

Right to Education act Issues and challenges: A study

Y.Somachary,

Research scholar. Dept of Economics,
kakatiya University Warangal. T.S

Abstract:

The base of the pyramid and the future of the nation should depends on the primary education. Mahatma Gandhi said that the basic primary education should be free and compulsory for all, 'Every child has a right to education shall be free, at elementary and fundamental stages. Elementary education shall be compulsory. (Article 26 of the 1948 Universal Declaration of Human Rights). UN recommendation has been reinforced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009). Right to Education Act, 2009 (Article 21 A) came into effect in India on 1 April 2010 which denotes in order to ensure free and compulsory education for all 6-14 years of age of children. Till the nineteenth century, education was available as an exclusive right to a small section of society. Under British rule, in spite of compulsory education laws, not much progress was made in this direction. However post-independence, Article 45 stated that "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". But nothing much happened towards universalisation of elementary education. National Policy on Education, 1968 was the first document towards elementary education. National Policy on Education 1986, In the review of the policy in 1990 was recommended to include Right to Education as a fundamental right in the Indian constitution, on the basis of which National policy on Education 1992 was formulated. In 1992 itself, in the case of Mohini Jain Vs State of Karnataka, the Supreme Court of India held that right to education is a fundamental rights enshrined under Part III of the constitution and that every citizen has a right to education under the constitution. Subsequently, in the case of Unnikrishnana, J.P Vs State of Andhra Pradesh, the Supreme Court held that "though right to education is not stated expressively as a fundamental right, it is implicit in and flow from the right to life guaranteed under article 21 and must be included in the light of the Directive Principles of the constitution. Thus, right to education, in the context of Article 45 and 41 means (a) every child/ citizen of this country has a right to free education until he/she completes the age of fourteen years and (b) after a child completes 14 years, has a right to education is circumscribed by the limits of the economic capacity of the State and its development" Finally, in 2002, the amendment of the Constitution of India made education a fundamental right, but qualified it by adding that the manner of this right would be as determined by a follow up consequential legislation. This follow up legislation referred to in the 2002 Amendment of the Constitution of India (the Constitution 86th Amendment) is the 'The Right of Children to Free and Compulsory Education Act 2009', passed by parliament in August 2009, and notified into force in April 2010. Based on this Act, a subordinate legislation, the Model Rules, was framed by the centre to provide guidelines to states for implementing the Act.

Keywords: Education, Right, Students, schools, learning, appropriate classrooms,

Introduction:

Education is a power full tool for all the problems, every society has a change of powerful tool, thrive and survive through education. It is very essential to pass the knowledge and skills from younger generations to older generations, so that it passes smoothly on to every generation. Education brings us to realize ourselves, visualize dreams and then set forth to accomplish themselves. Therefore, education is a way to prepare good citizenry lives into a meaningful life, empower them through socio-economic mobility, reduce the inequalities both social and economic and in return trigger both the simultaneous concepts of growth and development. There is a paradigm shift to be analyzed from education as a path to knowledge and education as a cost

recovery system. Education is the utmost powerful tool which shapes the character, personality of an individual, thereby shaping the personality, character of the country in return.

The reasons which are kept in mind, while in understanding developing and under developing countries education is in equity, accessibility and quality education emerges as a single most crucial factor which helps any nation to sprint across to the status of a developed nation. An educated citizenry is an asset to the nation, as they contribute something to the society. United Nations organization expresses on Right to Education as a fundamental right which should be accessible to each human being on earth, India was vehemently thrusting to implement Right to Education as a Fundamental Right. National Policy of Education of 1968 is the first official Government of India's document, which reiterated commitment to provide elementary education and this was further incorporated in the National Policy of Education in 1986. Ultimately when NPE 1986 was reviewed in 1990, it was recommended that Right to Education be incorporated as Fundamental Right. This will be helped to implement National Policy of Education 1992. By the same time, India has signed on United Nations Conventions of the Rights of the Child in 1992 and India has also started to work upon the legislation to introduce Right to Education as a Fundamental Right.

