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RIGHT TO EDUCATION

“Education is one thing no one can take away from you” -Elin Nordegren

The Right of Children to Free and Compulsory Education Act, 2009 came into force on 1st April 2010. Its purpose is to provide free and compulsory education to all children of 6 to 14 years. Right to education is the fundamental right under Article 21A of the Indian Constitution. Article 21A was added in the Indian Constitution in the Constitution (86th Amendment) Act 2002. In *Unni Krishnan v. State of A.P. (1993) 1 SCC 645*, it was held by the court that the right to education for children of age 6 to 14 years is a fundamental right.

The Right of Children to Free and Compulsory Education Act, 2009-

Right of child to free and compulsory education-

- Section 3 of the Right of Children to Free and Compulsory Education Act, 2009- Every child of age 6- 14 years and those children belonging to disadvantaged group given in section 2(d) of the Act and child who are having disabilities, which is given in Section 2(ee) of the Act, will have the right to free and compulsory education till the completion of their elementary school.
- No child will prevent from perusing and completing the elementary education by charging fee or expenses or any charges

Duties of appropriate Government and Local Authority to establish School-

- Section 6 of the Right of Children to Free and Compulsory Education Act, 2009- the appropriate government and the local authority will establish school within such area or limits of neighborhood, where there are not so school established, within a period of 3 years from the commencement of the Act.

Duties of appropriate Government

- Section 8 of the Right to Children to Free and Compulsory Education Act, 2009-

- to provide free and compulsory elementary education to child belonging to six to fourteen years age,
- to ensure compulsory admission, completion, attendance of every child belonging to six to fourteen years of age,
- providing quality education to students,
- providing special training facilities,
- availability of neighborhood schools,
- training facility to teachers,
- to ensure that child belonging to weaker section and child belonging to disadvantaged group are not discriminated for perusing their elementary education
- others.

Duties of Local Government

- Section 9 of the Right of Children to Free and Compulsory Education Act, 2009-
 - to provide free and compulsory elementary education to child belonging to six to fourteen years of age,
 - to ensure availability of neighborhood schools,
 - to ensure child belonging to weaker section and child belonging to disadvantaged group are not discriminated from perusing their elementary education,
 - to monitor the completion of elementary education by children,
 - to provide special training facility,
 - to ensure good quality elementary education,
 - to monitor the functioning of schools
 - to provide training facilities to teacher,
 - to decide the academic calendar,
 - to provide admission to children belonging to migrant families,
 - providing timely curriculum and courses
 - providing quality infrastructure facilities,
 - to ensure compulsory admission, completion, attendance of child,
 - others.

Duties of parents

- Section 10 of the Right of Children to Free and Compulsory Education Act, 2009-
It is the duty of the parents and guardian to admit his or her child or ward to the elementary education in the neighborhood school.

Protection of Right of Children

Monitoring of child's right to education

- Section 31 of the Right of Children to Free and Compulsory Education Act, 2009-
 - The National Commission for Protection of Child Rights, and the State Commission for Protection of Child Rights which is constituted under section 3 and Section 17 of Commission for Protection of Child Rights Act, 2005,

Redressal grievances

- Section 32 of the Right of children to Free and compulsory Education Act, 2009-
 - Any person who is having any grievances which is relating to right of the child can make a written complaint to the local authority having a jurisdiction.
 - The matter should be decided within a period of 3 months on receiving of the written complaint.
 - Any person who is aggrieved by the decision of the local authority can make an appeal to the State Commission for Protection of Child Rights or any other authority prescribed.

Constitution of National Advisory Council

- Section 33 of the Right of Children to Free and Compulsory education Act, 2009-
 - The Central Government, will constitute a National Advisory Council. The number of members in the Council shall not exceed fifteen,.
 - Functions-
To advise the central government on implementation of the provisions of the Act.

Constitution of State Advisory Council

- Section 34 of the Right of Children to Free and Compulsory Education Act, 2009-
 - The State Government by notification, will constitute a State Advisory Council. The number of members of Council shall not exceed fifteen,

- **Function-**

To advise the State Government on implementation of provisions of the Act.

Conclusion

The Right to Education is a fundamental right. Every child who is of the age of six to fourteen years of age should be provided with free and compulsory elementary education. The Act ensures that free and compulsory education is given to the children in India irrespective of their gender, caste, religion etc. The appropriate government should provide free and compulsory education.

References

- The Right of Children to Free and Compulsory Education Act,2009, Section 3,6,8,9,10,31,32,33,34. Act no. 35, Act of Parliament, 2009, Indian.
- India Consti. Art. 21A
- Dr. J.N. Pandey, Constitutional Law of India, page no. 370-371, Central Law Agency, 58th edition, 2021.

