



# Implementing Right to Education: Challenges and Issues

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## Abstract

*Education is the harmonious development of all the powers of human being-mental, physical and spiritual. It is a lifelong process and necessary for overall development of individual. Education not only provides livelihood, but also opens up one's mind to new thought, possibilities and opportunities. Right of Children to Free and Compulsory Education (RTE) Act (2009) came into effect on 1 April 2010, enshrining in law for first time in India irrespective of any caste or religion to the children between ages of six to fourteen years. Many years have been passed after the implementation of RTE Act and therefore it is necessary to know if the benefit of the implementation of this act has reached to the needy children and the remote area children of our society. This research study has been taken up by the researcher to explore the status of the implementation, awareness and understanding the provisions of RTE amongst the teachers, parents and children in Papumpare district of Arunachal Pradesh.*

Keywords: Right to education, implementation, Act, policy.

## Introduction

Education is the backbone for all round development of individual as well as society and the nation. It has been felt since long to act and adopt universalization of education for one and all. In 1944, as a political goal right to education was declared in F.D. Roosevelt's speech on the Second Bill of Rights. Article 26 of United Nations Universal Declarations of Human Rights, has been enshrined in various international conventions, national constitutions and development plans. In India till nineteenth century, education was available only to certain section of the society. Under the British rule education sector did not achieve much progress. After independence, Article 45 of newly framed Constitution stated that "the state shall endeavor 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". Even then, there was not much progress which was expected to happen. In our country first National Policy on Education was framed in 1968 by government of India which committed towards the up liftmen of elementary education. National Policy on Education 1986 further emphasized Universalization of Elementary Education in India.

In 1990 it was recommended to include Right to Education as a fundamental right in Indian constitution according to which the National Policy on Education of 1992 was formulated. In 1992 India also signed the UN convention on the Rights of the Child (CRC), and initiated legislation process to make education a fundamental right of the child. In Mohini Jain V/S Union of India (1992) the Supreme Court recognized the right to education as fundamental right. Further Supreme Court in his verdict stated that right to life under Article 21 and dignity of an individual cannot be assured unless it is accompanied by the right to education. In Unnikrishnan Vs state of Andhra Pradesh court stated that education is available to all those who are below age of 14 years and state government must manage primary education in their concerned states. Finally in 2002, the 86<sup>th</sup> constitutional amendment of India passed a bill for Free and Compulsory Primary Education as a fundamental right. The Right of Children to Free and Compulsory education Act was passed by parliament in the month of August 2009 and came into force in 1st April 2010. A subordinate legislation and the Model rules based on this Act were framed by the centre to provide guidelines to states for implementing the RTE Act.

The Arunachal Pradesh Right of Children to Free and Compulsory Education Rules, 2010: Exercising the power granted by section 38 of Right of Children to Free and Compulsory Education act 2009, the Government of Arunachal Pradesh formulated and implemented "The Right of Children to Free and Compulsory Education Rules, 2010". It came into force in Arunachal Pradesh on 20<sup>th</sup> May 2010.

There are eight parts in the rules. Part I is the definitions of various terms used in the rules. Part II describes about Right of Children to Free and Compulsory Education. Part III consists of the duties and responsibilities

of government and local authority etc. Part IV discusses about the responsibilities of school and teachers. Part V is all about the School Management Committee. Part VI is regarding teachers' qualification and related issues. Part VII is all about curriculum and completion of elementary education. Part VIII is concerned with protection of right of children. In fact, the spirit of the government of Arunachal Pradesh is similar to that of the Right to Education Act, 2009. It also includes the issues in relation to implementations of rules in local situations.

### **Need of the Study**

Right to free and compulsory education aims at providing quality elementary education in India which is free and compulsory. It has been successful to some extent in achieving higher levels of funding, access, infrastructure and enrollment. However, low attendance in classroom, high drop- out rates, equitable and quality elementary education for all particularly Papumpare district of Arunachal Pradesh remains to be a major challenge. In the history of Indian Education towards providing elementary education RTE Act is a path breaking act which aims at providing Free and Compulsory education to children of age 6-14 years irrespective of caste, religion and gender. However though RTE Act is very genuine and noble in nature yet it is not without the loopholes. The purpose of this research study is to reveal the status of implementation of RTE in government schools of Papumpare district of Arunachal Pradesh and to examine awareness and understanding of the provisions of RTE amongst teachers, parents and children. The investigator is attached to government school in Papumpare district of Arunachal Pradesh. The finding of the present study is based on the field experience of the investigator in the school and observation/ interaction with students, teachers and parents. The opinion of parents, teachers and students towards various provisions of RTE Act helped in examining and understanding the various provisions of RTE.