Mohini Jain vs. State of Karnataka (1992) the Supreme Court ruled that the RTE is implicit in and flows directly from the right to life under Article 21, thus virtually elevating the RTE to the status of a fundamental right. It was elaborated and made clearer in Unni Krishnan vs. State of Andhra Pradesh & Others (1993) when the Supreme Court ruled as follows: "The citizens of this country have a fundamental right to education. The said right flows from Article 21. This right is, however, not an absolute right. Its content and parameters have to be determined in the light of Articles 41 and 45. In other means every child/citizen of this country has a right to free education until he completes the age of 14 years. Thereafter his right to education is subject to the limits of economic capacity and development of the State.

Purpose of the Study:

While studying The Indian elementary education system has been successful to some extent in achieving higher levels of funding, access, enrolment and infrastructure. moreover, higher drop-out rates, low attendance, universal, equitable and quality elementary education for all continue to be a greater challenge. The RTE Act is a path breaking Act in the history of Indian Education towards providing quality elementary education to all, The purpose of this study is to reveal the status of implementation of RTE in rural government schools and to examine awareness and understanding of the provisions of RTE amongst teachers, parents and children. The present study findings are based on the not only original status, experience and realistic situations in the schools but also in observation/interaction with the teachers, parents and children in nearby government schools. The observations and opinions of the teachers, parents and children on various provisions of RTE Act helped in examining the awareness and understanding of the provisions of RTE. Present study has tried to explore the status of the implementation, awareness and understanding of the provisions of RTE amongst teachers, parents and children. Eight years have already passed since implementation of the RTE Act, but so far there has been some progress only in terms of enrolment /basic infrastructure but towards guaranteeing quality education in terms of student learning the states have not achieved much. Same is the case with regard to its awareness and understanding among its various stakeholders.

Significance of the study:

This study is very significant as this provides an insight into the status of implementation of RTE in rural schools, awareness and understanding of the provisions of RTE amongst teachers and parents of children studying in government schools in and around the study area. The issues and challenges raised in the study will help all the stakeholders to become aware of their rights, take an active role in the enforcement of these rights and implement this Act more effectively and fruitfully to have a better quality education for the students for whom this act is meant.

Constitutional amendments on RTE Act.2009:

Basically The RTE concept was included in Directive Principles of State Policy in the Constitution of India. but originally it was adopted by the Constituent Assembly in November, 1949, Article 45 states that: “The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years. Further, Article 41 mandates the State, among other things, to make effective provision for securing the right to education “within the limits of its economic capacity and development.” The RTE Act, inter-alia provides for the following:

- (i) Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- (ii) It clarifies that „compulsory education“ means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. Free“ means that no child 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.
- (iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- (iv) 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.
- (v) 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.
- (vi) 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.
- (vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
- (viii) 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.
- (ix) 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, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child-friendly and child-centred learning.

Indian has a visionary on Right to Education, so that in 2009, for the first time, it was introduced as a separate chapter in order to make sure that this dream to be implemented.

Initially, It is guaranteed by the State as a “Right” it becomes a “compulsion” for the state to take adequate steps to ensure the same equally for all. since it was enforceable, the other parties were blamed for the same, like the students themselves, their parents, extended families or the society at large. Section 8(c) ensures that the children belonging to weaker sections or disadvantaged groups are not discriminated against and prevented from pursuing and complementary education on any grounds. This shift in itself is a huge challenge to cope with, because initially the system concentrated on selection from day one, even before the child is formally a part of school, and judged and labelled the child as slow, failure, even when the education providers chose to ignore the psychology that any child shall learn and develop in an environment, which would ensure quality education to them, thereby destroying the very fabric of „equitable“ quality. However, this framework also reminds us that the concept of “merit” which is often decided by entrance tests gives result in the veil of social advantage. The learners hailing from so-called “disadvantaged backgrounds” need more attention and support-financially, academically & psychologically from the system which should promote „equitable quality“ and not preferential or differential quality, as it would make the impoverished all the more impoverished. It is physically impossible to test the learners on the basis of equal past knowledge or skills at any grade level. It is actually collaborative and non-threatening modes of assessment which lead to a qualitative learning of all

Problems in implementations of RTE:

