



4AS FRAMEWORK IN RIGHT TO EDUCATION: A CRITICAL ANALYSIS

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Abstract

“Politics without Principles, Education without Character, and Science without Humanity and Commerce without Morality are not only useless, but also positively dangerous.” Right to education means that these rights-holders can stand up and that something can be done. Right to education for all is one of the biggest development challenges faced by the International and National community today. Right to education is the most important part of the human development. It is the foundation of free and fulfilled life. Education plays an important role in building a good society; it also promotes good governance and transparency in a state. The growth and development of a state is primarily dependent upon the quality of education given to the people. Right to education has been universally recognized since the UDHR (The Universal Declaration of Human Rights) and has since been enshrined in various international conventions, treaties, constitution and development plans. In some cases, the right exists along with the assumption that the user should pay for this right, undermining the very concept of a right. On the other hand, the right exists in theory, but there is no capacity to implement this right in ground reality. Right to Education is facing various hindrances like, teachers, buildings infrastructure, water and government support. The fulfillment of right to education can be assessed using the 4A's which asserts that for education to be meaningful right; it must be available, accessible, acceptable and adaptable. The question is whether right to education is available, accessible, acceptable and adaptable? This paper analytically evaluates right to education under RTE Act, 2009 in the light of 4A's framework.

Keywords: Right, Education, 4A's -Availability, Accessibility, Acceptability, Adaptability, Right to Education.



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Introduction : Every country should make the elementary education system serve the needs of the learners. It should be available, accessible, acceptable and adaptable to the learners as mentioned in the 4A's (Availability, Accessibility, Acceptability, Adaptability.) frame work. In order to know if the Right of Children To Free And Compulsory Education (RTE) Act, 2009 of India has the core elements of 4A's framework, an analysis was done and in this analysis, those sections of the RTE Act, 2009 were identified that can be categorized into the four fold framework of 4As. In other words, those sections of the RTE Act, 2009 were

identified that make the elementary education system of India available, accessible, acceptable and adaptable to the learners.

Availability:

- ✓ Right of child to free and compulsory education: - RTE Act provides that, the every child of the age of six to fourteen years free shall have a right to free and compulsory education in a neighborhood school till completion of elementary education. Act expressly states that no child will be liable to pay any kind of fee or charges, which may prevent him or her from pursuing elementary education. Under the provisions of the RTE Act, a school established by the Government or local authority will provide free and compulsory elementary education to all admitted children. Moreover, all unaided schools are required to provide free education to at least 25% of children from weaker sections of society residing in their neighborhood. In the *Society for Un-Aided Private School Of Rajasthan v. Union of India & Anr.* Supreme Court mandate the constitutional validity of the Right to Education Act, 2009, which mandates 25% free seats to the poor in government and private unaided schools uniformly across the country.
- ✓ Norms and standards for recognition of schools: - The RTE Act prescribes norms and standards for a school, highlighting the key parameters such as:
 - The ideal pupil-teacher ratio.
 - Guidelines related to school building.
 - Minimum number of working days.
 - Instructional hours in an academic year.
 - Minimum number of working hours per week for teachers.
 - Library facility.
 - Guidelines on teaching or play material.
- ✓ Likewise under Section 18(1) of the RTE Act, no school will be able to operate without obtaining a certificate of recognition from a competent local authority, subject to conformity with section -19 of the RTE Act. If a school is found in contravention of the conditions of recognition, the authority will withdraw recognition. Section -19 (2) of the Act requires schools, established before the commencement of the Act and which do not conform to the norms and standards specified in the Schedule, to undertake steps to fulfill

such nouns and standards at their own expense within a period of three years from the commencement or the Act.

