1.0 Introduction:

Education is fundamental for a civilized society. Education doesn't mean to literate a person but to enable a person to strengthen all the potentials and qualities lying inside. Education capable a man to live the life systematically. Objectives of education are different at different age levels. There is no limit of age for getting education. Basic education is essential for human being to cope up with basic life necessities. Mahatma Gandhi emphasized on basic education of a child. According to him education is mean to grown up a child to his full potential. Since the inception of our republic provision for compulsory basic education for all children has been made. The original article 45 in Directive Principles of State Policy in constitution mandated the state to Endeavour to provide free and compulsory education to all children of age group 6 to 14 in time period of 10 years. After independence various educational policies and programmes have been planned and implemented for achieving the goal of Universalization of Elementary Education. With the formulation of NPE-1986, India initiated a wide range of programmes for achieving the goal of Universalization of Elementary Education. These efforts were intensified in 1980s & 1990s through implementation of various programmes like Sarva Shiksha Abhiyan, District Primary education Programme, Lok Jumbish Project, Operation Black Board etc. The brief description of these programmes is given in next section.
1.1 Programmes Launched For Universalization Of Elementary Education:

Brief description of various programmes initiated for achieving the goal of UEE is presented below:

**Operation Black Board:-**

The Operation Black Board is a centrally sponsored program which was started in 1987 immediately after the Rajiv Gandhi NPE of 1986 was released to supply the minimum crucial facilities to all primary schools in the country. The objective of the scheme is providing students studying in primary settings with the necessary institutional equipment and instructional material to facilitate their education.

**Shiksha Karmi Project (SKP):-**

SKP is being implemented in Rajasthan since 1987 with assistance from the Swedish International Development Agency (SIDA). The project aims at Universalization and qualitative improvement of primary education in remote and socio-economically backward villages in Rajasthan with primary attention being given to girls. The project identifies teachers’ absenteeism as a major obstacle in achieving the objective of UEE.

**Mahila Samakhya (MS):-**

MS was launched in 1988 for the education and empowerment of women in rural areas, particularly those from socially and economically marginalized groups. It is being implemented in more than 15,800 villages spread over 63 districts of nine states viz. Andhra Pradesh, Assam, Bihar, Gujarat, Jharkhand, Karnataka, Uttar Pradesh and Uttarakhand. It
aims to enable the Mahila Sanghas to actively assist and monitor educational activities in villages including the primary school, adult and non-formal educational centre.

**Lok Jumbish Project (LJP):**

The Lok Jumbish (People’s movement) is a joint initiative developed by the Government of Rajasthan in cooperation with local NGOs. The programme, which has been underway since 1992, is functioning in 13 districts of Rajasthan. It aims at providing elementary education by mobilizing the community and soliciting its involvement in the running of local schools. Its main objectives are:

- Providing access to primary education to all children between five and fourteen years of age.
- Striving to enroll children in regular schools, as far as possible and in Sahaj Shiksha centers wherever necessary.
- Improving quality of education by emphasizing active learning, child centered processes and achievement of at least minimum levels of learning by all children.

**District Primary Education Program (DPEP-1994):**

The District Primary Education Program was launched in 1994. It aims that the primary education should be accessible to each and every child of school going age, once child is enrolled in school he/she should be retained there. The final step is achievement of Universalization of Education. It includes construction of classrooms and new schools, opening of non formal schooling centers, setting up early childhood education centers.
Sarva Shiksha Abhyian (2001):—

A landmark program Sarva Shiksha Abhiyan was launched towards the end of Ninth Five year plan to achieve the goal of UEE though a time bound initiative of the central Government and the community. It covers the entire country and aims to provide elementary education to all children in the 6-14 years of age group by 2010. There is also another goal to bridge social, regional and gender gaps with the active participation of the community in the management of schools. Useful and relevant education signifies a quest for an education system that is not alienating and that draws on community solidarity. It aims to allow children to learn and master in their natural environment in a manner that allows the fullest harnessing of their human potential both spiritually and materially. This quest must also be a process of value based learning that allows children an opportunity to work for each other's well being rather than to permit mere selfish pursuits.

