

## **Gaining the Acquisition of Educational credential**

### **Abstract**

“Disparities as well as segregation plays a vital role to provide with equal protection to the people living in and around this world. To provide with all the basic needs and necessities, education should be also put in the preference list. This is been a hypothetical examination that there is no discrimination based on education or employment in country like India. However, India is considered, as the most diverse country in the world but with this it also led many deep stratified and massive form of disparities among people. As, a developing country every law should be dynamic as well as effective on the communities of the society. The purpose of writing this research paper is to give a brief and justified explanation regarding the inconsistency of educational criteria and imbalance of the application part of the constitution. The main agenda which will be highlighted by the researcher based on origin, information, treatment, violation, implementation, and punishment. According to the past history of schemes and programs for achievement of the defined goal related to women and children was – universal and mandatory primary education i.e. “Education to all” which emphasis on the coequality [Education and Welfare] of an individual. The general as well as specific gathering of the data and provision will be related to the accessible data, following the researcher have adopted doctrinal as well as empirical research methodology. The investigation and research scope will be limited to the social, economic, and educational growth of the people living in the India. This particular topic gives an elaborative context of the present scenario of education level which is been followed widely in India and remedy for the damages to the economy.”

**Keywords – Segregation, Co-equality, Punishment and Damages.**

### **Past, Present, and Future Pyramidal Structure within the system**

Concurrent and Clamouring issues which are laid down by the central regional department, the state which includes the local bodies as well as legislative authority subsidizes every delegation of power by conceptualizing the specific responsibilities towards the welfare of the public. The potential mechanism for upliftment can be led by liberating the human right, not by ignorance, a social change which occurs in the society acts to explore the existing amended law. Recommendation and acknowledgment which are re-enacted and has a significant development regarding the empowerment of the nation should be upheld as the prior functionalism of all the sphere of the people’s life. The government, Statutory authorities, and higher administrative section launched many schemes regarding the implementation of all

defined rights which can be possessed by an individual, but it was partially executed because of the mentality as well as the backwardness of the territory. Like almost more than half of the population lives in the rural area which is still under development or in progress to be advanced but the segregated communities are till now facing an immense level of miscommunication and no knowledge regarding the awareness.<sup>1</sup>

The enforcement of fundamental rights is widely expected by the people to become reality soon but according to the parliamentary process, it has been witnessed that over the decade's many policies were operationally declared as failure to the constitutional development. The obligation and obstacles to eliminate or diminish the disparities as well as discrimination within the ambit of all the different levels then there should be a minimum guideline or standard for the improvement of the varied quality of the recognized problems. The most powerful weapon to recover from the unwanted circumstances and devastating the flaws of the existing developmental society, which is Education, which promotes the freedom which yields the benefits related to the conventional plans. Galvanisation of the collective capacity creates a bright future that enables the right of education as the universally recognized human right as it enshrines various types of milieu by awakening an individual. The immense gap between discourse of the resources and operational framework or treaties in various types of efforts which were taken for the welfare of people whereas merchandise the policies for more widespread acceptance towards the educational system.<sup>2</sup>

Lack of awareness and inefficient course of action leads to poor performance through the reduction in the further vision of securing the equitable opportunities irrespective of the social norms as well as factors for the achievement of consistent exploration. Enactment of law with the support of all the defined tiers of the government in which every citizen of the country will be mandatorily provided with the free and basic necessary education to all the children between the age limit 6 – 14 years, though it will act as the most vulnerable fundamental rights to the people. In the ancient era or historical background, the educational structure was guided under the rich heritage and with an exciting manuscript to study all the various types of scriptures. Within the earlier stages, it was considered as imparted verbally by the sages within the scholars of the information passed as an inheritance from one group/one generation to the next of future generations. After the invention of enlargement of the letter formation with the use of palm

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<sup>1</sup> Karishma, Education in India – A Comprehensive Analysis, IAS Express (12 Sept. 2020, 08:40 A.M.), <https://www.iasexpress.net/education-in-india/>

