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Education

RIGHT TO EDUCATION (RTE): A BURNING ISSUE

KEY WORDS: Right to Education (RTE), Universalization of Elementary Education (UEE), free and compulsory education, National Policy on Education (NPE)

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ABSTRACT

Right to Education (RTE) Act is a milestone in the movement towards achieving the goal of universal, equitable and quality education. The Act is not only legislative sanction and it is the most substantive declaration of the commitment and responsibility of Indian Government towards education. Thus, it is obvious that India has responded positively to global policy developments and very much on the path of Universalization of Elementary Education (UEE) which emphasizes access, equity and quality. The quantitative development of elementary education without giving proper attention to quality is worrisome trend. The formal schools must impart satisfactory and equitable quality education to ensure social and economic development. Sadly it has often been observed that quality is sacrificed for the sake of quantitative development of elementary education. The RTE Act, 2010 in India is the culmination of the Constitutional provisions and various policies and programmes of the Government of India. As such the provision of the Act is nothing new. Although the educational system in India from ancient time has had been socially exclusive where education was the prerogative of the upper castes, yet there has been concerted effort to introduce free and compulsory education right from the framing of the Constitution. The concept of free and compulsory education was inherent in the proposal of Common School system in the Report of the Kothari Commission. Later on National Policy on Education (1968, 1986) had reiterated on it. Besides a few public interest litigation and the activism of the civic society further boosted the cause of compulsory education. The outcome was the amendment of the constitution by inserting Article 21A which proclaimed education as a Fundamental Right.

Introduction

The right of children to free and compulsory education act or Right to Education Act (RTE) is an Indian legislation enacted by the Parliament of India on 4th August 2009, which describes the modalities of the importance of free and compulsory education for children between 6 to 14 years in India under Article 21A of the Indian Constitution. India became one of the 135 countries to make education a Fundamental Right of every child when the act came into force on 1st April, 2010. The RTE ensures that any child (age group 6-14) can demand provisions of free education to him or her in his/her neighbourhood right up to the 8th class. It is also claimed that the state will provide compulsory elementary education. RTE implies that the parents of some children want to get their children educated but fail to do so because there is no school in the neighbourhood, or if there is a school, the school is not of their choice or they can't afford to pay the fees and other charges. Violation of the right implies that the parents are willing to get elementary education for their wards but are unable to do so for reasons beyond their capacity or control.

Right to Education (RTE) Act, 2009

After Independence, Indian Constitution framed Article 45 which stated, "The state shall endeavour to provide, within a period of 10 years from the commencement of the Constitution, free and compulsory education to all children until they complete the age of 14 years". This resulted in the emergence of the concept "Universalization of Elementary Education" (UEE). Indian Constitution's role in implementing the Universalization of Elementary Education was documented for the first time in National Policy on Education (NPE), 1968 (MHRD, 1968). There were abundant strategies adopted by the Government such as Operation Blackboard (OBB), Sarva Shiksha Abhiyan (SSA) and several other projects to achieve the goal. Though the right to education is implicit in the Article 45, it has been made explicit on 2002. In 2002, the right of children to education has been made as one of the Fundamental Rights by the Constitution of India.

Since these initiatives were inadequate, RTE Act has been formulated to address the issue and expedite the process of achieving Universalization of Elementary Education. It was on August 2009, parliament passed the Constitution 86th amendment, Right of Children to Free and Compulsory Education Act, 2009'. The Act came into force in 2010. Based on the Act, Central Government has framed rules and guidelines to be compiled with, to the State Government in order to implement the Act.

Children to Free and Compulsory Education Act 2009' came into effect from 1st April, 2010. It consists of elaborated guidelines to government and local authorities, head teachers, teachers and school management committee and specifies their roles and duties in implementing the Act. One of the main aims of adopting and implementing the Act is to sort out the problems of dropout and ensure the retention of the children in schools till they complete elementary education. The successful implementation of the Act can avert such problems in future. The state government takes due steps to make the goals achieved. For instance, introduction of Teacher Eligibility Test (TET) in the state is an important initiative to recruit qualified and talented teachers to enhance the quality of teaching and to meet the need of pupils-teacher ratio (30:10 in the schools.