National Programme for Education of Girls at Elementary Level (NPEGEL) Scheme Under SSA:—

It is a holistic effort under SSA to address obstacles to girls’ education at the micro level through flexible, decentralized processes and decision making. It is implemented in Educationally Backward Blocks (EBB) and addresses the needs of girls who are ‘in’ as well as ‘out’ of school. It also reaches out to girls who are enrolled in school, but do not attend the school regularly. Under NPEGEL, Haryana state took initiative of providing bicycles to girls on joining class 6th in a Government school located outside the village to prevent dropout at the end of class 5th and help girls to complete eight years of schooling i.e. 1st to 8th class.
1.2 Historical Perspectives of Free and Compulsory Education in India:

A reading of the Indian education history reveals that it was notorious for its lack of social inclusiveness. The legendary tale of Ekalavya from the Indian Epic of Mahabharata shows such social exclusion. Till 19th century, education was largely considered a privilege restricted to persons at the higher end of the caste and class spectrum.

1.2.1 Pre Independence Period:--

The British introduced modern education into the Indian Subcontinent. However, being largely confirmed to Brahmins and higher classes, this system of education also excluded the mass. One hundred and sixty two years ago, on 19th July, 1854, the court of directors of East India company send message through 'Wood's Education Dispatch' : the spread of education was "One of the most sacred duties". The dispatch also stressed that education should receive the utmost attention and it should not be for only a section of people rather for all classes of people. Compulsory Education Acts were passes in Britain, in the year 1870, 1876, and 1880, after which a great demand for such act was made in India also. Consequently in 1882 the resolution setting up the Indian Education Commission (Hunter Commission) again stressed and the Government attached great importance to the primary education. Dada Bhai Nairoji and Jyoti Ba Phule agrued for free and compulsory education before this commission. In the same year (1882) Lord Rippon introduced the system of local self-government to which the responsibility of primary education was entrusted as per the recommendations of the Indian Education Commission. In the same line Maharaja of
Baroda introduced compulsory education for boys in Amreli Taluk in 1893. In many provinces the rules were fixed for the minimum percentage of income which must be spent on primary education.

**TABLE 1.1**
**COMPULSORY EDUCATION ACTS PASSED IN PRE-INDEPENDENCE PERIOD**

<table>
<thead>
<tr>
<th>Acts Passed</th>
<th>Year of Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Bombay Primary Education (District Municipalities Act)</td>
<td>1917</td>
</tr>
<tr>
<td>The Bengal Primary Education Act.</td>
<td>1919</td>
</tr>
<tr>
<td>The Bihar and Orissa Primary Education act</td>
<td>1919</td>
</tr>
<tr>
<td>The Punjab Compulsory Education Act</td>
<td>1919</td>
</tr>
<tr>
<td>The United provinces Primary Education Act</td>
<td>1919</td>
</tr>
<tr>
<td>The Bombay City Primary Education Act</td>
<td>1920</td>
</tr>
<tr>
<td>The Madras Primary Education Act.</td>
<td>1920</td>
</tr>
<tr>
<td>The Central Provinces Primary Education Act.</td>
<td>1926</td>
</tr>
<tr>
<td>The Patiala Primary Education Act.</td>
<td>1926</td>
</tr>
<tr>
<td>The Bikaner State Compulsory Primary Education Act.</td>
<td>1929</td>
</tr>
<tr>
<td>The Madras Primary Education Act.</td>
<td>1937</td>
</tr>
<tr>
<td>The Bombay City Primary Education (District Boards) Act.</td>
<td>1922</td>
</tr>
<tr>
<td>The Bombay Primary Education Act.</td>
<td>1923</td>
</tr>
<tr>
<td>The Assam Primary Education Act</td>
<td>1926</td>
</tr>
</tbody>
</table>
1.2.2 Post Independence Period:

After Independence, the national and international policy in general and the Directive Principles of Indian Constitution in particular bound the state to provide free and compulsory elementary education to all the children. But despite the constitutional and international commitments, the number of out of school children, particularly from the disadvantaged groups and those engaged in labour and those receiving poor quality education has continued to remain very large. Even in such a situation it took more than six decades for the Indian State to frame and implement the right to Education Act (2009) so that the mandate of the constitution could become an enforceable right.

