



ROLE OF TEACHER FOR IMPLEMENTING RIGHT TO EDUCATION

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INTRODUCTION

International Covenant The **right to education** is a universal entitlement to education, recognized in the on Economic, Social and Cultural Rights as a human right that includes the right to free, compulsory primary education for all, an obligation to develop secondary education accessible to all, in particular by the progressive introduction of free secondary education, as well as an obligation to develop equitable access to higher education, ideally by the progressive introduction of free higher education.

The **right to education** also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to these access to education provisions, the right to education encompasses the obligation to rule out discrimination at all levels of the educational system, to set minimum standards and to improve quality of education.

DEFINITION

Education narrowly refers to formal institutional instructions. Generally, international instruments use the term in this sense and the right to education, as protected by international human rights instruments, refers primarily to education in a narrow sense. The 1960 UNESCO Convention against Discrimination in Education defines education in Article as: "all types and levels of education, (including) access to education, the standard and quality of education, and the conditions under which it is given. In a wider sense education may describe "all activities by which a human group transmits to its descendants a body of knowledge and skills and a moral code which enable the group to subsist". In this sense education refers to the transmission to a subsequent generation of those skills needed to perform tasks of daily living, and further passing on the social, cultural, spiritual and philosophical values of the particular community. The wider meaning of education has been recognised in Article of UNESCO's 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

The European Court of Human Rights has defined education in a narrow sense as "teaching or instructions... in particular to the transmission of knowledge and to intellectual development" and in a wider sense as "the whole process whereby, in any society, adults endeavour to transmit their beliefs, culture and other values to the young."

RIGHT TO EDUCATION ACT, 2009

- It is an important legislation in the field of education. It has come into force with effect from 01/04/2010.
- Now education upto elementary level has become a fundamental right of every child aging 6-14 yrs.

SALIENT FEATURES OF RTE ACT

- Duty of the appropriate govt/local authority to provide

- Free and compulsory education to every child.
- ii. To establish school within limits of prescribed neighbourhood.
- Every child of the age of six to fourteen years shall have a right to free and compulsory Education in a neighbourhood school till completion of elementary education.
- Neighbourhood school means a primary school in vicinity of 1 Km and an upper primary school in the vicinity of 3 Km of every habitation.
- Unaided Pvt. recognized schools and schools of special category to admit 25% children from economically weaker section and disadvantaged group in class I and reimbursement thereof.
- No capitation fee and screening procedure for admission.
- No child shall be denied admission in a school for lack of age proof and in extended period of admission.
- The Act prohibits holding back in any class and expulsion of child admitted in a school till completion of elementary education.
- Prohibition of physical punishment and mental harassment to child.
- No school to be established or can function after the commencement of the Act without obtaining certificate of recognition from appropriate Government which can be obtained subject to fulfillment of norms and standards of the school as per RTE Act.
- Constitution of School Management Committee in every school except unaided pvt. recognized schools.
- 75% representation from parent members.
- 50% representation from women.
- Representation from SC/ST and disadvantage group.
- Minimum qualification as laid down by Government is required for appointment of a teacher.

DUTIES OF TEACHERS AND PROVISION OF REDRESSAL OF THEIR GRIEVANCES

- Curriculum and evaluation procedure for elementary education shall be laid down by an academic authority.
- Delhi SCERT has been notified as Academic authority for the above purpose.
- No board examination till elementary education and award of certificate on completion same.
- Provision of protection of child rights and redressal of their grievances. Constitution of National and State Advisory councils.
- For carrying out the provisions of this Act, Delhi Government has notified its rules under the title, "Delhi Right of Children to Free and Compulsory Education Rules, 2011"

IMPLEMENTING RIGHT TO EDUCATION ACT

The Bill to provide free education for all children in the age-group 6-14 (which has now become an Act) ensures that any child can demand provision of free education to him or her in his or her neighbourhood right up to the 8th class. It is also claimed that the state will provide compulsory elementary education. Here there is some confusion. Right to education implies that the parents of some children want to get their children educated but fail to do so because there is no school in the neighbourhood, or if there is a school, the school is not of



their choice or they cannot afford to pay the fees and/or bussing and other charges. Violation of the right implies that the parents are willing to get elementary education for their wards but are unable to do so for reasons beyond their capacity or control. Compulsory, on the other hand, implies that there are parents who are unwilling or unlikely to send the children for schooling even when the facilities for free education are available in their neighbourhood. The state can and should compel them to send their children to school in the interest of the future of the children, their family and the society as a whole. If, however, compulsion is on the state for providing free education, then it is implicit in the right to education itself.