<sup>2</sup> Tariq Ahmad, Constitutional Right to an Education: India, Library of Congress (12 Sept. 2020, 10:30 A.M.), <https://www.loc.gov/law/help/constitutional-right-to-an-education/india.php>

leaves, coconut leaves, the trunk or barks of the trees, that ultimately enhanced the economy by helping the society of upholding the growth related to written literature.<sup>3</sup>

As earlier there was proper schooling or building for only the purpose of education for achieving the information as well as knowledge temples and public gathering places which are usually used as communities centres which subsequently act as the source of school, afterward there was a system which was recognized by the people as a learning educational system named under Gurukul. The main drawbacks which were aligned by the people living in the society that within the guideline of the Gurukul the majority of the population was of male students and less of the female as the family members were not liberated about sending school to the female. As previously and the current scenario also specified that, the Indian economy has been denoted or famous for the patriarchal dominance in which the female section faced a large allotment of the problems for coping up with the difficulties. After independence, as well as drafting of the constitution, was finished, the Government of India executed the order of building up of the Educational Commission in the year of 1964. Within the committee, there were 16 members among which 11 teammates were Indian experts and further 5 were the experts which were implied for the foreign perspectives.<sup>4</sup>

There were many arguments raised from the side of commission and people along with the global set of organizations, specialists or experts in and around the world, furthermore advisors from the governmental or non-governmental sector within the educational criteria and the systematic area. There was an amendment and constitutional modification happened in the year of 1976, in which the education became the foremost responsibility mechanism as well as accountability towards the state government and the central authority. It has been taken under the consideration that the most effective medium for the human as well as nation welfare – spreading of knowledge or skills through educations can be set up as the natural or minimal amount of resources for the mindset of every individual through the continues process of involving, launching of the scheme, creating the guidelines, and delivering the information. As per the guideline which should be enrolled among the children can prevent any type of unwanted cost accessing towards the educational department which will be borne by the state guidance and have to ensure the further whole of schooling at least about 8 years for further

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<sup>3</sup> Sangeeta Godbole, Right to Education, Civil Service of India (12 Sept. 2020, 12:15 P.M.), <https://www.civilserviceindia.com/subject/Essay/rights-to-educatioin2.html>

<sup>4</sup> Monika, Right to Education in India, iPleaders (12 Sept. 2020, 14:30 P.M.), <https://blog.iplayers.in/right-to-education-2/>

proceeding no specific documents are under required list and there will be no admission/entrance test for getting enrolled in the centres.<sup>5</sup>

### **Legal validation under the varied schemes guided under the Constitution**

#### 1. Free access and Compulsory/Mandatorily education

According to with the current Act of RTE which was launched in 2009 by the government for ensuring the proper utilization of the right as a rigid and strict doctrine in which if there is any type of violation then it will be led as a breach of the freedom under the jurisdiction of the delegated authority. With due enforcement of the 86th Amendment which was made within the constitution for the modification in the year of 2002 there was a renewal of the article in which the addition of Article 21A was added which act as the most voluntarily fundamental right that specifically elaborates as “the state and central jurisdiction which has been upholding for making further availability of education under the conditions of free i.e. no funded, necessary, scholarship allowance from the side of government, and voluntarily access to all the children who are within the age limit of 6 to 14 years, in such a subject matter as per the guidelines in which the state frame rule and regulation irrespective of no-biasness, impartial, and no-disparity among the community members. Under the guidance of Article 45 which is defined under the Directive Principles of State policy that highlights about the circumstances that – “The state and central that can be endeavour guided under the period of ten years within which the initiatives will be taken up to the consideration by referring to the constitution.