A brief flashback to the framing of the constitution provides us an insight into the historical background with which our constitution framers included Article 45 in it (as it stood before 86th amendment to the constitution). But earlier the

<table>
<thead>
<tr>
<th>Act</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>The U.P (District Boards) Primary Education Act.</td>
<td>1926</td>
</tr>
<tr>
<td>The Bengal (Rural) Primary Education Act.</td>
<td>1930</td>
</tr>
<tr>
<td>The (Jammu and Kashmir) Compulsory Education Act.</td>
<td>1934</td>
</tr>
<tr>
<td>The Bombay Primary Education (Amendment) Act.</td>
<td>1938</td>
</tr>
<tr>
<td>The Punjab Primary Education Act.</td>
<td>1940</td>
</tr>
<tr>
<td>The Mysore Elementary Education Act.</td>
<td>1941</td>
</tr>
<tr>
<td>The Travancore Primary Education Act.</td>
<td>1945</td>
</tr>
<tr>
<td>The Bombay Primary Education Act.</td>
<td>1947</td>
</tr>
</tbody>
</table>
constituents Assembly Sub Committee (1946-1947) on Fundamental Rights had placed free and compulsory education on the list of fundamental rights. According to its clauses 23 “Every citizen is entitled as of right to free primary education and it shall be the duty of the state to provide within a period of ten years from the commencement of this constitution for free and compulsory primary education for all children until they complete the age of fourteen years”. But on 23rd April, 1947 the Advisory Committee of the Constituent Assembly rejected free and compulsory education as a fundamental right on the ground that “What would happen if the state would not have sufficient funds to make arrangements for free and compulsory education of all children?”.

When debate about making the Right to Education a fundamental right took place in April, 1947, K.T. Shah gave his note of dissent to the formation of two types of right justifiable and non justifiable. Further in November 1949 during a debate in constituent Assembly the first line of the ‘Article 36’ was removed which stated " every citizen is entitled as of right to free primary education and it shall be the duty of the state to provide- 

The word primary was removed as on November 23rd 1949 when Dr. B.R. Ambedkar gave an argument against it -------

-a provision has been made Article 18, to forbid any child being employed below the age of 14. Obviously if the child is not to be employed below the age of 14, the child must be kept occupied in some educational institution. That was the object of the Article 36th nevertheless; the constitution framers established three things.

i. A time frame (10 years) for implementation of Right to free and Compulsory education.
ii. An upper age limits (14 years)

iii. No lower age limit because it was never at issue during that period.

The background of this time frame can be traced back to the Sargent Committee (1944) which had envisaged provision of free and compulsory education in two phases within 40 years (1984), the first phase up to age 11 years and the second phase up to age of 14 years which further led to the establishment of Kher Committee (1947) under the Chairmanship of B.G. Kher to explore the ways and means of achieving UEE up to the age of 14 years at minimum cost. Further the background of upper age limit of 14 years can be traced back even to Wardha Scheme of Basic Education (1937), When Mahatma Gandhi stressed to universalize primary education. Even the Wood Abbot Committee (1938) had fixed 6-14 years of age of compulsory attendance at school. As per the constitution which was implemented on January 26, 1950 the Indian state had to endeavor to provide for free and compulsory elementary education within 10 years up to 1960 if not earlier. If we look at the efforts made by the Indian Government to provide Right to Education after 1950, we can easily judge how and to what extent it had. If we study the budget speeches of Indian Finance Ministers after 1950 it can be easily observed that in the ten year period from 1950 to 1960 there was not found to be even a passing reference to education in terms of Article 45 in the budget speeches.

