



Right To Education Act –Challenges in its Implementation in Rural Areas

KEYWORDS

Fundamental Right, Human Right, Right to Education, Neighbourhood School.

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ABSTRACT *Right to Education is basic Human Right. It is essential for the development of human being and with the development of human resources a country develops. Constitution of India declares it as fundamental right. To guarantee this right the Central Government passed Right of Children to Free and Compulsory Education Act, 2010. The Act promises to ensure education for all children between 6 and 14. The question which arises is, has the government succeeded in its motive by passing the Right to Education Act or has failed in providing right to education. There are a number of challenges to access free and compulsory education in India. In this Article, these Challenges are highlighted with special reference to rural area.*

INTRODUCTION

Education is universally recognised as a major component of human development. Certain minimum level of education is essential for the development of population as human resources. At the global level, United Nations' International Covenant on Economic, Social and Cultural Rights 1966 recognizes the right of everyone to an education

The word "education" is derived from the Latin word *ēducātiō* means "A breeding, a bringing up, a rearing" Education in its general sense is a form of learning in which the knowledge, skills, values, beliefs and habits of a group of people are transferred from one generation to the next through storytelling, discussion, teaching, training, and or research. Education may also include informal transmission of such information from one human being to another. But academic Education refers to acquisition of intellectual and moral training.

In India the importance of education was recognised long back. At the time of framing of our Constitution, a Separate Article 45 inserted which gives direction to the central and state government to provide free and compulsory education up to the age of 14yrs. Being directives this Article was not implemented properly That's why, The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right. To implement this Article the Parliament of India passed The Right of Children to Free and Compulsory Education (RTE) Act, 2009. This law came into effect in the whole of India except the state of Jammu and Kashmir from 1 April 2010, the first time in the history of India a law was brought into force by a speech by the Prime Minister. In his speech, Manmohan Singh, The Prime Minister of India stated that,

"We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India"

SALIENT FEATURES OF RIGHT TO EDUCATION ACT 2010

Right to education means that every child has a right to full time elementary education of satisfactory and equi-

table quality in a formal school which satisfies certain essential norms and standards. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups.

The RTE Act provides for the:

- Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.
- It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
- It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potential-

ity and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.

PROCEDURE FOR ADMISSION- NOT CLEAR

Section 13(1) of RTE Act 2009 provides, that while admitting a child, no school or person shall subject the child or his/her parents to any 'screening procedure'. Further, section 12(1)(c) of the Act provides that unaided schools and specified category schools shall admit at least 25 per cent of the strength of class I, children belonging to weaker section and children belonging to disadvantaged group from the neighbourhood and provide them free and compulsory education till completion of elementary education. Further, where the school admits children at pre-primary level, such admissions shall be made at that level.

This Act was challenged by private unaided schools before the Supreme Court of India as unconstitutional. But the Supreme Court upheld the constitutional validity of Right of Children to Free and Compulsory Education Act, 2009, and directed every school, including privately-run ones, to give immediately free education to students from socially and economically backward classes from class-I till they reach the age of 14 years.

A bench of Chief Justice S H Kapadia and Justices K S Radhakrishnan and Swatanter Kumar threw out the challenge by private unaided schools to Section 12(1)(c) of the Act that says every recognized school imparting elementary education, even if it is an unaided school not receiving any kind of aid or grant to meet its expenses, is obliged to admit disadvantaged boys and girls from their neighbourhood.

But recently a five-judge constitution bench headed by CJI RM Lodha clarified that a 2010 judgement, which held that the RTE Act, 2009 was applicable to aided minority schools was "not correct".

Minority-run schools cannot be forced to implement the Right to Education Act, 2009, that mandates 25% reservation for economically disadvantaged children in all schools. The bench however rejected the contention of non-minority private unaided educational institutions that Article 15 (5) violates the fundamental right to life and personal liberty under Article 21 and a duty under Article 51A(j) to strive towards excellence in all spheres of individual and collective activity.

Thus presently the 25% reservation for economically disadvantaged children under Right to Education Act, 2009 is applicable to all the private schools whether aided or unaided, but not to the minority educational institution.

CHALLENGES IN ITS IMPLEMENTATION IN RURAL AREAS

Out of School Children.

According to latest figures from the Human Resource Development Ministry approximately more than 80 lakh children are out of school. These children can be classified into 3 categories

a) **Victims of trafficking-** According to the National Crime Records Bureau, every year around 65,000 children fall victim to trafficking. Only 10% of such cases are registered with the police. Trafficking in female children is for the purpose of begging and prostitution and male children used for begging as well as labour-

ers.

- b) **Not enrolled in the schools-** These children have never been enrolled in school for several reasons like religion, poverty, social and gender discrimination. The parents also not show much interest in enrolling the children.
- c) **Dropped out from schools-** Though these children are enrolled in the school, they may not complete their free and compulsory education level. After completing primary level education, they may be able to read and write. So the children and parents will think about earning money through work and not about their study.