#### 1. Education facilities for the section of Minorities

In India, the most segregated group can be termed as Women, Dalits, and children as per the census the literacy level is always high whenever it comes to the criteria of male as compared to women, as it has been popularly known as “Patriarchal Dominance Society”. Under the departmentalization within the Indian Constitution elaborates about the minorities within Article 30 which has been further classified in Part III i.e. Fundamental Rights that ultimately elucidate and guarantee the people or citizen of India irrespective of the social norms such as Caste, Religion, Gender, Sex, and Race. The main aim and objective which has been upholding by the governmental authorities are that Article 30 of the Constitution has been embedded for promoting the rights or freedom which are possessed by the minorities within the scenario they are unable to get into the access due to lack of awareness and support regarding the situation also the furtherance factual information it was also set up that the people who are considered

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<sup>5</sup> Sastry, Right to Education, Aplus Topper (12 Sept. 2020, 15:45 P.M.), <https://www.aplustopper.com/essay-on-right-to-education/#:~:text=We%20are%20born%20into%20the,21A%20of%20the%20Indian%20Constitution.>

under the section of minorities will be given an opportunity for managing the educational institutions. Under Article 14 framed within the guideline of the constitution that everyone should be given rights concerning all different types of varied opportunities.

#### 1. Safeguarding the interest and Language criteria

Drawback within the boundaries of every state is about the vulnerable language in which the people are unable to access primary education. Every state has its regional language according to which the people adopt the language and yet there is no education then there will be no further studies. Society believes that if a person wanted to get educated then the idea of the language should be renounced. Within the ambit of Article 29(1) of the Indian Constitution which elaborates that the state has framed some guidelines under which the functioning of the article has been elaborated “that any division/bifurcation of the citizen, residing in any region of the country or have any distinct vulnerable language, upholding script, culture, scriptures, and manuscript of its own, among which shall have the right for preserving the principle as same.” Language cannot act as an obligation towards gaining the knowledge about the condition related to the society, as India has been as the most diverse country in the whole world which consist of various type of customs as well as languages. Article 350B of the Indian Constitution that provide elaboration for the criteria of appointment for the officer possessing a linguistic minorities trait who can examine or analysis every situation as well as matter which purely connect for safeguarding the interest related to languages and vulnerability among the people, all the rights, freedom were provided under the constitution without having obstruction.

#### 1. Further facilities regarding educational schemes for the weaker section of the society

Whenever it comes to the development of the economy and welfare towards the people the most significant elements which are required for upliftment are the people of the territory itself. Many clans within the communities are never taken into consideration for upholding the criteria by providing and giving the people equal rights. Article 14, 15, 17, and 46 of the Indian Constitution which specifies the protection for safeguarding the educational rights of the weaker section within the ambit of society, the weaker section includes Backwards class people, listed classes, and scheduled tribes/scheduled caste with the accordance profession, status, standard, and place of residence. Prostitutions or Brothel is another individual group of people who do not possess any constitutional rights or value regarding the enhancement. Article 15 of the Indian Constitution states that “nothing in this particular clause (2) of the Article 29 shall be considered as an avoidance regarding the state from creating any different kind of modification or amendment related to the special provision for the internal as well as

external development of the several enhancement regarding social and educational clauses imposed in different classes of a variety of ideology among the citizen or the weaker section of the society. Article 46 of the Indian Constitution examines the federal form of government that will be liable for the economic as well as educational enlargement of ST/SC's.<sup>6</sup>

### **Parliamentary Act – Right to Education, 2009**

Legislation and execution have been considered as the most essential tiers or backbone of the government in which it is stated as the watershed in the educational system. Enactment and enforcement of the law, act as a mandatorily right as well as a fundamental provision which comes into force in the year of 2010, with this India became one in 135 countries within the overall worldwide nation in which education has been put under the compulsory criteria of a Basic fundamental right which are possessed by every child. From the further consequential legislation which was envisaged under the 86th amendment which took place and removed the title of right to education from directive principles of the state policy and foremost implemented in Part III of the fundamental rights. Earlier stages every family was not able to afford the expenses of the educational facilities, but after the act was imposed the guidelines incorporated clearly that there will be no fees charges and will be free. All the expenditure will be paid by the government for the support and will be liable to bear all charges which can be made as an initiative for upholding the main propaganda making the person complete his/her elementary education.<sup>7</sup>