Education Commission (1964-66) recommended common school system based on neighborhood schools to achieve the set target for classes vi-viii for urban areas up to 1975-76 and for class V up to 1975-76 and for classes VI to XIV up to 1985-1986
in other parts of India. Immediately after, the National Policy on Education (NPE), 1968 was formed. This policy was the first official document evidencing the Indian government's commitment towards school education. It dealt with the issues of equalization of educational opportunity and sought to adopt, a common school system in order to promote social cohesion. Nevertheless, it retained the status of Free and Compulsory Education as a directive principle.

Subsequently, the National Policy on Education 1986 reaffirmed the goal of Universalization of school education and promised to take steps to achieve a common school system. This policy document once again did not discuss or aimed to alter the legal status of Free and Compulsory Education continued to remain a non-justifiable. On the contrary, the 1986 policy has been criticized for having introduced sub standard Non-Formal Education for the out of school children, and therefore, having reduced the constitutional obligation of full time schooling. Further, in the improved version of NPE (1992) the target of Universal Elementary Education was extended up to the turn of the century, but again the next century started before the target could be achieved. In the post independence period many states passed the compulsory education act.

Considering that since above compulsory education acts already existed in most parts of the country, one wonders as to why a new legislation was passed at the national level in 2009. Probably answer to this question may be that these acts were not implemented honestly which is evident from the fact that only 3% of the administrators of these states were aware of these acts as per the study conducted by Prof. Nalini Juneja of NUEPA (National Union for Educational Planning and Administration).
TABLE NO. 1.2
COMPULSORY EDUCATION ACTS PASSED IN POST-INDEPENDENCE PERIOD

<table>
<thead>
<tr>
<th>Acts Passed</th>
<th>Year of Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Assam Primary Education Act.</td>
<td>1947</td>
</tr>
<tr>
<td>The Bombay Primary Education Act.</td>
<td>1947</td>
</tr>
<tr>
<td>The Cochin Free Compulsory Primary Education Act.</td>
<td>1947</td>
</tr>
<tr>
<td>The Madhya Pradesh Compulsory Primary Education Act.</td>
<td>1950</td>
</tr>
<tr>
<td>The Ajmer Primary Education Act.</td>
<td>1952</td>
</tr>
<tr>
<td>The Madras Elementary Education Act.</td>
<td>1952</td>
</tr>
<tr>
<td>The Hyderabad Compulsory Primary Education Act.</td>
<td>1952</td>
</tr>
<tr>
<td>The Vindhya Pradesh Primary Education Act.</td>
<td>1952</td>
</tr>
<tr>
<td>The Himachal Pradesh Compulsory Primary Education Act.</td>
<td>1953</td>
</tr>
<tr>
<td>The Assam Basic Education Act</td>
<td>1954</td>
</tr>
<tr>
<td>The Himachal Pradesh Compulsory Primary Education Act.</td>
<td>1953</td>
</tr>
<tr>
<td>The Assam Basic Education Act</td>
<td>1954</td>
</tr>
<tr>
<td>The PEPSU Compulsory Primary Education Act.</td>
<td>1954</td>
</tr>
<tr>
<td>The Bhopal State Compulsory Primary Education Act.</td>
<td>1956</td>
</tr>
<tr>
<td>The Saurashtra Primary Education Act.</td>
<td>1956</td>
</tr>
<tr>
<td>The Kerala Education Act.</td>
<td>1958</td>
</tr>
<tr>
<td>The Andhra Pradesh Primary Education Act.</td>
<td>1961</td>
</tr>
<tr>
<td>The Andaman and Nicobar Islands (Primary Education) Regulation</td>
<td>1959</td>
</tr>
<tr>
<td>The Mysore Compulsory Primary Educations Act.</td>
<td>1961</td>
</tr>
<tr>
<td>The Assam Elementary Education Act.</td>
<td>1962</td>
</tr>
</tbody>
</table>
1.2.3 Sudden Revival of Interest in Compulsory Education in the 90s: -

In the year 1989, United Nations Convention on Rights of Child was held. India ratified this convention in the year 1992. In the year (1990) the Ramamurti Committee declared "Now the time has come to recognize Right to Education as one of the fundamental rights of the Indian citizen for which necessary amendments to the constitution may have to be made and more importantly, conditions to be created in society such that this right would become available for all children of India".

