Dilution of Right to Education Act, 2009

Why in news?

Recently Maharashtra have introduced rules that dilute the Right to Education Act, 2009 obligation of 25% reservation for students from weaker section and disadvantaged groups in private schools.

Key provisions of Right to Education Act, 2009	
Key aspects	**About**
Right to education as a Fundamental right	Every child of the age group of 6 to 14 years shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.
Financial burden	Both the Central Government and the state governments share concurrent responsibility for providing and sanctioning funds to enforce and carry out the provision of the Act.
Responsibility of Central government	• Curriculum development • Teacher training • Technical support and resources
Duty of state government	• It is the duty upon the state to establish schools in neighbourhoods for the purpose of implementation of the provisions of this Act within 3 years of the commencement of the Act. • *School Management Committee* (SMC) shall be constituted for every State school and aided school, consisting of elected members of the local Authority and parents, teachers and community members.
Duty of the parent	It is the duty of every parent or guardian to admit his or her child or ward, as the case may be, to an elementary school in the neighbourhood for an education.
Free provision	• No school fee, capitation fee, charges or expenses to be borne by the child to get elementary education. • Every student is entitled to free textbooks, writing materials and uniforms.
Children with disabilities	• Any child with disabilities will also have the right to access free and compulsory education at par with children with disabilities. • Any child with 'multiple disabilities' or 'severe disabilities may also have the right to home-based education.

Special provision	• The Act protects the children who even after six years of age were not admitted to schools or though admitted could not complete their elementary education. • They have the right to free and compulsory education even beyond the age of fourteen years till the completion of his or her elementary education.
Right to transfer to other schools	• If a school fails to provide the necessary facilities for completing elementary education, any student has the right to transfer to another school. • **Exemption**- It is not available for schools belonging to specified categories or unaided schools.
Reservation	• All aided schools must reserve a minimum of 25% of their seats for students from economically weaker and disadvantaged groups. • It also applies to schools falling under specified categories and unaided schools that do not receive any government or local authority aid or grant.
Reimbursement for Unaided Schools	Unaided schools fulfilling RTE duties are eligible for reimbursement of expenses incurred
Child friendly schools	• 2 trained teachers will be provided for every 60 students at the primary level. • If a problem with the infrastructure it must be improved in every 3 years, else recognition will be cancelled.
Amendment in 2019	• There shall be regular exams for all the students at the end of class 5 and class 8 and removed *no detention policy*. • Any students failing such exams will get a chance for re-examination within 2 months. • In very rare cases, schools can fail students with the permission of the government after failure in the re-examination. • But under no circumstances a student will be expelled till the completion of his or her elementary education.

What is the recent Maharashtra rules about Right to Education Act?

- The private unaided schools within a 1 km radius of government or aided schools are exempt from the 25% admission requirement.
- Instead, students in these areas will be considered for admission in government or aided schools first. This exemption also applies to private schools established in the future within the same radius.
- **Similar rules in other States**-
    - **Karnataka**- It introduced in 2018 which aimed to prevent a drop in enrollment in government schools and encourage parents to choose government schools over private ones.
    - **Kerala**- It was introduced in 2011 where the fee concessions for RTE quota students are conditional upon the absence of government or aided schools within walking distance (1 km).

What are the implications of the rules with respect to RTE?

- **Enrolment in government schools**- The primary reasons for introducing these exemptions are concerns about a decline in enrolment ratios in government schools.
- **Less access to quality education**- The amendment closes the window for marginalized students to access quality education in private schools.
- **Dilutes RTE Act**- The Act aims to contest education apartheid and promote equality by providing opportunities to disadvantaged children, the recent rules dilutes the core of the Act.
- **Delay in payment**- There are concerns in delay and pending payments from State have been reported in various states, including Maharashtra.

  State government are obligated under RTE Act to reimburse private schools for the expenses incurred per child or the fee amount, whichever is less.

- **Inadequate reimbursement**- It placed a financial burden on private schools as the State did not provide payment in timely manner, even if they provide it is not adequate to meet the financial needs of the education.

References

1. Indian Express- Maharashtra exempts private school RTE quota
2. Indian Express- Maharashtra rules about RTE Act 2009

SHANKAR IAS PARLIAMENT
Information is Empowering