While it is true that a substantial number of students do not get education because there is no affordable school in the neighbourhood, specially in the tribal hilly areas and sparsely populated desert districts, in a very large number of cases education is not the first priority of the family. Survival is the top priority. Children working as rag-pickers, shoe-shine boys, domestic help, regular or contract or piece-wage workers in several kinds of factories and on farmlands is a regular phenomenon all over India, especially in the poorer districts. For example, there is the case of seasonal migration of child workers to work on Bt cotton farms from the tribal districts of Durgapur, Banswara and Udaipur to Gujarat. In case of monsoon failure as in this year there is large scale migration of families. Child labour also works as an insurance mechanism against fluctuations in parent's income.

To attract and retain children of these families to/in schools is not possible through compulsion alone, nor is it a question of opening of schools in the neighbourhood. The children of these families remain uneducated because of the mere accident of their birth in such families. They must not be allowed to suffer for no fault of theirs. They have the right to be educated. The state has to step in. It should be noted that though often the trade-off between school and child labour has been underlined, the two activities need not be mutually exclusive. Education strategies should examine the possibility of combining work and school by reducing the duration of school to just half-a-day and/or by changing the school timings. Special problems require special solutions. Schooling may be provided when the children are free from domestic duties or paid or unpaid work through night schools, mobile schools and the like. This will involve no cultural break and no cost to the family. Involvement of NGOs and teacher entrepreneurs would be necessary in such conditions.

The task to provide universal education to the girl child is even more complicated. The primary school enrolment of girls is far below that of boys even in the urban areas; the gap is much wider in the rural areas. The gulf widens as we move to the final years of elementary education. This implies that even those parents who send their sons to schools do not send their daughters and, in any case, they withdraw them from schools much before the completion of elementary education. The reasons for this are well known: social taboos, priority to education of sons, poverty, sibling care, domestic work, fuel wood gathering, fetching of water, cooking, early marriage, early parenthood and the like. These hard cases, where the parents have no inclination to send their wards to schools whether schools exist or not, whether they are free or not, are not exceptional. In several regions, especially in the BIMARU States, these cases are too large to be ignored. Therefore, tackling the schooling problem without tackling the basic livelihood and social problems is well nigh impossible, RTFE or no RTFE.

**ROLE OF TEACHER IN IMPLEMENTATION OF RTE ACT**

- Creating awareness in the neighbourhood of the school regarding right of child (6-14 yrs) for seeking compulsory education through students, teachers and parents and identifying children who are out of school.
- Providing admission to out of school children in age appropriate class and special training to them.
- Ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years studying in school.
- Ensure that there is no discrimination and segregation of children belonging to weaker section, dis-advantage group, children with special need which prevent them from completing elementary education.
- No child is subjected to caste, religion, gender abuse.
- Ensuring that children in school get good quality elementary education conforming to standards and norms specified in the schedule.
- No delay in issuance of transfer certificate as and whenever required by the child.
- Maintain records of the children admitted in a school as prescribed.
- No physical punishment or mental harassment.
- Ensuring the constitution of School Management Committee as prescribed and timely preparation of school development plan.
- To ensure that children admitted in school get timely benefits of their rights like free books, uniforms, stationary, mid day meal, benefits of welfare schemes etc.
- Ensure that teachers perform their duties namely regularity and punctuality in attending the school.
- Timely completion of entire curriculum within prescribed time frame as prescribed by academic authority.
- Assess the learning ability of each child and accordingly supplement additional instructions, if any as required.
- Hold regular meetings with parents and guardians.
- Ensure that teachers attend training programmes and takes part in developing the curriculum, syllabi, training modules and text book development and any other duties as prescribed by the govt. from time to time. Ensure that child completing elementary education is being awarded a certificate as prescribed by the government.

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