



## Right to Education Act 2009: Its Basics Provision and Challenges

Dr. Vikash, “Lecturer Political Science Deptt. Of Education Haryana”

**Abstract:** In the present study an attempt has been made by the investigators to study the attitude of secondary school Teachers towards the “Right to Education Act, 2009 or RTE Act, 2009” and how far the various aspects enshrined in this act are possible to implement in the field of school education according to the teachers’ view. This study was conducted in the district of Purulia, West Bengal. The investigators have used Descriptive Survey method for the present study. The sample consists of 150 Teachers from 30 (Thirty) selected secondary schools which are situated in the district of Purulia, West Bengal. The Purposive sampling technique has been used for the selection of sample. The investigators have developed one Questionnaire by themselves to measure the attitude of Teachers towards the Right to Education Act, 2009 and its practical implementation in school education. The investigators analyzed the data item wise by using simple percentage technique. The overall results indicate that the attitude of secondary school teachers was different with different items. It is reflected through the present study that the Secondary School Teachers have given their opinion in favor with the few items related to RTE Act, 2009 and also given their opinion in not favor with the few items related to RTE Act, 2009.

**Keywords:** Attitude, Teachers, Right to Education, RTE Act (2009), Basic Provisions, Practical Implementation, School Education.



**Introduction:** India is a largest democratic country in this world with the 1.21 crores people (Census Report of India, 2011). But one of the major problems of this country is that 42.1% of people are suffering from inequality in education here (United Nations Development Programme - UNDP, 2014). For this reason, the position of India (India’s HDI Rank-135) is too behind than the other developed countries like, U.S.A., Japan, and China in respect to Human Development Index (HDI) (UNDP, 2014). After 68 years of independence, India is not able to provide minimum level of education to its all citizen till now. According to the Indian Census Report (2011), only 74.04 % people are literate in India. It means that almost 25.96% people are illiterate in our country India still now. In this background, the Right to Education Act (2009) has



taken by the Indian Government is a historical and significant initiative which already begins to give pace in the Indian education system since April 1, 2010.

**Historical Background of the RTE Act (2009):** After independence, Article 45 under the newly framed Constitu[10] Mohini Jain Vs. State of Karnataka AIR1992 SC 1858tion stated that the state shall endeavour to provide free and compulsory education to all children until they complete the age of fourteen years within a period of ten years from the commencement of this Constitution. 86th Amendment Act (2000) via Article 21A (Part III) seeks to make free and compulsory education a Fundamental Right for all children in the age group 6-14 years. The amendment also introduced a new article 21 A, which imposes a duty on parents and guardians to provide their children with educational opportunities. In October, 2003 a first draft of the legislation envisaged in the above Article, viz., Free and Compulsory Education for Children Bill, 2003, was prepared and posted on this website in October, 2003, inviting comments and suggestions from the public at large. In 2004, subsequently, taking into account the suggestions received on this draft, a revised draft of the Bill entitled Free and Compulsory Education Bill, 2004, was prepared. In June, 2005, the CABE (Central Advisory Board of Education) committee drafted the 'Right to Education' Bill and submitted to the Ministry of HRD. MHRD sent it to National Advisory Committee (NAC) where Mrs. Sonia Gandhi is the Chairperson. The National Advisory Committee (NAC) sent the bill to Prime Minister of India for his observation. The finance committee and planning commission rejected the Bill citing the lack of funds and model bill was to states for making necessary arrangements (Post- 86th amendment, States had already cited lack of funds at State level). This was revised and became an Act in August, 2009 but was not notified for roughly 7 months. The Right of Children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from that day the Right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighbourhood. For the first time in the history of India it is made a right enforceable by pitting in Chapter 3 of the Constitution as Article 21. This entitles children to have the right to education enforced as a fundamental right. Now every child between the ages of 6 to 14 years



has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee. ‘Free’ means as removal of any financial barrier by the state that prevents a child from completing eight years of schooling. ‘Compulsory’ means compulsory admission, attendance and completion of elementary education. ‘Compulsion’ means as compulsion on the state/ local bodies, rather than targeting parents, fundamental duty of parents to send their children to schools.

