Management Committee

As you know, management is an important aspect of education. We need to manage our schools in a better way if we wish to give elementary education to all the children. As per provision of the RTE Act, the School Management Committee shall be constituted mainly out of parents of children and their strength shall be 75%. Some of the important functions of the committee will be as follows-

- Monitor that the teachers are not burdened with non-academic duties (except with those of census and elections )



Notes

- In addition to normal duties the teachers are required to maintain a file containing the cumulative record of every child which will form the basis for awarding the completion certificate to the concerned child for that particular year. We are expected to participate in training programmes, curriculum formulation, training modules, and text book development.
- There shall be a grievance redressal mechanism for teachers. The State Government shall constitute School Tribunals at the State, District and Block levels.
- The State or local authority shall maintain the pupil teacher ratio.



**ACTIVITY -6**

- In your opinion, how a teacher can participate actively in the governance and management of school.  
.....  
.....  
.....
- You have studied the functions of School Management Committee. What other functions would you like to suggest?  
.....  
.....  
.....

**3.6.7 Teachers**

The academic authority of the concerned State lays down the qualifications of teachers. The minimum qualifications laid down by this authority are applicable to all schools. In a state where there is a shortage of trained teachers, the qualifications may be relaxed for appointment but the teacher should at least possess the minimum academic qualifications as may be prescribed (i.e. H.S.S.C.)



**ACTIVITY -7**

- Do you agree with the idea of relaxing teachers' qualifications in any situation? Give reasons and justify your answer.  
.....  
.....  
.....



### 3.6.8 Curriculum and Completion of Elementary Education

The State Government shall notify the State Council of Educational Research and Training (or its equivalent), as the academic authority, which shall formulate syllabus and textbooks and other learning material. It shall also develop in-service teacher training programme, design and prepare guidelines for implementing curriculum and practicing continuous comprehensive evaluation (CCE).

The certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.

The certificate of successful completion of elementary education shall certify that the child has completed all the courses of study prescribed. It will also reflect the pupils' cumulative record and also specify achievements of the child in the areas of activities beyond the prescribed course of study and may include music, dance, literature and sports etc.

As a teacher you have to be careful in maintaining all types of records, especially cumulative records of every child which will help you to assess the overall development of the child.



#### ACTIVITY -8

i. Justify the curriculum for the need of general as well as children with special needs in the light of education as a fundamental right?

.....  
.....  
.....

ii. What were the limitations you could feel with the present system of school governance?

.....  
.....  
.....

iii. Justify the need of the scheme of comprehensive and continuous evaluation to evaluate the progress of children?

.....  
.....  
.....



### 3.6.9 Protection of Rights of Children

Many States in country have constituted State Commissions for Protection of the Child Rights. In respect of a State which does not have a State Commission for Protection of Child Rights, the State Government may take immediate steps to setup such commission. Till such time, an interim authority known as Right to Education Protection Authority (REPA) shall be setup. It has been found that in spite of establishment of commissions or authorities, the objectives are not achieved completely due to absence of cooperation and commitment at all levels. So, as a teacher it is our prime duty to work sincerely and cooperate for achieving the cherished goals of the RTE Act 2009.

#### Types of rights

Children's rights are defined in numerous ways, including a wide spectrum of civil, cultural, economic, social and political rights. Rights tend to be of two general types: those advocating for children as autonomous persons under the law and those placing a claim on society for protection from harms perpetrated on children because of their dependency. These have been labeled as the **right of empowerment** and as the **right to protection**. One Canadian organization categorizes children's rights into three categories:

- **Provision:** Children have the right to an adequate standard of living, health care, education and services, and to play and recreation. These include a balanced diet, a warm bed to sleep in, and access to schooling.
- **Protection:** Children have the right to protection from abuse, neglect, exploitation and discrimination. This includes the right to safe places for children to play; constructive child rearing behavior, and acknowledgment of the evolving capacities of children.
- **Participation:** Children have the right to participate in communities and have programs and services for themselves. This includes children's involvement in libraries and community programs, youth voice activities, and involving children as decision-makers.