A great legal breakthrough was achieved in 1992 when the Supreme Court of India while deciding the Mohini Jain versus State of Karnataka case stated that "the 'right to education' is concomitant to fundamental rights enshrined under part III of the constitution. After this in 1996, United Democratic Alliance of political parties resolved to make the right to free and compulsory elementary education fundamental right and to enforce it through suitable statutory measures in their Common Minimum Program. Consequently, Muhi Ram Saikia Committee was setup to examine this proposal during the same year. In January 1997, Saikia Committee recommended that, an explicit provision should be made in the constitution to make it a fundamental duty of every citizen who is a parent to provide opportunities for elementary education to all children up to 14 years of age."This recommendation was strongly criticized for undermining the basic concept of right to education for all as it shifted the responsibility of educating the children from government to the parents.
1.2.4 Framing and Passing of Right to Education Act, 2009:-

The Constitution (Eighty sixth Amendment) Act, 2002 inserted Article 21 –A in the Constitution of India to provide free and compulsory education of all the children in the age group of six to fourteen years as a Fundamental Right in such a manner as the state may, by law, determine.

First draft of the Free and Compulsory Education for Children Bill (2003) was prepared in February, 2003 by Ministry of Human Resource and Development (MHRD) in collaboration with National Union for Educational Planning and Administration (NUEPA) which was further placed on the website of MHRD in September, 2003. As a result, a large number of reactions and comments were received. Thus a, new version of the Bill was prepared. Again a new bill i.e. The Right to Education Bill 2005 was prepared during October 2004 to June 2005. It was then presented to the Central Advisory Board of Education (CABE) in its meeting on 14th and 15th July 2005. After this, it was sent for scrutiny to Minister of MHRD, Minister of Finance Department, Chairman of Planning Commission and Economic Advisor to Prime Minister. Then the Model Bill was sent to the states in July 2006 to be implemented by the States in-order to receive SSA funds in the ratio of 75:25. But the states rejected this. Then, NUEPA was given the task of reworking the financial requirements for the legislation. In September 2007, the issue was further discussed by the Planning Commission of India.

In August 2008 Prime Minister promised to take Right to Education Bill to the Parliament, but then another committee was formed to revise the CABE Bill. After revision, the bill was sent to states for comments.
Thus the bill was introduced in the Rajya Sabha on August 4, 2009 after the Lok Sabha passed it by voice vote. The President of India gave assent to Bill on 27th of August 2009. In this way the free and compulsory education of the children of age 6 to 14 years became a justifiable fundamental right after 62 years of Independence and 16 years after the historic Unnikrishnan Judgment and it took six years just to frame and pass this Act. This Right to Education Act (2009) was then implemented on April 1, 2010.

1.3 What is Right of Children to Free and Compulsory Education Act, 2009:-

The Right of Children to Free, and Compulsory education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. Free education means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State
Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. Any cost that prevents a child from accessing school will be bear by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied to admit in school for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools. According to this act all private schools shall be required to enroll children from weaker sections and disadvantaged communities in their classes to the extent of 25% of total seats for enrolment, by simple random selection. No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower). All private schools will have to apply for recognition, failing which they will be penalized to the sum of Rs 1 lakh and if they still continue to function then they will be liable to pay Rs. 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 year period of their appointment.
1.4 Important Provisions of RTE Act-(2009)

1. **Definition of child, elementary education and school**-
   *Section (2):-* Child means a male or female child of the age group of 6-14 years and elementary stands for the education from class I to class VIII, School means any recognized school imparting elementary education.