### **Significance of study**

This study provides an insight into the status of implementation of RTE in schools of Papumpare district of Arunachal Pradesh regarding awareness and understanding the provisions of RTE amongst the parents, teachers and students. The study is significant as the issues and challenges raised in the study will help all the stake holders to become more aware about their rights and duties towards the implementation of RTE Act and to play active role in successful implementation of RTE Act in better way.

### **Limitations of the Research:**

Present study covers very small sample of government schools of Papumpare district of Arunachal Pradesh. This study is conducted for the teachers, parents and students of Papumpare district of upper and primary schools.

## Research Methodology

In the present study, Descriptive method was adopted as this study is designed to investigate the status of the implementation of the RTE Act and its awareness among students, teachers and parents of Papumpare district. Participant observation method was used for collection of data in which data gathering technique is based on observation and recording of things, a qualitative measurement. Since investigator was present in field during study formal structured and informal interactions with headmaster, teachers, parents and students were carried out. Unstructured interview schedule and questionnaire were prepared and observation method was used for data collection. The researcher also observed the implementations of RTE provisions in the school and recorded in the notes. The notes were later on analyzed and observations were finalized. Questionnaires were prepared separately for headmasters, teachers, students and parents based on important provisions of RTE Act. The questionnaires consisted of both close ended and open ended questions.

## Findings and Discussion

**Infrastructure facilities:** The Act clearly emphasizes that the school building should be 'all weather' structure, and there should be an office cum store for the head teacher, there should be separate toilet for girls and boys and there should be a kitchen to cook mid-day meal for the children. The school must have access to safe drinking water facility, a library, a playground, and barrier free access.

The researcher observed that most of the schools have all weather structured buildings and there was an office cum store room for the head teachers. Investigator found that many of the schools do not have separate toilets for girls and boys except few schools. Many of the schools do not have kitchen shed for cooking mid-day meal except few schools. When enquired researcher found that mid-day meals were prepared in outdoor with in school premises and few of them reported that teachers bring mid-day meal from their home as there was no kitchen shed in the school. The Head teachers shared that sometimes they are unable to serve mid-day meal due to non supply of mid-day meal items in due time. Moreover many of them share that they spend their own salaries to provide mid day meal to children and recovered through convergent cost. Investigator found that though many of the schools have access to safe drinking water except few schools and but almost all the schools denied of having facility of the library. Investigator found that most of the school also enjoys the facility of playground except few. Research shows that lack of physical infrastructure facilities do hamper the academic performance of the students and their achievements in contrast to the private school student's performance.

**Access of Education:** RTE Act 2009 clearly mandates year round admission to the student without any screening and documents, without any admission fee and easy transfer certificate. RTE Act also states that no school can deny admission or deny the issue of transfer certificate to any of the child. The investigator found that all of the schools surveyed by the researcher were strictly adherence to this rule and none of the schools reported that they have ever denied to any of the student.

**Special Training:** RTE Act 2009 clearly mentions that children above six years who have never been to any formal schooling or who have been admitted but never completed elementary education have right to be admitted in the classroom appropriate to his/her age for completing elementary education. The Act privileges that a child admitted to an age appropriate class has to be given special training to par with other children. The Act also states that the children admitted after six months of beginning of academic session must also be provided special training as determined by the Head Teacher of the school to enable him/her at par with other students.

The investigator found that many of the Head Teachers were aware about the special training in the Act but in reality they have never implemented it. Some of the Head Teachers reported that prior to implementation of RTE Act they used to provide Bridge course to the special category of students during vacation period. There used to be particular teacher appointed for this purpose but now neither there is any teacher appointed nor school have ever provided special training to the any of the student.