In a similar fashion, the Child Rights Information Network, or CRIN for short, categorizes rights into two groups:

- **Economic, social and cultural rights**, related to the conditions necessary to meet basic human needs such as food, shelter, education, health care, and gainful employment. Included are rights to education, adequate housing, food, water, the highest attainable standard of health, the right to work and rights at work, as well as the cultural rights of minorities and indigenous people.
- **Environmental, cultural and developmental rights**, which are sometimes called "third generation rights," and including the right to live in safe and

healthy environments and that groups of people have the right to cultural, political, and economic development.

Scholarly study generally focuses children's rights by identifying individual rights. The following rights "allow children to grow up healthy and free":<sup>[21]</sup>

- Freedom of speech
- Freedom of thought
- Freedom from fear
- Freedom of choice and the right to make decisions
- Ownership over one's body
- Education is in the concurrent list. As you know, to impart education is the joint responsibility of the Central as well as State Governments. The Central Government and the State Government shall have concurrent responsibility for providing funds for carrying out the provisions of RTE Act.
- The Central Government shall prepare the estimates of capital and recurring expenditure for the implementation of the provisions of RTE Act.
- The Central Government shall provide to the State Government, as grants-in-aid of revenues such percentage of expenditure as it may determine, from time to time, in consultation with the State Government.
- The State Government, from the funds received from the Central Government and its own resources, will be responsible to provide funds for the implementation of the provisions of RTE.
- It shall be the joint responsibility of the Central Government & the concerned State Government to provide free elementary education to every child of the age of 6 to 14 years. Here, we should not forget that it is not easy to meet the huge expenditure to be incurred for providing education to all. It is going to be the biggest challenge to spare thousands of crores of rupees for this task.

The concerned State Government will have to:

- Ensure compulsory admission attendance and completion of elementary education by every child in the age group specified above, as discussed earlier our role as a teacher, is of vital importance in this regard.
- Ensure availability of neighborhood school.
- Ensure that no discrimination is made on any ground among children regarding persuasion of elementary education. Here also we are expected to work for checking discrimination.



Notes



- Ensure the availability of all types of infrastructural and educational facilities to each and every child for completion of elementary education. Many a times in want of financial support we could not provide good infrastructural facilities, here again it is our duty to avail finances from various resources.
- Ensure that quality elementary education is accessible to every child. Our role as teachers is important in maintaining the quality of elementary education.
- Provide training facilities to the teacher working in the area of elementary education. It is infact a good opportunity for us to acquire the necessary qualifications (training) which may also help us for teaching in a better way. It may also give stability as a teacher.

---

### 3.7 LET US SUM UP

---

In this unit we have discussed the concept and need of universalization of elementary education which means making available elementary education to every child. In Article 45 of the Constitution of India, provision is made for free and compulsory education for the children in the age group of 6-14 years. This and other constitutional provisions are also reviewed. In the year 2002 the Parliament of India made 86<sup>th</sup> Constitutional Amendment. Article 21 A was inserted which makes the right of education a fundamental right of the children, in the age group of 6 to 14 years. You have also studied reasons for non-achievement of goals of UEE.

In 1959 the United Nations declared the rights of the child, right to survival, right to name and nationality, right to nutrition, right to expression, right to health and care, right to protection from neglect and exploitation, right to education, right to information, right to protection from abuse and right to recreation are some of the important rights of the child. In 2009, the Parliament passed a historic Act regarding education known as Right to Education Act 2009. We have also studied in detail the provisions of RTE 2009, as well as, the rules framed under this Act.

Considering the fact that education is a concurrent issue, in the last part of this unit, implications of this Act for the Central Govt. and State Govt. are also discussed.

---

### 3.8 SUGGESTED READINGS & REFERENCES

---

- [en.wikipedia.org/wiki/Sarva\\_Shiksha\\_Abhiyan](http://en.wikipedia.org/wiki/Sarva_Shiksha_Abhiyan)
- [unesdoc.unesco.org/images](http://unesdoc.unesco.org/images)

- Aggarwal, J C: Development Of Education System In India
- [www.tn.gov.in/schooleducation/contacts.htm](http://www.tn.gov.in/schooleducation/contacts.htm)



Notes

---

### 3.9 UNIT-END EXERCISES

---

1. Explain the reasons for not achieving the goals of UEE.
2. Describe the five rights of the RTE Act 2009. Give some suggestions at your own for the benefit of the teachers and students.