- ✓ Establishment of additional schools: - Section-6 of the RTE Act requires establishment of a school in areas/ neighborhood, where any such provision is non-existent, within a stipulated period from commencement of the Act. According to Section-7(1), both the Central Government and the State Governments will have concurrent financial responsibilities for undertaking the provisions of the Act. As per Section-7(2), the Central Government will prepare estimates of capital and recurring expenditure required for the implementation of the Act.
- ✓ Appointment of qualified teachers: - Section - 23(1) of the RTE Act states that any person with minimum qualifications as laid down by the academic authority authorized by the Central Government will be eligible for appointment as a teacher. Section - 23(2) also enables the Central Government to relax minimum qualifications (for a period not exceeding five years) for appointment as a teacher in states that do not have adequate number of institutions offering courses of training in teachers' education. Moreover, Section - 23(2) allows, teachers, who do not have the minimum qualification required at the time of commencement of the Act, to acquire this within a period of five years.

Accessibility:

- ✓ Disallowing capitation fees and screening procedure: - Section - 13(1) of the RTE Act expressly disallows any school or person from collecting any capitation fee and subjecting a child or his/her parents or guardian to any screening procedure. Moreover, Section - 2(o) calls for the use of only random procedures for admitting a child to a school. Under the random procedure, a lottery system is to be used to fill the seats if the number of children applying to a particular school exceeds the available seats.
- ✓ Provision for special training: - Section - 4 of the RTE Act also requires admission of a child above six years, who has neither been admitted to any school nor has been able to complete his or her elementary education to an age appropriate class. It specifies that any such child will also have the right to receive special training.
- ✓ Admission of students belonging to weaker and disadvantaged groups: - Section - 12(1c) of the RTE Act, private unaided schools will have to admit students belonging to weaker and disadvantaged groups to the extent of at least 25% of their class strength. Section -

12(2) of the RTE Act states that private unaided schools will be reimbursed their expenditure to the extent of the lesser of either per-child expenditure incurred by me Government or the actual amount charged for the child. In *Society For Un-Aided Private School of Rajasthan v. Union of India & Anr.*⁴¹ The Supreme Court upheld that validity of provisions of the law that made the Right to Education a fundamental right of children in the age group of 6 to 14 years. The Right to Education law was brought by introducing Article - 21A in the Constitution which says the state shall provide free and compulsory education to all children between 6 to 14 years in such a manner as the state may, by law, determine. Supreme Court Bench of Chief Justice S.H. Kapadia and Justice Swatanter Kumar upheld the constitutional validity of Section - 12(1c) of the RTE Act that provides 25 percent reservation for students from weaker sections of society. The Supreme Court of India upheld the constitutional validity of the RTE Act, 2009, which mandates 25% free seats to the poor in government and private unaided schools uniformly across the country.

- ✓ **Balanced representation on the school management committee:** - Section - 21(1) of the RTE Act, schools are required to constitute a 'School Management Committee' considering of elected representatives from the local authority, parents or guardians of children admitted mid teachers. It further states that threefourths of the members of such a committee will be parents or guardians, with proportionate representation given to the parents or guardians of children belonging to disadvantaged groups and weaker sections of society. Moreover, it states that 50% of the members of any such committee will be women. This Section of the Act is not applicable to an unaided school, which is not receiving any aid or grants from the Government or local authority.

Acceptability:

1. **Development of national curriculum:** - Section - 7(6a) of the RTE Act, the Central Government is expected to develop the framework of a national curriculum with the help of academic authorities appointed by the state governments. In a notification dated 31, March 2010, the Central Government authorized the National Council of Educational Research and Training (NCERT) as the academic authority under Section - 29 of the RTE Act that would lay down the curriculum and evaluation procedure for elementary education. This is a

significant development, since the previous practice of the NCERT preparing the National Curriculum Framework (NCF) was purely advisory in nature. Under the RTE Act, its role has become mandatory and will also involve state governments. Under the Act, state governments will also specify academic authorities that will lay down curriculum and evaluation procedures at the state level. However, state curriculums must be prepared according to certain common principles described in Section - 29(2) of the RTE Act. In fact, the Act legalizes the principles shared in the NCF 2005.