All the obligatory side which will be looked upon by the government ensure the criteria of admission procedure, compulsion regarding the attendance, and pursuing with completion of the elementary education of all the children who fall under the category. A substantial representation of the legislative accountability under Article 21 A that signifies the right of full-time achievement of the basic education according to suitability and with reasonable quality which is necessary to satisfy certain norms as well as values in the formal school. There was no exception regarding the achievement of the knowledge, as the act was made obligatory within the parts of the government for taking the conduct to ensure the further procedure and internal process for the completion of the program for upholding only one basic purpose that was to raise the weaker section of the society and among the people. As the development was

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<sup>6</sup> The Right to Education Movements and Policies: Promises and Realities, Norrag Special Issue (12 Sept. 2020,18:15 P.M.), [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/NORRAG\\_special-issue-01\\_Right%20to%20education%20movements%20and%20policies\\_EN\\_2018.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/NORRAG_special-issue-01_Right%20to%20education%20movements%20and%20policies_EN_2018.pdf)

<sup>7</sup> Usree Bhattacharya, The right to Education: Right of Children to Free and Compulsory Education, International Journal of the Sociology of language, Vol. 2(253), pp. 149 – 168 (2018)

made under the circumstances which emphasized on the rights that were based on the structure of casts for the legal responsibility under the supervision of Central and State government for putting the two practices into forces and they were – enacting the practice into the guideline of fundamental right awarded to the children which can be enshrined as Article 21A of the Indian Constitution and other for conformity of the provision for the suitability of the formal form of education which should be evenly distributed through further received by every individual without any biased act. If due to some unwanted circumstances, the child is unable to be admitted then there is also relaxation regarding the clarification of the class without the absence of knowledge. Three main provision which facilitates “Free and Mandatory educational procedure” concerning the children aged under 6-14 year –

1. The initiated provision which was enacted by the parliament that was further elaborated that every individual or every child has full freedom and right to carry his/her for pursuing the educational facilities and to grant a full-time schedule of the elementary education criteria for the at most satisfactory which can act as an equitable quality within the formal school that certainly satisfy the essential norms which have been lying down according to the standard and the value of belief which would be provided to the children for procuring a continuous education for the betterment this was stated under the inherent challenges against Article 21A of the Constitution.
2. Amending a new clause i.e. (k) under Article 51A and rectifying Article 45 of the Constitution, fundamental duties and rights which subsequently make a conscious consent towards parent or guardian accountability for providing equal opportunities irrespective of the social perspective norms for inclusive of facilitating for procuring the knowledge. There are well diverse laws and elaborated enactment made under the consideration of different tiers of government which should be rigid with the accordance of achieving the appropriate goal. There is an immense need for addressing the inadequacy within the retention procedure, residual access, and compelling the reason for insertion particular to those groups of children who are un-reachable ultimately less aware of the quality of the education. After following up the procedure of dithering consisting the tenure of seven-year the enforcement of the 86th amendment of the constitution for reframing the RTE Act, 2009 within which the assent was given

on the date of 26th August 2009 with the presential permission taking the foremost agenda for implementing the free universal/mandatory elementary education.<sup>8</sup>

Indian Educational system has been faced the biggest problem within the inaccessibility, lack of awareness, and low-quality which ultimately makes a situation related to unemployed due to which the territory is not able to achieve the potential level of resources. In every corner of only a few things can be used as the most feasible tool for helping the nation to uplift the economy in which education can play a vital role in the use of enhancement among the society. The legal backing was further elaborated for the implementation of the necessary actions that will be launched by the government. Sarva Shiksha Abhiyan (SSA) provides for the people living within the society that can be enacted as Universalization of the Elementary Education through the time-bound manner. Managing the School Management Committee (SMCs) through which the school that are been owned by the private sector must provide the admission of 25% to the children possessing without fees and other financial responsibilities. As per the saying which was highlight by Sri Aurobindo – An individual can live with Divine and for the firm tool which can offer as the strongest unfoldment within which oneself or other upholding an ideal of every school though in every institution which calls itself as national.” An indispensable, unquestionable, and unwavering element within which an individual cannot imagine resolving the strategies of civilizing the human momentarily.<sup>9</sup>