Significant Features of Right to Education Act, 2009

The significant features of the RTE act are:

- Free and compulsory education to all children of India in the 6 to 14 age groups.
- No child shall be held back, expelled or pass a board examination until completion of elementary education.
- A child above 6 years of age has not been admitted in any school or through admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age. In order to be part of the at par with others, have a right to receive special training, in such a manner that and within such time limits, as may be prescribed; provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after 14 years.
- A child who completes elementary education shall be awarded a certificate.
- Calls for fixed student-teacher ratio.
- Provide 25% reservation to economically disadvantaged communities in class one in all private schools.
- Mandate the quality of education.
- School teacher will need adequate degree professional degree within 5 years else will lose job.
- School infrastructure where there is problem to be improved in 3 years else recognition would be cancelled.
- Financial burden will be shared between state (45%) and central Govt. (55%).
- For the purpose of admission to elementary education, the age of child shall be determined on the basis of the birth certificates issued in accordance with the provisions of Births, Death, Marriage Recognition act, 1856 or on the basis of such other document, as may be prescribed. No child shall be

As far as Tamil Nadu State Government is concerned, the Right of

denied admission in a school for lack of age proof.

- Formation of a school management committee involving parents, local elected representatives etc., in every school with significant powers. 50% of the members shall be women.
- Provides for the establishment of the National Commission for protecting of Child Rights, the State Commissions for supervising proper implementation of the act, looking after complaints and protection of Child Rights.

Development in Elementary Education in Context of RTE Act SSA and RTE Act

The major changes in the SSA norms affected by the executive committee of the SSA in January 2010 are:

- School to be established/ensured within the limits of the neighbourhood as laid down by the state government pursuant to the RTE Act.
- All existing EGS centres that have been functioning for two years or more to be upgraded to regular schools or closed down. No new EGS centres to be sanctioned from 2010-11 onwards.
- Special training to be carried out for age appropriate enrolment of out-of-school and drop-out children through residential and non-residential courses.
- School infrastructure norms to include libraries, including a one-time grant for books worth 3,000 for primary schools and 10,000 for upper primary schools.
- Ceiling on school repairs up to a maximum of 5% of the existing schools for each district in a particular year, which inhibited the demand for repairs.
- School grant to be utilised for play material and sports equipment, in addition to the existing provision for replacement of non-functional school equipment and other recurring costs such as consumables.
- Training norms to include training of resource persons, master trainers and Block Resource Centre (BRC) and Cluster Resource Centre (CRC) co-ordinators for up to 10 days each year at 100 per person per day
- Financial provisions for children with special needs increased from 1200 to 3,000 per child per year, provided that at least 1000 per child will be used for the engagement of resource teachers
- Community mobilization provisions strengthened by raising the number of training days for community personnel from two to six, comprising three-day residential and three-day non-residential training.
- Management cost for districts with small annual plan and size increased from 2 million per district to 4 million subject to the overall ceiling of 6% being maintained at the national level.
- An outlay of 2,313.3 billion has been sanctioned for implementation of the combined SSA programme under the RTE for the period 2010-11 to 2014-15. Out of this total amount, 1836.4 billion (79%) is recurring and 475.9 billion (21%) is non-recurring. The fund sharing pattern between centre and state was originally approved under the SSA for the 11th plan in a sliding scale, namely 65:35 in the first two years, 60:40 in the third year, 55:45 in the fourth year and 50:50 in the fifth year.

Governing Principles

Keeping in view the mandate of the RTE Act, particularly the need to provide to all children of the country education of equitable quality, in the preparation of this report, the committee has been guided by the following principles:

Holistic view of education, as interpreted in NCF 2005 with implications for a systemic revamp of the entire content and process of education with significant implications for curriculum, teacher education, educational planning and management.

Equity, to mean not only equal opportunity, but also creation of conditions in which the disadvantaged sections of the society—children of SC, ST, Muslim minority, landless agricultural workers and children with special needs, etc.—can avail of the opportunity. *Access*, not to be confined to ensuring that a school becomes accessible to all children within specified distance but implies an understanding of the educational needs and predicament of the

traditionally excluded categories—the SC, ST and others sections of the most disadvantaged groups, the Muslim minority, girls in general and children with special needs.

Gender concern, implying not only an effort to enable girls to keep pace with boys but to view education in the perspective spelt out in the NPE 1986/92

Centrality of teachers, to motivate them to innovate and create a culture in the classroom and beyond the classroom that might produce an inclusive environment for children, especially for girls from oppressed and marginalized backgrounds.

Moral compulsion is imposed through the RTE Act on parents, teachers, educational administrators and other stakeholders.