**Teaching quality:** The RTE Act emphasis to provide for maintenance of pupil teacher ratio, by the appropriate government and local authority. The provision also says that teacher shall not be deployed for non academic work, other than decennial population census, disaster relief duties or duties related to the election. The act also prohibits of private tuition and it also provides for curriculum and evaluation procedure in elementary school. The act also provides that no child shall be required passing Board Examinations till the completion of elementary education. The act also provides an institutional mechanism for protection of rights of child through the National/State commission for protection of Child Rights. The investigator observes that in the rural schools of Papumpare district the teacher pupil ratio is not being maintained. Some of the schools there are only one or two teachers who teach all the students in the school. In some of the rural schools single teacher performs the role of peon, sweeper and teaching as there are only very few students who attends the school. The reason behind is that in rural areas though schools are opened but all the villagers prepare to send their children in town schools. The investigator also observe that many of the teachers appointed through SSA / RMSA engaged themselves in some other petty works in order to run their family as they never receive salary in time. In the matter of private tuition the investigator observe that urban teachers especially science background teachers give tuition to the students in their off

hours violating the RTE norms. The observer was surprised when all of the teachers surveyed by the investigator found that none of them have ever heard of the NCPCR (National commission for protection of child right) and SCPCR (state commission for protection of child right) including parents, teachers, and SMCs. In such a condition investigator finds that the proper protection of child is not being implemented properly.

**Teacher training:** The RTE Act emphasis of qualified teachers in the schools and also makes way for teachers to receive in service training with in 5 years in order to acquire requisite certification. Trained teacher with content knowledge and experience have been important factors for teaching effectiveness. The teacher having requisite training is more systematic and logical towards their teaching style. The investigator found that most of the government schools had the qualified teachers but they are very much unaware about the provisions of RTE act which is need of hour.

The RTE act envisages each state to identify an academic authority that will determine and improve curriculum, evaluation and training. Most of the states including Arunachal Pradesh have notified their State Council of Educational Research and Training (SCERT) as the mandated academic authority though investigator found that many of teachers and parents are unaware of it. The investigator observed that though many of teachers have received training yet there is no mechanism to impart regular training to the teachers there by they do not have any platform to raise their concerns and doubts. Therefore there is need to revisit the minimum qualifications required for teacher and to reexamine both pre-service and in-service programmes in consonance with both the National Curriculum Framework for Teacher Education (NCFTE), 2005 and the RTE Act objectives.

**School Management Committee:** To encourage the broader participation of parents and community in monitoring the school administration RTE act emphasis to constitute a committee known as School Management Committee (SMC) in every school. The act says that 75% of School Management Committee shall be from amongst parents and guardians of children. SMCs are authorized to monitor the performance of school and the use of government grants, and also to prepare school development plans and other functions as prescribed by state government. During the study investigator observed that in some of the schools SMCs play a very pivotal role in school management activities there by cooperating the school authorities in preparing school development plans and executing it. While in some of the schools the Head Teachers shared in informal talks that they are not at all cooperative and neither they are interested in school activities as their wards are not in the school. Moreover in the rural schools most of the parents are illiterate and just for name sake they are SMC members. They are not interested to come in school for them coming in school means losing of the day rather they would engage themselves in other activities. On the other hand the study shows that communities can have very positive impact on school activities. The

investigator observed that some of the schools have best infrastructures and facilities and well disciplined teachers in the schools where the communities have strong involvement in the school activities.

**No detention policy:** No detention policy of RTE Act is being emphasized in the section 16 of act which prohibits holding back and expulsion of a child from school till the accomplishment of elementary education. It does not mean that children's learning will not be assessed. The RTE Act had made provision of continuous and comprehensive evaluation (CCE) procedure which enabled the teacher to assess the child's learning and performance in a constructive way. Several states including Arunachal Pradesh also implemented CCE pattern as per their understanding. But as the investigator observed, in the name of CCE the schools were conducting activities just to keep children busy without actual learning. The result as investigator observed that even some student of class VI and class VII students do not know how to read and write. They were just passed or promoted through CCE evaluation pattern in the class. The investigator observed that the explanation given by teachers were that whether student learn anything or not they are going to be promoted to next class as per CCE norms and more over student's mind is also pre-set that they will be promoted to next class even if they do not attend class or not appear for exam. Later on in 2017, the CCE system was cancelled for students appearing in class 10 Board Exam for 2017-18, bringing back the compulsory Annual Board Exam.