State Governments' Apathy

There should be promptness or commitment on the part of government to implement these laws. The poor uneducated parents may not know the importance of education. So it is the duty of government departments, NGO's and other social organizations to conduct various programmes and activities through which they can educate the people and parents.

Availability of Infrastructure Facilities

Establishment of Primary Schools within one kilometer and upper Primary Schools within three kilometer distance is compulsory for the government. Such school should provide with well equipped classrooms, library, laboratory, play ground drinking water and toilet facilities. But in rural area even though school facilities are provide other infrastructure facilities are not provided. Insufficient fund is the common reason given by the government for not providing all these facilities.

Gender discrimination

Discrimination between boys and girls are found even today in India. Many parents think that education is not important for the girl that is why fewer girls are enrolled in the schools. Even if they are enrolled before completing 14 years they are dropped out from the school for many reasons. The government provides various incentives to promote girls education. Still like a boy a girl may not get equal support for her education in the family, especially in the rural area.

Poverty

In rural areas, education is not prioritized. In this agricultural society, most families are farmers and their children serve as manpower. A family that needs to feed itself with the meagre profits from their harvest cannot afford to free their child to go to school

A hungry man thinks about earning food and not about education. The government provides with free education, mid day meal and other nutrients to the children. But the Poverty faced by the family members compels the children to go for work. If they go to the school they alone be supported and if they go for earning jobs along with them their family is supported! According to KANNADA PRABHA News paper report, most of the children from Haveri district are working during the season of cotton crops. In the opinion of one such child, during particular season they should earn as much as possible, and then they may not get any earnings. Once the season is over they are going to school again. Thus the children from village area are going to school only if they are free!

Lack of Required Pupil-Teacher Ratio

According to the RTE Act, the pupil – teacher ratio in the

primary level 1:30. But in many places there is very less number of teachers. As per a recent report by NUEPA, Bihar tops amongst the states having poor pupil-teacher ratio and Uttar Pradesh comes at second place. In about 35 percent primary schools in Uttar Pradesh, pupil teacher ratio is 60:1. Apart from this the appointed teachers may not be ready to work in some of the remote village or areas.

Quality of education and teachers

Section 23 gives power to the central government to prescribe qualifications for the teachers to various levels of education. In pursuance of this power Department of School Education and Literacy, Ministry of Human Resources Development, Government of India issued a notification dated 23rd August 2010 which prescribes minimum qualification for a person to be eligible for appointment as a teacher in class I to VIII in all the school to which this Act applies. But the Act or Notification is not clear about the implementation of these provisions. If the qualification of a teacher is good then qualified education can be provided.

Even though qualified teachers are appointed they may not be ready to work in the rural area. In some of the Schools in the rural area consists single teacher to the whole school. Lack of proper infrastructure facility is another reason for the teachers to refuse rural areas.

Lack of proper punishment

If there is no punishment then laws may not be useful. There is no severe punishment under RTE for some of the violation. For example: physical punishment to the children is prohibited under RTE. But even today in many schools physical punishments are given. The teacher who uses such physical punishment may not be punished. Just a Disciplinary Action may be initiated according to the service rules and finally if it is proved, then teacher may be transferred to another school.

25% reservation in the private School

According to RTE, it is compulsory for every private unaided school to admit at least 25% of its entry level class from children belonging to weaker and disadvantaged groups. For this category of students the state government shall reimburse schools an amount equal to either the fees charged by the school or the per child expenditure in state schools, whichever is lower.

The per-child expenditure for the purpose of reimbursement with respect to the 25% quota has been defined as

the total annual recurring expenditure of the government on its own schools divided by the number of students enrolled in such schools. This amount may not be enough to cover the cost that the private schools actually incur. Apart from this, a higher reimbursement amount would probably engender less resistance to the 25% quota from the private unaided schools. In the current scenario, schools may have to raise their fees to cover the increased expenses. This in turn would impose an inequitable burden on the parents of the non-quota students.

Normally in rural areas there will be relatively less number of and poor quality of private schools. In other words the private schools are not encouraged. So 25% reservation may not be useful for such people.

Recently there is a proposal for introducing online booking of seats under reservation quota. But RTE is one of the recent laws and was not there in the olden days. So many parents from village area are illiterate and we cannot expect those using online services.

CONCLUSION

Education level is a foundation in the development of nation. India wants to be recognised as a developed country in the world. Education or educated people are the first steps to achieve this goal. Indian government recognised this factor and made right to education as a fundamental right as well as Right to Education Act is passed. This law ensures the citizens that no child will be left behind and every child will have access to a free and compulsory education. But it is very difficult to implement this law especially in rural area. According to Shivanagowda Patil Asst. Director, Public Education Dept Haveri,- After mid-term vacation most of the children will go for work in the agriculture field instead of coming to school. The teachers and Head Masters visits to the house of such children and requests with the parents to send them back. But parents want their children to go for income generating work. So it is better to educate the parents first!

Government officials are now beginning to understand the challenges they face in implementing it. They are searching for resources and partnerships to support the goals of the Act. Teacher development and trainings are being investigated and pursued. The future is bright in India in many areas and education can certainly be one of them. Thus awareness should be created

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