Convergent and integrated system of educational management is prerequisite for implementation of the RTE law. All states must move in that direction as speedily as feasible.

Adherence to RTE stipulations even where it seemed difficult to adhere to the timeframe laid down in the RTE Law, the Committee worked to find practical solutions for adherence to the Act's stipulations.

Challenges in Implementing the RTE Act Out-of school children

According to the 2001 census, 8.5 crore children are out of school in India. However, latest figures from the HRD Ministry put the number at 80 lakh. This disparity is because the government has been trying to divide the children into two sections. According to National Crime Records Bureau, every year around 65,000 children fall victim to trafficking. Only 10% of such cases are registered with the police. Officially, therefore, only 6500 children are trafficking victims. Besides this, around 1.20 crore children are involved in child labour (2001 census), keeping them out of school. Gender and Girls' Education

The RTE in different sections makes reference to gender and girls education both explicitly and implicitly. Some of the relevant provisions are to be discrimination against children from disadvantaged groups and weaker sections on any grounds; inclusion of women in school monitoring committees; provision of good quality education that includes equity issues, curriculum development in conformity with constitutional stipulations, training and enrolment in age appropriated classes which will largely apply to girls, especially from disadvantaged communities.

Age Appropriate Enrolment through Special Training

Addresses issues emerging from provisions in the RTE Act that specifically refer to the enrolment of out-of-school children into age appropriate classes and the requirement to provide special trainings that will enable this to take place. This particular provision also has important implications pertaining to other sections of the Act, notably these related issues of quality, curriculum and classroom practices, teachers and teacher training, responsibilities of State Govt. and local authorities and school management committees and the role of civil society.

Coordination between various implementing agencies

Every other day we see children working at roadside restaurants, in people's homes, on the roads in the tea stalls. To pick these children up and put them in schools is hardly as easy as it sounds. To begin with, rescue of child labourers and punishing the employer is the work of labour ministry and the police. The responsibility of bringing children to schools and providing them quality education is the work of the Human Resource Development Ministry. Then again, monitoring implementation of the child rights commissions in each state which are under of the women and child development department. Now it is crucial that efforts of all these agencies are coordinated for the larger goal of providing education to all children to become a reality.

Financial Challenges

Government of India is already beset with various financial hurdles and challenges because of the implementation of RTE. According

to Act the fiscal burden has to be shared between the centre and the states in the ratio of 55:45 and 90:10 for the North-Eastern States. This project involves funds to the tune of Rs. 15,000 crore. Many states of India like Bihar, Uttar Pradesh and Punjab have already expressed their incapability to mobilize funds that they would not be able to implement the Act in the absence of funds from the centre and a situation of dispute has raised between the centre and the states. The achievement as far as the financial matters are concerned largely depends upon the cooperation between the states and the centre. It has been reported that the striving project is already falling around Rs. 7,000 crore in the very commencing year.

Challenge of Hiring Qualified Teachers

The scarcity of good and qualified teachers for government schools is one of the hardest tasks to be achieved in implementing the act. The teachers are considered to be the backbone of education, in their absence the act can't achieve the goals. It is facts that, about one fourth of the teachers of Govt. school remain on leave in India at any given point of time and most of them are not able to do full justice to their professions due to numerous reasons. The act makes it evident that school dropouts and others kids who are unable to get education, would be brought back into the education stream again, it demands hiring almost double the number of teachers.

Language problem

There lies a controversy and problem related to language of teaching. The people are a conglomeration of very diverse cultural groups. In the way that they dress, the foods they eat, the language they speak and the religion they follow, there is incredible variation between and even within each state. One of the recent issues has been which language will be taught in the schools. Some ethnic groups do not want Hindi as a required language in schools while others demand it. Some support that English is the language of the modern economic world and it must be taught at every school as the official language. This may mean that in some villages no one would be speaking English except the students during school. These are some of the challenges to the implementation of the Act.

Quality in Education

Human Resource Minister has paved the way for huge challenges ahead by promising quality education to all. As it has already been brought out that it will be difficult to do so in the absence of good teachers. The Act says that no student would be dropped from school or not passed till the age of 14. The starkest finding of three consecutive annual statuses of education reports published by Pratham, a community-based organization, reveals more than half of class 5 students across India's Government primary schools, can't read basic class 2 textbook. This raises the quality issues being compromised through the act.