2. Prohibition of holding back and expulsion or physical punishment and menial harassment:
- The RTE Act states that no child admitted to a school will be held back in any class or be expelled till the completion of his elementary education. It also states that no child will be subjected to physical punishment or mental harassment.

3. Duties of teachers:- With a view of enhancing the professionalism of teachers, Section - 24 of the RTE Act describes the key duties of teachers, including maintenance of regularity and punctuality, completion of the entire curriculum within a specified time, assessing the learning ability of each child and providing suitable instruction, including supplementary instruction, if necessary. Teachers are also required to hold regular meetings with parents and guardians to apprise them of key details relating to their wards' progress.

Adaptability:

1. Admission of students belonging to socially disadvantaged groups.
2. Right of transfer to a school: - Section - 5(1) provides right of transfer to another school to any child pursuing elementary education in a government or government-aided school.

Conclusion:

The plentiful awaited RTE Act, 2009 which has just been passed by the parliament would play an important role in achieving universal elementary education in India. The success and failure of RTE would largely depend on consistent political attention. Budgetary allocation of funds should be sufficient in this respect. Every literate person should also come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils. Social inequalities and monopolization by any group should not be permitted at any cost. Education which is free of cost up to a certain level must be accessible to all. Education is the responsibility of the Government. RTE needs to apply first to the Government schools. The Act clearly states that the State Government is

responsible for ensuring adequate number of schools and the infrastructure. The RTE is an effective tool that the Government has to use to improve enrolment and quality of education in fully aided schools first. We have seen in this paper that the Right to Education is now a Fundamental Right for all children in the age group of six to fourteen years. In simple word, it means that the Government will be responsible for providing education to every child up to the eight standards, free of cost, irrespective of class and gender. Part III of the Indian Constitution gives all force to every child to get free and compulsory education through Article - 21, and insertion of Article – 21(A) by the 86th Amendment Act is also a landmark in this respect.

The 4A's are to be respected, protected and fulfilled by the government, as the prime duty-bearer, but there are also duties on other actors in the education process: the child as the privileged subject of the right to education and the bearer of the duty to comply with compulsory education requirements; the child's parents, who are the 'first educators'; and professional educators, namely teachers. By using a participatory process, this framework of the 4A's can become a tool to enable people to think through what the right to education means to them and compare their current reality to this ideal context. It cannot be said that nothing is done towards realization of right to education in India but something more is necessary. The 86th Amendment Act failed to recognize that the period from 3-5 years is very crucial from the point of view of mental and physical growth of the child. It is the important age of mental as well as physical growth of the child. So there are some suggestions as follows:

- Right to education should be right education, quality education.
- Article – 21(A) of the Constitution and RTE Act, 2009 should be immediately amended and include the age group of 3 – 5 years of children for education as fundamental rights.
- There is an urgent need to amend Article- 21(A) of the Indian constitution and to amend the RTE Act, 2009 for inclusion of four more years that is from 9th -12th class in the free and compulsory education.
- The free and compulsory education should be provided for the age group from 3 to 18 years.
- The optimum age for the right to free and compulsory education should be same the age of right to vote (18th year), age of majority, right to work and right to marriage, etc.

- The school management committee should also be established in unaided private schools to safeguard the children who are from weaker sections and disadvantaged groups.
- Those parents, who fail to admit their child to a school for obtaining elementary education, should be debarred from availing all government facilities like ration card, water, electricity, LPG, job card, etc.
- The elementary education syllabus of pattern of all government aided and unaided private schools should be nationalized under the RTE Act.
- The primary schools need to be made aware of the provisions made for 25% seats for the economically, socially weaker sections and disadvantaged groups of children of the society and the role of school managing committees in this regard.
- The teachers' performance of the most challenging input in field of right to education. Well qualified and highly motivated teachers are the key to effective implementation of the curriculum. They give incentive to the teaching learning process.
- The State should also clearly impose the fees for a child in unaided schools for obtaining elementary education. Otherwise the private unaided school management would fix the fee arbitrarily and exorbitantly.

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