2. **Right of child to free and Compulsory Education**-*Section 3(1):-* Every child of the age of six to fourteen years shall has a right to free and compulsory education in a neighborhood school till completion of elementary education.

3. **Special provisions for children not admitted to, or who have not completed, elementary education**-*Section 4:* Where a child above six years of age has not been admitted in any school or through admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.

4. **Right to transfer to some other school in their State/Outside of that state**-*Section 5.(2):-* Where a child is required to move from one school to another, either within a State or outside, for any reason what so ever, such child shall have a right to seek transfer to any other school, excluding the school specified in sub-clause(iii) and (iv) of clause of section 2 for completing his or her elementary education.

5. **Immediate issue of transfer certificate** - *Section 5.(3):-* For seeking admission in such other school, the Headteacher or in-charge of the school where such child was last admitted, shall immediately issue the transfer certificate.
Delay in producing transfer certificate shall not be a ground for either delaying or denying admission in such other school.

6 **Establishment of school within the prescribed area or limits of neighborhood- Section 6:** The appropriate Government and the local authority shall establish, within such area or limits of neighborhood, as may be prescribed, as school, where it is not so established, within a period of three years from the commencement of this act.

7. **Duties of Central Government-Section 7.(6):** In this section various duties to be performed by Central Government have been listed which include developing a framework of national curriculum, Developing and enforcing standards for training of teachers. And to provide technical support and resources to the state Government for promoting innovations, researches, planning and capacity building.

8 **Duties of appropriate Government -Section 8:** In this Section duties appropriate Government have been outlined which inter alia include provision of free and compulsory elementary education to every child, ensure compulsory admission, attendance and completion of elementary education by every child of the age of six to fourteen years etc.

9. **Duties of local authority- Section 9:** Every local authority shall - Provide free and compulsory elementary education to every child, ensure availability school as specified in Section 6 ensure that the child belonging to weaker section and disadvantaged group are not
discriminated against and prevented from pursing and completing elementary education on any grounds etc.

10. **Duties of Parents and Guardian - Section 10**: It shall be the duty of every parent or guardian to admit or cause to be admitted his or her child or ward, as the case may be, to an elementary education in the neighborhood.

11. **Provision for pre School education - Section 11**: With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate Government may make necessary arrangement for providing free pre-school education for such children.

12. **Extent of School Responsibility for free and compulsory education - Section 12(1)**: In this section it has been provide that public school and unaided school not receiving any kind of aid/grants shall admit in class I, to the extent of at least twenty-five percent of the strength of that class, children belonging to weaker section and disadvantage group in the neighborhood and provide free and compulsory elementary education till its completion.

13. **No capitation fee and screening procedure for admission - Section 13**: In this Section collection of any capitation fee and subjecting the child or his or her parents or guardian to any screening procedure has been banned.

14. **Proof of age for admission - Section 14(1)**: For the purposes of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the
Birth, Deaths and Marriages Registration Act. 1886 or on the basis of such of her document, as may be prescribed. No child shall be denied admission in a school for lack of age proof.

15. **No denial of admission - Section 15:-** A child shall be admitted in a school at the commencement of the academic year or within such extended period as may be prescribed.

16. **Prohibition of Physical punishment/mental harassment to child - Section 17:-** No child shall be subjected to physical punishment or mental harassment.

17. **No school to be run without recognition – Section 18(l):-** No school other than a school established, owned or controlled by the appropriate Government or the local authority, shall after the commencement of this Act, be established or function without obtaining a certificate of recognition from such authority by making an application in such form and manner, as may be prescribed.

18. **Withdrawal of recognition or school without recognition- Section :** Any person who establishes or runs a school without obtaining certificate of recognition or continues to run a school after withdrawal of recognition, shall be liable to fine which may extend to one lakh rupees and in case of continuing contraventions, to a fine of ten thousand rupees for each day during which such contravention continues.