### **Fortune and Purpose of Education**

1. Self-empowerment of the people for the flexibility of working capacities, relaxation by rules, and educational criteria which will be easily followed.
2. Shaping the society by dealing with the financial stability and augmentation within the personal/coherent aspirations that can be dealt with the various types of entities.
3. Educated people have higher job efficiency, with an idle mind for working under any retailing or companies, and a prime area of the independence of the resources.
4. Essential virtues are related to humans and necessities for a sustainable environment or society. Like there should not be partiality among the facilities provided to the girl or boy as a student, among both the ratio equality, no-biasness, and fair treatment compulsorily promoted.

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<sup>8</sup> et. al, Jarnail Singh Thakur, Deepak Sharma, Nidhi Jaswal, Bhavneet Bharti, Ashoo Grover & Paramjyoti Thind, Developing and Implementing an accreditation system for health promoting school in Northern India: a cross-sectional Study, BMC (13 Sept. 2020, 10:45 A.M.), <https://bmcpublihealth.biomedcentral.com/articles/10.1186/1471-2458-14-1314>

<sup>9</sup> Mayank Sharma, Right to Education in India, Academike (13 Sept. 2020, 12:45 P.M.), <https://www.lawctopus.com/academike/right-education-india/>

5. Integration of the important separate entities which give a significance related to the life of an individual that can further avoid the lengthy time consumption.
6. Literate people who are only dependent upon the education, knowledge, or skills have the essence of the massive sign of freedom and expression it was elaborated by Epictetus.
7. As per the saying of Aristotle that the men who are educated are usually compatible to face everything and are taken under the consideration as a superior person who can handle every mishappening within the society.
8. If a person can eliminate the things which will subsequently harm the human development resources and addition of the dutybound efforts, by facilitating to the citizens of the territory without any sort of prejudice for the welfare.
9. Provision was enacted for the achievement of social integration within the children which can monitor the proper functioning and implementation of the developmental plan with complied execution.

The act mentions the duties for the respective government within the local/parent authorities which ensure the education of the children which also specifies or highlights the sharing of financial burden and pressure between the central as well as state government. The norms and values for the PTR [Pupil Teacher Ratios] within which the development of infrastructure, buildings, enforcement of the laws, and regulations. The main development in which the scheme examines that there should be no imbalance in the postings or standard of the places i.e. no rural-urban imbalance and it should be ignored.<sup>10</sup>

### **Background regarding the legal provisions according to the reservation in the educational system**

Access towards the intensive as well as extensive subject matter and critically analysis of the quality of the factor which would be too under the force of right to education at par which will be sufficient for the performance of prioritizing the act for administration. The benchmark should be mandatory according to the facilities which complied with the sets of norms for maintaining the standard that enable the appropriate learning and allocation of general resources. One of the most acceptable points which were removed from the amendment of 2019 was the clause which elaborates about the “No Detention Policy” with the act that was disclosed by the parliament as “Right of Children for free and mandatorily education” which

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<sup>10</sup> Right to Education, Department of School Education & Literacy (13 Sept. 2020, 16:25 P.M.), [https://www.mhrd.gov.in/rte#:~:text=The%20Constitution%20\(Eighty-sixth%20Amendment,may%2C%20by%20law%2C%20determine.](https://www.mhrd.gov.in/rte#:~:text=The%20Constitution%20(Eighty-sixth%20Amendment,may%2C%20by%20law%2C%20determine.)

particularly hold up the main agenda to make children fear-free, anxiety as well as trauma which includes emotional and physical and lastly through minimal though efficient resources, children should be allotted a growing program entering the child-centric non-coercive state. A decennial census was taken up by the public, elections take place under the guidance of governmental as well as non-governmental accountability, and reliefs from the disaster inclusion with the management of the procedure. Deployment of the post assigned to the people for delivering the knowledge and for other services should be rationalized which aims adequate importance of the accessibility towards the hygiene and educational policies claims.