- 1). The act should also focus on parallel structures like the SCERT, SIEMAT, DIET, as it would highly professionalize teaching.
- 2). Even though the Act enumerates minimum qualifications for a teacher, but it is quite difficult to work upon the qualitative qualification unless, there are more institutes for teacher education, foundations/principles, content and methodologies for in-class development and beyond
- 3). The act does not talk about maintaining quality and adherence to minimum norms, thereby granting or cancelling recognition.
- 4) With the no-detention policy, it is hard to gauge the learning outcomes of any learner, and thus defeats the concept of both mastery learning and universal learning too.
- 5). In order to make RTE effective, it is very important to establish a sound Grievance Redressal Mechanism, which includes registering, investigating thoroughly and replying within a strict time frame.
- 6). The shortage of finances for appointment of teachers, provision of infrastructure, basic building, which does not leak in monsoons, provides protection against the harsh sun in summers and chilly winds in winters, basic sanitation facilities through separate and clean toilets, clean drinking water, blackboard, multiple use open space and likewise.
- 7). Experts have always argued that failure or success of any should always be considered in a particular context. There is a need of a parallel structure both creation and strengthening like the Sarva Shiksha Abhiyaan. The role of Teacher just restricted to provision of service and not actually the one who creates an environment, where the students themselves are empowered enough to construct knowledge and learning. The whole focus is on the teacher and not the system. Even today 90% of education is still in the hands of private institutes, there is a huge debate why is this not being taken as a priority by the state.
- 8). No provision of any type of education is provided for children from 3-6 years of age. So, there is a need pre-school education. which should be included in the main schooling framework.
- 9). The students are facing multiple issues, like for instance, many learners have to be convinced hard to come to school, in that case we need a strong system of motivation and encouragement, to ensure they continue, the emphasis of National Curriculum Framework, 2005 on arts and poetry is altogether sidelined, students should be taught in a language they understand and communicate and not the third language, which makes the process more complex. They can learn or experiment with new languages in higher grades.
- 10). The poor outcomes of Government schools is a result of overburdened staff with non-academic activities, admissions do take place, but learners drop out, books which are to be provided, arrive either when the session is halfway or about to be over, student absenteeism, lack of infrastructure like classrooms, chair, desks, blackboard, toilet, drinking water, the funds are released towards yearend, vacancies in position. So, the basic question how can we question the delivery of quality service.
- 11). The major issues lies in the fact that Education is within the ambit of Ministry of HRD and early childhood education falls under Ministry of Women and Child Development. So, the lack of coordination and difference in orientation is major road block. A longitudinal study by Centre for Early Childhood Education & Development (CECED), Ambedkar University, Delhi has found that 76% of children in pre-schooling age are going to some form of pre-schooling in the country with 65% in private facilities. "0-6 is the age where most of the brain development takes place so appropriate learning ways and concepts are critical in making child ready for school. But unfortunately in absence of a framework, referential curriculum and pedagogic standardization is missing. Various activists feel that the RTE Act should be reworked for the age group of 0-6 years and there should be provisions for the age bracket 14-18 too. The withdrawal of girl students from schools have varied reasons, and therefore the grass-root activists believe that a continuous education, definitely based on merit shall serve to fulfil the socio-economic objectives.

Suggestions to enhance the effectiveness of RTE:

The education system in India is not able to meet the objectives, Various researches have shown that the learning levels of school students are on a decline. The issues of teachers absenteeism and teachers vacancies are continue to haunt the government schools. Dropout rates increasing year by year. There is nepotism, corruption and bribery in transfers and appointments of teachers and also in approvals and recognition of institutes. failure examination system was only focused in marks oriented . Approximately 65% of the population of India is less than 35 years of age. This population can be resource of revamp the education sector of our country. Education acts as a great leveller, is the only route sustainable enough to tackle the disparities. Following suggestions can be made to enhance the effectiveness of RTE:

- 1).The age group should from 3-17 years of age, many researches have displayed that the child's brain develops the most till 5 years of age, so that it is the stage when a learner should expose in learning quality education.
- 2).The state involve in introduction of technical courses like. IT, Media, Entertainment, Telecommunications, Automobile Construction, food processing etc.
- 3) Common School System will effective in quality education in the past but today Common School System of USA should be combined with Model School System, which is modelled on the basis of needs and demands of the society. Public Private Partnership shall be a successful model, on Build-Operate Transfer basis.
- 4) The provision "no child shall be held back, expelled, or required to pass a board examination until completion of elementary education" should be amended in the Right of Children to Free and Compulsory Education Act, 2009, as it will defeat the whole concept of learning.
- 5) All the stakeholders like, Parents, villagers, welfare societies, and panchayats should play an active role, because education of a child is a two- way process and cannot yield desired results if initiatives are one way.
- 6) The government should allocate increased budget for education.
- 7) Parent- Teacher interactions should be Frequently promoted.
- 8) The quality of Mid-Day Meal should be constantly scrutinized.
- 9) Infrastructure like classroom, furniture, toilets and clean drinking water should be tackled on utmost priority basis.
- 10). Though it is the primary duty of the state to provide education for children but other non-state actors, civil society organizations should extend their support.
- 11).class rooms are identified as a learning centres, where the child gains confidence in facing problematic situations, undertaking tasks without any hesitation, interacts freely, meaningfully and joyfully with their classmates, teachers, and teaching learning materials and other resources for expanding their knowledge, so that essential infrastructure should be provided by the government.

Conclusion:

The Right of Children to Free and Compulsory Education Act, 2009 was implemented with an objective to ensure that the children of India had access to a child-friendly, qualitative and child- centred oriented. It will provide a specific time frame for implementation of various provisions, which included neighbourhood schools, infrastructure, maintain Recruitment as a pupil- teacher ratio and various facilities as per the mandatory needs of this Act. As it was enforce in April 2010, many deadlines have already passed and not even a single state has been able to implement the RTE Act in totality. Just 10% of the schools, all over India have been able to comply with the 10 indicators of the RTE Act. All the states including Union Territories have notified this act. 32 states have appointed monitoring agencies to ensure the implementation of the RTE act. Yet the budget allocation on Education has not given significantly. it will not reach the limit of required for implementation of the same. Policies like no corporal punishment, no private tuitions, no board exams, banning capitation fees and the screening procedure and no-detention policy, have been notified and implemented, as Child centred initiatives. Reforms have been initiated like Teacher Eligibility Tests(TET), changes in teacher recruitment qualifications and, teacher training system etc. even after approximately 70 years of independence, many Indian

leaders has yet not been able to tackle the menace of literacy, thereby neglecting this primary area of Human Resource Development for so long. Today with the concept of Welfare State, it is the primary need of the state to provide free health services and free education to all children without any reason whatsoever of discrimination, as it is a mandatory or pre condition for Right to Life. Then only India became a proud country amongst 135 countries to provide free Education as a Fundamental Right. The RTE act, along with the suggestions can actually prove to be a milestone for a long term goal of developing a strong base of Education for the future generations of our country.

References:

- 1).The Constitution (Eighty-Sixth Amendment) Act, 2002, Retrived from <http://indiade.nic.in/coiweb/amend/86>.
- 2).The Right of Children to Free and Compulsory Education Act 2009. New Delhi: MHRD, 2009.
- 3).National Policy on Education. New Delhi, 1968. MHRD. National Policy on Education. New Delhi, 1986, Para 3.2.
- 4).A History of Education in India“, Macmillan, Bombay. Pillai, Chandrasekharan. Right to Education in India, A Report.
- 5). Right to Education in South Asia: Its Implementation and New Approaches, The Centre for Integrated Area Studies, Kyoto University, 2012.
- 6).Constitutional Law of India“ 4th Ed., Vol.2, Universal Law Publication. Jagdish Swarup, “Constitution of India” 2nd Edition.
- 7).Aradhya, N. &A.Kashyap, The Fundamentals of the Right to Education in India.India: Books for Change, 2006.
- 8).Nationalism and Indian Education, Sterling Publications, Jullunder. H.M. Seervai,2009.
- 9).Historic Right to Free and Compulsory Education for Children Act 2009.The Articulation of A New Vision, CIAS Discussion Paper No.24
- 10).Second International Conference on Law, Organized by UNESCO, New Delhi and the Indian Society of International Law, 2004.