19. **Norms and standards for running school -Section 19 (l):-** No school shall be established, or recognized, under section 18, unless it fulfills the norms and standards specified in the Schedule. Where a school does not fulfill the norms and
standards specified in the Schedule, it shall take steps to fulfill such norms and standards at its own expenses, within a period of three years from the date of such commencement.

20. **School Management Committee-Section (21):** A school other than a school specified in sub section (iv) of column (n) of section 2 shall constitute a school management committee consisting of the elected representative of the local authority parents or guidance of children admitted in such school and teachers, superstation with proportionate number.

21. **School Development Plan-Section 22:** Every School Management Committee shall prepare a School Development Plan, in such a manner as may be prescribed.

22. **Duties of teachers-Section 24:** A teacher appointed in elementary school shall perform various duties related to teaching learning process in the school.

1.5 **RTE ACT, 2009 In Haryana:**

To mandate free and compulsory elementary education for children of age group 6-14 in Haryana, state Govt. notified “Rules for Haryana state under Right of Children to Free and Compulsory Education, 2011” on 3rd June, 2011 officially. It describes the duties and responsibilities to be performed by appropriate Govt., local authorities, parents, school and teachers along with norms specified for pupil-teacher ratio and minimum requirement of qualification essential for a teacher to be appointed in an elementary school. A brief of above mentioned duties and norms is:
Duties to be performed by appropriate government, local authorities and parents:

- Provision of special training for age appropriate class admissions;
- Free transport facility for students from remote area i.e. more than 1 kilometer for primary school and more than 3 km. for upper primary school;
- Free and safe transportation for disabled students;
- Providing information of neighborhood school to public;
- Free special learning and support material to disabled students;
- Identification of children of age group 6-14 for establishing neighborhood school each year.

Responsibilities to be fulfilled by school:

- Maintenance of comprehensive health card of each student in elementary school;
- No segregation of children belonging to weaker section during classes or other activities;
- Display and Submission of names of the children admitted in a school to District Elementary Education Officer (DEEO) each year;
- No denial to admission on basis of lack of age proof;
- Extended period of admission;
- Hindi as a medium of instruction;
- Constitution of School Management Committee as per norms;
• Performing various duties mentioned in the Act;

• Development of School Development Plan (SDP).

**PUPIL TEACHER RATIO (PTR):**

**PRIMARY SCHOOL:**

<table>
<thead>
<tr>
<th>Admitted children</th>
<th>Up to 60</th>
<th>61-90</th>
<th>91-120</th>
<th>121-200</th>
<th>Above 150</th>
<th>Above 200</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers</td>
<td>02</td>
<td>03</td>
<td>04</td>
<td>05</td>
<td>05+1 head teacher</td>
<td>PTR(excluding head teacher shall not exceed 40)</td>
</tr>
</tbody>
</table>

**Upper Primary:**

• One teacher per class, so that at least one teacher for:
  
  Science and Mathematics; Social Studies; and Languages

• At least one teacher for every 35 children

• Admission above 100:
  
  A full time head teacher and part time instructors

**1.6 Status of Elementary Education in Haryana State:**

The state is administratively divided into four divisions, i.e. Hisar, Ambala, Rohtak, Gurgaon. Within these divisions there are 22 districts, 47 sub divisions, 67 tehsils, 119 educational blocks, 6841 villages, 6083 Panchayats and 154 towns.

According to report mentioned in publication “1st year of RTE Act, 2009” by Department of School Education and Literacy, MHRD, status report of enrolment and pupil teacher ratio in elementary schools of Haryana during 2009-10 was:
Total enrolment at primary level: 22,21,119

Total enrolment at upper primary level: 11,15,634

Out of School Children (OOSC) of age 6-14: 1,07,205

% of primary school with PTR>30:-48

% of upper primary school with PTR>35:-31

Districts with PTR>30:-6

(Source DISE)

1.7 Justification of the Study:

It hardly requires any justification that educational programmes and activities to be examined. After independence many programmes were initiated to achieve the goal of UEE. Many recommendations, investments and schemes have been implemented for achieving the target of Universalisation of Elementary Education. There has been great revolution in the field of elementary education. Over the years there has been a very impressive expansion in the provision of educational facilities and enrolments.