1. Article 28 [Education scheme for the group of minorities] – this particular provision favouring the education-related criteria for the minorities within which there is no religious guideline that shall be provided to the whole people who are been segregated moreover the schooling as well as the institution that is maintained as well as funded by the state. The establishment under the endowment inclined trust through the administrated by the governance of State authority that can easily impart the educational religious. As there are most of the children who under the age group of minor within which the legal consent should be provided by the guardian of the individual as for the criteria which have been laying down that none of the people will attend the institution that is recognized by the state authorities and every individual who is incapable due to the financial crisis then religious worship would be the best option for gaining the knowledge.
2. Article 29(i) & 30 [Believing in the propaganda of culture as an educational Right] – customs which has been always preserved by the people residing in the territory and faces the problem related to the distinct language, vulnerability of the traditions, the script which is written as well as orally delivered, and culture which has been upholding within themselves. Irrespective of the religion or languages every person has the right to enforce the administered educational choice, under no certain or specified guideline it has been mentioned that the state will not grant the educational facilities based on social norm discrimination or under the criteria of minorities. For the mandatory enactment of the law a proper acquisition for the administered practices which ensures among the fixed amount under the consideration of a law that would avoid the abrogation for the guaranteed right.
3. Article 29(ii) & 15 [Admission of the Children] – under the legal provision which has been lying down by the legislation within which the government constitutes equality among the citizen by stating that every person has full freedom and equal right towards

the functioning of the society as a policies explanation it elaborates as no person should be denied on any ground of religion, caste, race, sex, gender, place of birth, and vulnerable/distinct language. As the most segregated group which faces a huge level of disparities among the society are Women and Children have established their name under the arena of minorities. The procedure which will be undue shall be maintained wither by the authorities governed under the Constitution or receive the aid which will be circulated from the states fund. The power which has been imposed within the people living in society by the government that there can be a special provision, as well as act/schemes for the growth of women hence, the tiers of the authorities, can separate the educational institutional facilities for the women if they wanted to establish.

Article 350 (A) & 351 [Act which is imposed for promoting the language of Mother Tongue] – approach which underwent the changes that categorized as a universal doctrine within the promotion of the basic learning opportunities as well as need, that shall be an endeavour for the people within the boundaries i.e. every state, locality, and local authority. Providing adequate faculties upholding the instruction for guiding the people to for elaborating the knowledge in the mother language/tongue at the basic or primary stage for the inclusion of education which will be provided to the children who were belonged to the linguistic minorities. Further, the president has issued many directions for welfare among several states as per the recurring consideration taken up by the entire country. Promoting the development of language mainly Hindi within which the slates shall be condemned to follow duties by the Central Government for spreading the awareness related to the regional language.<sup>11</sup>

### **The Acts and Conduct which is Prohibited under the RTE Act**

Every act or legislative policies are enforced for controlling the mishappening of the criminal offense if these alliances are itself misused for misguiding the scrutiny of the case it will be objectified as a void act. Qualification of the scheme is launched for upgrading the society for the public welfare but coherence with the customary value enshrine the constitution which contains the potential not to pressurize any of the authorities. Mentioning about the duties, accountability, and appropriate level of sustainable enhancement upholding the main propaganda to promote the rural area, backward people, and all the other discriminated group of communities which are been segregated for no reason. Every act has both the side it can be elaborated just like a sword having two edges which can be responsible for the good cause as