Survival priority children (working children)

It is true that a substantial number of students do not get education in the neighbourhood, especially in the tribal hilly areas and sparsely populated desert districts, in a very large number of cases education is not the first priority of the family. Survival is the top priority. Children working as rag pickers shoe—shine boys, domestic help, regular or contract or piece wage workers in several kinds of factories and on farm lands is a regular phenomenon all over India, especially in the poorer districts. To attract and retain children of these families to/in schools is not possible through compulsion alone, nor is it a question of opening of schools in the neighbourhood. Schooling may be provided when the children are free from domestic duties or paid or unpaid work through night schools, mobile schools. This will involve no cultural break and no cost to the family. Involvement of NGO's would be necessary in such conditions.

Unavailability of the Resources

In general, most of the schools teachers teach the theoretical concept, but they do not teach children practically. This is because lack of the resources like teaching aid, science lab, libraries, math labs, computer labs, language labs etc. If child learns or reads lot of study materials but he does not know how to apply it in his daily life

then whole study become useless. So there is need to use the teaching-learning materials to explain the concept practically in such a manner that student can learn actually.

Preference of Parents

The parents prefer private schools for the primary schooling for their kids. The probable reasons are that the private schools provide better infrastructure, qualified staff and quality education. The environment of private primary schools inculcates a great confidence in the personality of the kid. However, it is observed that private schools charge the fees on their discretion.

Lack of Awareness

Most well meaning legislation fails to make significant changes without proper awareness and grassroots pressure. Schools need to be made aware of provisions of the 25% reservations, the role of SMC's and the requirements under the schedule. This can be undertaken through mass awareness programs as well as ensuring proper understanding by stakeholders responsible for its implementation.

Recommendations/Suggestions

- In the light of the challenges discussed earlier, following are some suggestions which may be helpful to meet the challenges:
- The State Governments are required to show promptness for the implementation of the RTE Act. The states who have not yet released any notification regarding the Act must do it without any further delay. The Central Government should impose a time limit to release funds to the states. If any state government still shows apathy to release notification, then no funds should be released by the Centre to that state for the establishment of new schools. State Governments should show full commitment for the implementation of the Act.
- To meet the increasing demand of qualified and trained full time teachers in required number must be recruited at the earliest. Pupil-teacher ratio must be maintained as per requirement.
- All the children including child labour should be motivated to learn. There is a conflict between the child labour law and the RTE Act, although both deal with related issues and promote the overall development of children.
- Children with disabilities should be provided extra facilities in neighbourhood schools and specially trained teachers should be recruited in every school to provide the right to education for all.
- The education to the children in the 6-14 age groups. The basic question is not just providing free and compulsory education but building a suitable environment with a support system of skilled and highly motivated teachers.
- Parent shall be educated about need of education in present era and material should be provided to create awareness among rural masses.
- Women in the basic of family education, therefore women or mother should be educated through adult education.
- Technology and teaching learning materials should be provided for different:
 - Laboratories
 - Libraries and
 - Workshops
- For equitable education proper infrastructure should be provided to remove barriers pertaining to following specific aspects:
 1. Economical
 2. Social
 3. Cultural
 4. Linguistics
 5. Location and
 6. Disability related
- To provide sufficient financial assistance to educational institutions 10% of development funds should be spent on the school education and health of the children.
- A performance based evaluation of teachers should be done and efficient and innovative teachers should be rewarded.
- To achieve the goals of Free and Compulsory education, it is of utmost importance to develop curricula that is responsive to

changing needs and facilitates the incorporation and integration of new content areas related to:

- a. Science
- b. Technology
- c. Population and
- d. The environment

Conclusion

Government has enacted and implemented the Act in the right spirit towards providing quality elementary education to all. Most of the investigated schools are able to fulfil basic infrastructure except a few but with regard to curriculum, assessment, teachers training and other related issues they are lagging far behind. It can be concluded that most of the parents are aware about the free education provided to the students of elementary schools. But many of them are not aware of the benefits provided to the children. Similarly students are also not aware of their rights. Therefore, parents and children should be made aware about the benefits and provisions provided in the Act. There is a need to forge partnerships among state, school functionaries, voluntary agencies, parents and other stakeholders. Concerted efforts are required at all levels since isolated efforts do not bring the desired results. The potential of the RTE depends a great deal on the advocacy and mobilization campaigns initiated by government and the ability of parents and children to understand and exercise their new role relationships as far as elementary education is concerned. The future is bright in India in many areas and education can certainly be one of them if several problems related to implementation of this act can be identified, analysed and solved.

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