Government of India has adopted and launched many innovations to check the different problems of elementary education. Despite of implementation of various policies and actions achieving a goal of Universalisation of Elementary Education is a dream.

RTE Act, 2009 is a most important and prestigious Act that has been passed in the Parliament of India on August, 2009 for making elementary education as a fundamental right for every child. The bill was introduced in the Rajya Sabha on August 4, 2009 after the Lok Sabha passed it by voice vote. The President
of India gave assent to Bill on 27th of August 2009. In this way the free and compulsory education of the children of age 6 to 14 years became a justifiable fundamental right after 62 years of Independence. The Right to Education Act (2009) was then implemented on April 1, 2010.

On the other hand it is the duty of state to provide free and compulsory elementary education to every child of age group 6-14 years. Implementation of RTE Act requires best policies and steps to be taken by state Govt., local authorities, schools, school teachers and parents. So it is a matter of serious concern for every Indian to think of validity and effectiveness of new Act that ensures fundamental right of every child of age group 6-14 years for elementary education. Some studies have been conducted for evaluating implementation of RTE Act, 2009. In fact there is a need to have more qualitative and quantitative research in order to assess the implementation of the Act from various point of view. The present study will help in deciding how far India could succeed in her another expedition of achieving the goal of UEE coupled with higher quality.

1.8 **Statement of the study**

A study of Elementary Education in Haryana with special reference to “The Right of Children to Free and Compulsory Education Act, 2009”.

1.9 **Operational definition of the key terms used**

1. Elementary Education: Education from classes first to eight.

children of the age group 6-14 years in India (except the state of Jammu and Kashmir).

1.10 Objectives of the study

a. To study constitution and functioning of School Management Committee in elementary schools of Haryana with reference to RTE Act, 2009.

b. To study process of identification children of age group 6-14 years in neighbourhood area for their enrolment in elementary schools of Haryana with reference to RTE Act, 2009.

c. To study the responsibilities performed by the elementary schools of Haryana with reference to the RTE Act, 2009.

d. To study the extent to which norms regarding pupil-teacher ratio, educational qualification of teachers, infrastructural facilities of schools and duties performed by teachers were fulfilled in elementary schools of Haryana with reference to RTE Act, 2009.

e. To study the impact of RTE Act 2009 on achieving the goal of Universalisation of Elementary Education in Haryana (as perceived by members of School Management Committee).

1.11 Research questions

a. What is the constitution and functioning of School Management Committee in elementary schools of Haryana with reference to RTE Act, 2009.

b. What is the process of identification of children of age group 6-14 years in neighbourhood for their enrolment in elementary schools of Haryana with reference to RTE Act, 2009.
c. What are the responsibilities performed by elementary schools of Haryana with reference to RTE Act, 2009.

d. To what extent elementary schools fulfill the norms regarding pupil-teacher ratio, educational qualifications of teachers, infrastructural facilities of schools and duties performed by teachers in Haryana with reference to the RTE Act, 2009.

e. What impact the right to education Act, 2009 has made on the goal of achievements of Universalization of elementary education in Haryana?

1.12 Delimitations of the study

1. The present study was delimited to the state of Haryana only.

2. The present study was delimited to Government Primary (classes 1-5) / Upper Primary (classes 6-8) schools of Haryana only.

3. Out of 22 districts in Haryana only 5 districts (Kurukshetra, Yamunanagar, Karnal, Ambala, Kaithal) were selected to conduct the study.

4. Study was delimited to the provisions included in “The Right of Children to Free and Compulsory Education Act, 2009”.