



# Faulty Education Guidelines in Rajasthan

## Why in News

Recently, the [National Commission for Protection of Child Rights](#) (NCPCR) has criticised the Rajasthan government for its **new guidelines on elementary education**.

- The new guidelines **violate the [Right to Education \(RTE\) Act, 2009](#)**.
- They **deny** children from **economically weaker sections** the right to free education in **nursery classes**.

## Key Points

### ▪ Background:

- Rajasthan's Department of School Education issued guidelines stating that **admissions to private schools** under the RTE Act, 2009 for the 2020-21 academic year would take place **only from class 1 or above, excluding pre-schoolers** (children in the nursery).
- The guidelines recommend the age of admission to be **"5 years or above but less than 7 years as of 31<sup>st</sup> March 2020"**.

### ▪ Violations:

- These guidelines are **violative of the RTE Act 2009** which states that **at least 25%** strength of a class in private schools should consist of **children belonging to weaker sections and disadvantaged groups**.
- The guidelines **only allow children less than 7 years** but the RTE Act allows **"male or female child of the age of six to fourteen years"** for admission.

### ▪ NCPCR's Reaction:

- It recommended the **state to re-examine the guidelines** in light of the Act and make necessary changes so that there is no loss of education to children.

## National Commission for Protection of Child Rights

- It is a **statutory body** set up in **March 2007** under the **Commissions for Protection of Child Rights (CPCR) Act, 2005**.
- It is under the **administrative control of the Ministry of Women and Child Development**.
- **Mandate:**

- To ensure that all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India and also the [United Nations Convention on the Rights of the Child, 1989](#).

### ▪ Powers:

- It **monitors the implementation of [Protection of Children from Sexual Offences \(POCSO\) Act, 2012](#)**.
- It can **inquire into complaints about violation of the law and can summon an individual, demand evidence, seek a magisterial enquiry**.

## Right to Education

### ▪ Constitutional Background:

- **Part IV of Indian Constitution, Article 45 and Article 39 (f) of Directive Principles of State Policy** (DPSP), has a provision for state-funded as well as equitable and accessible education.
- The first official document on the Right to Education was the **Ramamurti Committee Report in 1990**.
- In ***Unnikrishnan JP vs State of Andhra Pradesh & Others, 1993*** the Supreme Court held that education is a **fundamental right flowing from Article 21**.
- **Tapas Majumdar Committee (1999)** was set up, which encompassed the insertion of **Article 21-A**.
- The **86<sup>th</sup> amendment** to the constitution of India in **2002**, provided Right to Education as a **fundamental right in Part III of the Constitution**.
  - It inserted Article **21-A which made Right to Education a fundamental right for children between 6-14 years**.
  - It provided for follow-up legislation for the **Right to Education Bill 2008** which became an Act in 2009.

### ▪ Feature of RTE Act, 2009:

- It aims to provide **primary education** to all children aged **6 to 14 years** and enforces education as a **Fundamental Right (Article 21)**.
- The act **mandates 25% reservation for disadvantaged sections** of the society where disadvantaged groups **include**:
  - Scheduled Castes (SCs) and Scheduled Tribes (STs).
  - Socially Backward Class.
  - Differently-abled.
- **Children Related Provisions:**
  - It makes provisions for a **non-admitted child to be admitted to an age-appropriate class**.
  - It had a clause for '**No Detention Policy**' which has been removed under the **[Right of Children to Free and Compulsory Education \(Amendment\) Act, 2019](#)**.
  - It focuses on **making the child free of fear, trauma and anxiety** through a system of child-friendly and child-centred learning.
- **Teachers Related Provisions:**
  - It provides for **prohibition of deployment of teachers for non-educational work**, other than **decennial census, elections** to a local authority, state legislatures and parliament and **disaster relief**.
  - It provides for the **appointment of teachers with the requisite entry and academic qualifications**.
- It also talks about the **sharing of financial and other responsibilities** between the Central and State Governments.
- It lays down the **norms and standards related to**:
  - Pupil-Teacher Ratios (PTRs).
  - Buildings and infrastructure.
  - School-working days.
  - Teacher-working hours.
- **It prohibits:**

- Physical punishment and mental harassment.
- Screening procedures for admission of children.
- Capitation fee.
- Private tuition by teachers.
- Running of schools without recognition.

## Way Forward

- It has been more than ten years since the implementation of the RTE Act, but it can be seen that it still has a long way to go to be called successful in its purpose. Creation of a conducive atmosphere and supply of resources would pave the way for a better future for individuals as well as the nation as a whole.

**Source:** [TH](#)

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