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<sup>11</sup> Right to Education in India: Education Essay, UKEssay (13 Sept. 2020, 18:40 P.M.), <https://www.ukessays.com/essays/education/right-to-education-in-india-education-essay.php>

well as bad conduct. Leniency, non-performance, misconduct, and envisage about the negative approach can lead to the denial of the situation, and as a result, it might be difficult for the people to believe in the curriculum. The acts which were prohibited was –

- The main drawback which has been always faced by the female mostly and in a few cases, the male also is about the harassment which includes mental as well as physical. The people who mostly reside in the backward area the conviction rate is usually higher whenever it comes to the molestation, harassment, and violence which are common as the mentality of the community is backward which restricts the growth of the other section of the nation.
- Accordance with the new modification which was made in the 86th amendment which states the equal access to education never guided under the rule of testing the children and then recruiting the individual based on the primary procedure. Screening of the defined procedure done with the children for the sake of admission is not mentioned under the rules and regulations.
- The main agenda for enacting this RTE act was to provide every citizen who is under the age group of 6-14 year free universal education within which no children should face any financial burden and the government also prescribed the reservation of 25% criteria for the upliftment of rural section which can avoid the imbalance and rigid among the rural-urban pact, but contrary to the statement many private sector schooling guide the parents that the admission is not possible if there are no Capitation fees allotted to the schools.
- In many colleges and schools, the teachers usually do not prefer come and deliver the knowledge in a public platform as the most vulnerable form of earning money is giving tuitions which are mostly private that amount to a huge level of expenses, which cannot be afforded by half of the population as in India more than half of the people are facing a financial crisis. The Un-ability of paying off the expenditure causes the non-continuous of the children to approach the educational facilities.
- In the minimum level of the status present within the ambit of state government is immensely underrated, as everyone and every individual wanted to study in those schools who are having their entity or should be recognized. The people living in the rural area usually have only facilities to be enrolled under the government school which does not have an appropriate or proper teaching staff that ultimately lead to a lack of growth and development. Many authorities usually open the institute but do not spend the money for the maintenance, or do not prefer to take care of, and sometimes the land

within which the school has built is not registered which ultimately leads the progress as illegal.

- Segregation and disparities among the communities can also be the main result for the downfall of the act which is usually done for benefits sharing among the individual. Legally propounded for an obligation which is mentioned by the government for providing equal opportunities without possessing any grudges within the social norms which are lie down by the society. No provision has been specified in any of the acts and scheme that defines discrimination is valid but the most prohibited and illegal offense is to consider that equality should be the most prior element for the development.<sup>12</sup>

### **Criticism against the Rule which was passed by the Parliament under the RTE enactment**

Every scheme which is implemented by the government or an individual has few drawbacks within the system as it is quite obvious that every section of the conducting act as the two-edged sword that possesses negative as well as the positive side. After the implementation of the RTE Act, the achievement or outcome goal which was executed by the government for the sake of development of educational facilities within the country is till now not fulfilled. Providing with the bare minimum educational cost and make the define constitutional as a mandatory clause have truly met with various types of arguments related to economic development, societal issues, financial burden, and political pressure. There are many schemes and acts for the implantation of the specific conduct but contrary to the statement there are very few who get the label as successful, upholding the thought of achievement. Many people living in society have the presumption regarding social integration which ultimately entitles everyone for equality within the activities which should provide equal opportunities. Few criticisms which are drafted among the people is as follow –

1. The act which was drafted for the welfare hastily that are embedded without the thoughts of about free access and consultation within which the government can only regulate the functioning but cannot bar the quality of the education facility, within which the private and public teachers will be made under the partial method of earning.
2. The age limit which has been specified by the RTE act is from six-year but the actual schooling of the children starts when the age is of 2 – 3 years, what will be the defined

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<sup>12</sup> Tariq Ahmad, Constitutional Right to an Education: India, Library of Congress (14 Sept. 2020, 10:30 A.M.), <https://www.loc.gov/law/help/constitutional-right-to-an-education/india.php>

criteria among those who come within the age group of 3 – 5 year as it is not mentioned in the act.

