



Education Development and Policy Research Group
Centre of Excellence in Teacher Education
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E-Primer on Right to Education and National Policy on Education

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Purpose of the e-Primer

- Education is a fundamental right in India. Students, practitioners, and researchers of education are often required to be familiar with the legal and policy frameworks on education.
- This e-Primer maps the key legal and policy texts at the national level and provides hyperlinks so that the readers can directly access the original texts.
- The mapping provides a historical overview that can help the readers to identify the changes over a period of time.
- While every effort is made to keep these links up-to-date, please do let us know if you have problems accessing any of the links.

A Fundamental Right to Education in India

Over the years

The Constitution (Eighty-Sixth Amendment) Act, 2002

Fundamental Rights

- Article 21 A: The State shall provide free and compulsory education to all children between six to fourteen years in a manner as the State may, by law, determine

Directive Principles of State Policy

- Article 45: The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years

Fundamental Duties

- Art 51 A (k): ...who is a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen years

Post 86th Amendment

- Constitutional Amendment not notified until 16 Feb 2010
- CABE Committee on Free and Compulsory Education Bill (2005); Chair: Mr. Kapil Sibal
- Rajya Sabha Parliamentary Standing Committee Report on the Bill , 2009 (213rd report)
- Parliament unanimously passed the bill and The Right of Children to Free and Compulsory Education Act, 2009 received President's assent on 26 Aug 2009
- Notification brought RTE into effect on 1 April 2010
- Model Rules under RTE framed by the central government (only suggestive to State Govts)
- Rules formulated by State Governments

Central RTE Legislation and Amendments (applicable throughout India)

- [Right of Education to Free and Compulsory Education Act, 2009](#) (the main Act)
- [RTE Amendment Act 2012](#) (applicability of RTE subject to Constitutional provisions for minority institutions, non-applicability to education institutions offering religious education, definitions and provisions for children with disabilities, SMCs in private and minority institutions)
- [RTE Amendment Act 2017](#) (minimum qualifications of teachers)
- [RTE Amendment Act 2019](#) (on exams and no-detention)
- [Amendment to the Schedule of RTE Act, 2022](#) (revision of Pupil-Teacher Ratio to add special education teachers)

Central Rules and amendments (applicable to schools under the jurisdiction of the central government and Union Territories without legislature)

- [RTE Rules \(framed by central government\), 2010](#) (prescribes on matters delegated for Rules as per Section 38 of RTE Act, 2009)
- [RTE Amendment Rules 2015](#) (grievance redress for teachers)
- [RTE Amendment Rules 2017](#) (on learning outcomes, and Continuous and Comprehensive Evaluation)
- [RTE Second Amendment Rules 2017](#) (on teacher qualifications)

National Policy on Education

Over the years

National Education Policy over the years

1968 Policy Education and National Development Reports (1966)

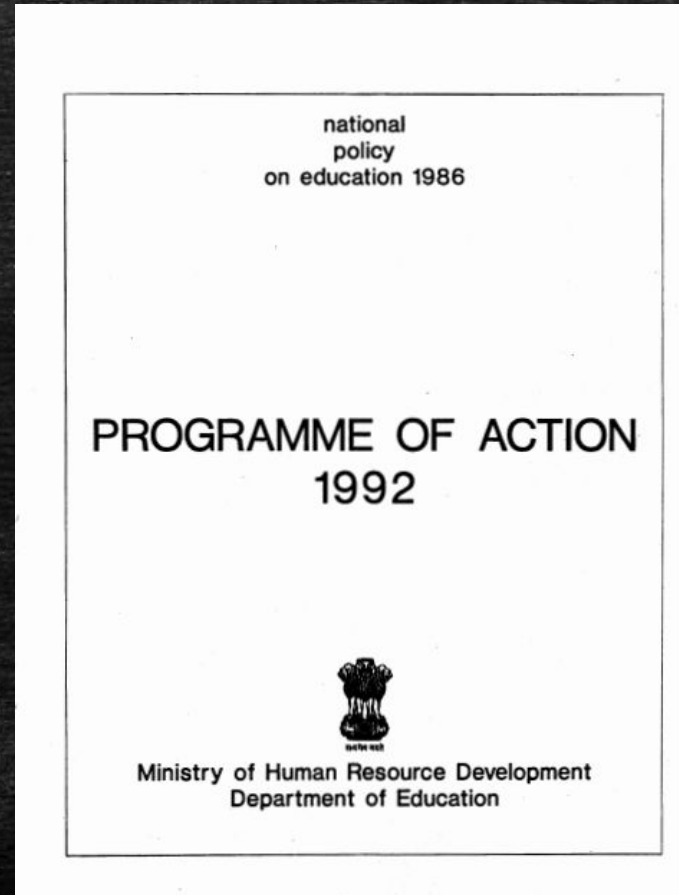
1986 Policy Challenge of Education – A Policy Perspective (1985)

1992 Policy
Revisions Acharya Ramamurti Review Committee
Janardhan Reddy Committee for 1992 policy revisions

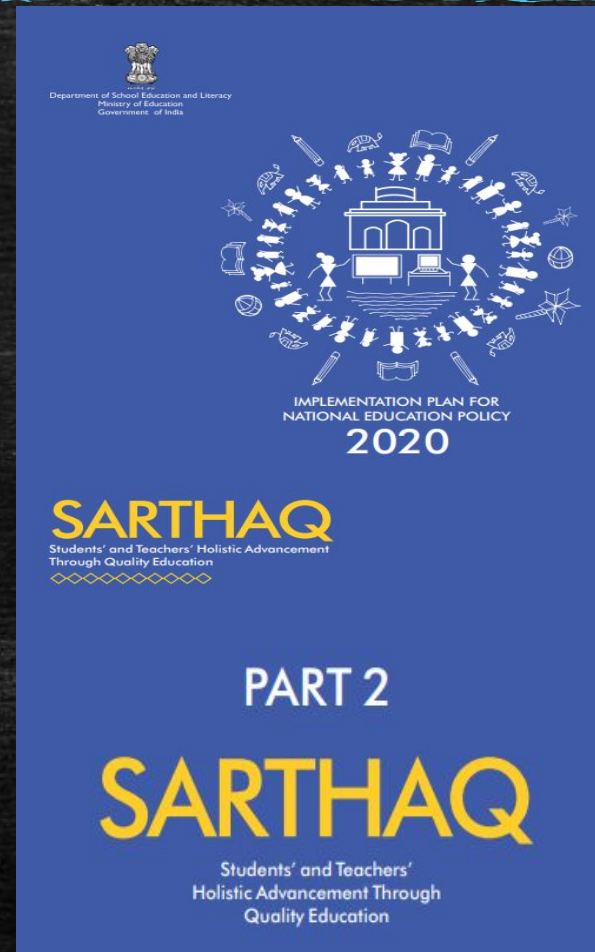
2020 Policy Report of the TSR Subramanian Committee
Kasturirangan Committee draft

Implementation of National Education Policies

Programme of Action 1992



Implementation Plan for National Education Policy 2020



Some thumb-rules on what to look for when reading a policy/law

- Language – ‘may’ and ‘shall’
- Intention/goals – towards what end? whose interests does it serve? (Overall as well as specific provision)
- Scope – what provisions are included, what are excluded? Is it adequate to meet overall policy goals? Does it reflect learning from past, available evidence?
- Are any of the provisions time-bound?
- Are responsibilities laid out clearly?
- Are resources (both monetary and human) provided for? Do they seem adequate?
- Are the provisions feasible, are they contentious, are they aspirational, do they talk to the reality?
- Are there sanctions/punishments for violations and channels for recourse?



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