**Parents Perception:** The investigator observed that in rural schools most of the parents are illiterate and are unaware about the free and compulsory elementary education system. Even they do not bother about the education of their wards. They just know that their child is going to school except that they are totally ignorant whether their child is learning anything or not. But in urban schools parents are more aware and they expect that government schools should also provide good education to their children as like in private schools. In informal talks with parents they share that since they are poor so they send their child to government schools otherwise they would also prepare private schools for their child. Many of the parents share that in government schools classrooms are not cleaned regularly, classes are not held regularly. Teachers are irregular in the school. They feel that effective teaching method should be provided such as use of visual aids, regular class tests, sufficient lab equipments, computer classes, vocational work for students and continuous feedback to the parents. Many of the parents say that their children are not satisfied with the school as there is poor infrastructure, no electricity, no regular teaching and no curricular activities etc.

**Children's Perception:** The investigator observed that most of the children are unaware of the RTE Act except that there is no punishment system for students. Most of the school students reported that their school infrastructure is very poor even some of the students reported that they do not have sufficient classroom for each and every class. They also reported irregularity of teachers in school. They also reported

that Head teacher and teachers does not even motivate the students. The investigator while informal interactions with students came to know that many of the schools rarely provide mid-day meal in the school. But interestingly investigator also observed that majority of the students are very innocent knowing about their future just enjoying the time with their friends in the school and do not bother whether teacher comes or not they just enjoys the moment in school.

**Suggestions and Recommendations:** As it was found that large section of parents, students and even teachers are unaware about the RTE Act and its provisions therefore it is very much necessary to create mass awareness among these sections through seminars, workshops and various other orientation programmes by implementing authorities.

As per the act, the schools should have basic infrastructures for cordial learning environment but still most of the schools of Papumpare district are lacking requisite infrastructures. Government should immediately arrange sufficient infrastructure and other related facilities like safe drinking water, separate toilet for girls and boys.

In order to provide supplementary support to needed children bridge course should be immediately introduce in the schools to equalize pupil on learning scale.

There is very much necessity of pre-nursery or classes before class I as most of the students are from lower economic group as it takes time to make them understand the subject. Government should arrange this facilities so that it helps them to grasp the teaching easily.

In order to make classes interesting interactive teaching should be held with use of visual aids, globes etc. There should be Co curricular activities, games; dance, fine arts, quizzes and excursion should be made as part of teaching methodology. This will help students towards personality development and will attract students towards the school.

As per the study it was found that some of the SMCs do not play their required role due to unawareness or illiteracy. The concern authority should provide experts to the school authorities to deal such problems or organize various orientation programmes for the concern peoples.

There should be a mechanism to train the teachers in regular intervals so that teachers are up to date towards new pace and advances in their subjects. Formation of a special organization is the need of hour for professionalizing teaching and constant updating of teaching activities.



## Conclusion

RTE act has been implemented towards providing quality elementary education to all in letter and true spirit. As per investigation by the investigator most of the schools have been able to fulfill the need of basic infrastructure except few. But in the case of curriculum activities, teachers training and other issues they are lagging behind. The investigator found that in reality there has been some progress only in terms of infrastructure development and enrollment of students in the schools. But in terms of providing quality education Papumpare district in particular and state in general has to go a long way. Further findings show that most of the parents, students and teachers are aware about RTE act that there is provision of free education but they lack the understanding about the benefits that RTE provides for quality education. Therefore all section of society should be made aware about provisions and benefits that RTE provides.

Concerted efforts should be given to forge partnerships among school functionaries, voluntary agencies, parents, states and various stake holders for successful implementation of RTE Act in the state and districts.

**Scope for further research:** The findings of the study are concerned only to Papumpare district so it does not reflect the status of implementation of Right to Education Act all throughout state of Arunachal Pradesh. However, some of the important issues of RTE Act have been discussed. The future researchers can conduct research by enlarging sample size. Different district of states can be taken as sample for examining the status of the implementation of RTE Act in the state. Present study can be used as first hand information for future researchers and officials may refer this study for better implementation of RTE Act towards providing quality education to all children.

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