3. Relative schemes like Sarva Shiksha Abhiyan within which the government enlightened about that education should be achieved by every citizen cause it can retain the position of the country, but compared to all the activities which have done to promote the launched scheme has been plagued by the system as well as people with all type of corrupted activities, charges of illegal activities, and inefficient resources for the process of welfare.
4. With the certain set of guideline, the minimal requirement of the documentation for further admission process that has been counted under the category of birth certificate, BPL documentation, and many more which are required for the enrolment criteria but many children are orphans yet do not have any source to get an earning for their living purpose but there is no further procedure about the beneficiaries of the act in the case of an illegitimate child who does not have any guardian or the orphan child.
5. The criteria which have been set up by the government for upholding the promotion of the backward people by enacting 25% of the reservation among the seats for the EWS but regarding the challenges which enlisted as hurdles of discriminatory action as well as behaviour towards the other children, which sometimes lead a situation of conflict between the common interest group with the other people based on different as well as the varied concept of socio-cultural behaviour/milieu.
6. Accordance to the new policy which was implemented by the government within the criteria of “no detention alliances” among the student who will be unable to pass the examination he/she will be given extra training for appearing towards the re-exam, and yet if unable the progress then the result will be upheld as detained in the same class. The government also relaxed the policies according to the class attendance which will be not under consideration so the state complains regarding the breach of effective regular class learning.
7. There were six states includes – Andhra Pradesh, Maharashtra, Goa, Kerala, Karnataka, and Telangana who denied the amendment for the higher accountability learning which will hold up an outcome as due to the effective form of implementation within the boards of the CCE system which will be enacted by the legislative as a mandated law in the Act. In many states among the defined territory who find to follow the CCE system difficultly, the chiefly caused by the procedure lead down with lack of knowledge among the teachers training and further orientation.

8. The act which is against towards all the system that lead to the increasing level of criticism on the subject matter which is bound by the people of society as the educational facilities should be an increase, not the standard of the institution as a binding outcome it will be beneficial to the general population and can act as public welfare. Passing the buck of the standard towards the private school by providing the admission criteria and enrolment within the school by which the children who do not have enough facilities or any sources will be educated.<sup>13</sup>

## **Conclusion**

Government enacts the legislative policies which act as mandatorily rights which ultimately took almost more than 7 decades for the formation of fundamental rules within which the main aspect for the development is to make the law efficient among the society. Revamping of the educational system which enables every citizen to resolve all the different types of problem which was raised anciently or historical and currently within the boundary of India. Every doctrines and freedom have a positive as well as negative impact in the society but whenever it comes to literate people it can be considered as one of the most vulnerable modes of upliftment without having any sort of biasness and partial behaviour. The issues which are yet not solved worldwide such as excessive level of unemployment, increase in poverty level, a low and diminished form of literacy level that subsequently defines the perspective on the present status of the economy. For fulfilling the criteria in a larger domain, skills, advanced technologies, knowledge, human capital, and education facilities are taken into consideration of cornerstone for the Indian society. The tiers of government have enforced the various alliances and policies that chartered out before the independence though which automatically lead the prescribed law for the historical evolution. The specified area which has been taken under the consideration is the children who were enrolled for the higher education system within which the largest population can be under the initiative for the improvement. Education can be taken as a significant act that can be used for the achievement and proper functioning of the basic criteria to follow human rights, with this all the social inequalities can be reduced. Peace, advancement, and overall upgradation among the prosperity helps to improve the condition for the betterment of values as well as norms related to opportunities.

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<sup>13</sup> The Right to Education Movements and Policies: Promises and Realities, Norrag Special Issue (16 Sept. 2020,18:15 P.M.), [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/NORRAG\\_special-issue-01\\_Right%20to%20education%20movements%20and%20policies\\_EN\\_2018.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/NORRAG_special-issue-01_Right%20to%20education%20movements%20and%20policies_EN_2018.pdf)