**Basic Provisions made in the RTE Act (2009):** In 2009, Indian Government has adopted the ‘Right to Education Act’ to ensure the Free and Compulsory Elementary Education for every child between the age group of 6-14 years by mentioning so many basic provisions. Few important basic provisions of the RTE Act (2009) has mentioned below:

1. It is included in the fundamental rights of Indian constitution in Article 21A inserted by the 86th Amendment in December, 2002. The provisions of the Act came into force from 1st April, 2010.
2. The name of the Act is “The Right of Children to Free and Compulsory Education Act, 2009”.
3. It shall extend to the whole of India except the State of Jammu & Kashmir.
4. It is an Act to provide for free and compulsory education to all children of the age of 6-14 years i.e. from Class I to VIII.
5. Both the Central and State Government will share the financial and other responsibilities.
6. The local authority like, Municipal Corporation, Municipal Council, Zilla Parishad or Nagar Panchayat or Panchayat maintain records of children up to the age of fourteen years residing within its jurisdiction and ensure admission, attendance and completion of elementary education by every child.
7. The local authority shall ensure admission of children of migrant families.



8. It shall be the duty of every parents or guardian to admit or cause to be admitted his or her child or ward to an elementary education in the neighbourhood school.

9. The private school managements have to take at least 25% of the class strength should belong to the economically weaker sections (EWS) in the neighbourhood at the time of admission in Class-I and provide free and compulsory elementary education till its completion.

10. No capitation fee and screening procedure for admission in elementary classes and no child shall be denied admission if he or she is entitled to take admission according to the provision of the Act.

#### **Some of the Highlights of the Historic Right to Education Act:**

- Every child in the age group of 6 to 14 years will have a right to free and compulsory education in a nearby school.
- Private and unaided educational institutes will have to keep 25% of the seats for students belonging to the weaker sections.
- No child would be failed or expelled and will not be required to pass any board examination till the age of 14.
- All students who complete their elementary education will be awarded certificates.
- Financial burdens will be shared between the center and states.
- Infrastructure of schools will be improved; Recognition will be subject to improvement.
- Quality of education will be improved.

**Scope of the Study:** The Haryana State has been selected as the locale of the study. Right to Education act has been passed in 2009. Hence, the time period of study is 2016-18. This will allow bringing out the provisions, challenges, and the answers to research questions involved within.

**Research Methodology:** The study is based on Primary and Secondary data. Various techniques of data collection such as observations, interviews and online questionnaires were administered. The random sample of 200 people mainly educational administrative authorities, principals, teachers of primary schools was interviewed. Online questionnaires were administered on the



service class people. The sampling used is random and convenient sampling. Published reports, news reports of news channels, articles in journals and newspapers, websites, blogs were used.

### **Findings:**

**Age Group in RTE:** RTE talks about the age group which starts from the age 6. However, in India the elementary education starts with the age of 2 and half years of age. The schools take the kids in pre-nursery if they are three years of age. A child who has an early schooling since the age of 3 will be far ahead from the child who enters the school at the age of 6. Therefore, the act does not take care of the age below six. The age taken can not be justified and right. The act should be reviewed again and the age should be revised in this regard.

**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 center 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 center and a situation of dispute has raised between the center and the states. The state of Orissa wants the same status as by the North Eastern states with respect to the Act. The achievement as far as the financial matters are concerned largely depends upon the co-operation between the states and the center. It has been reported that the striving project is already falling short of around Rs.7, 000 crore in the very commencing year. In view of the fact the Act involves improving the infrastructure of schools, training of teachers, creating more facilities in the schools besides the manifold increase in intake, big investments would be involved and it is an uphill task to predict how the economics of it all will be worked out.

**Challenge to Provide Infrastructure:** The survey done in the Government Primary Schools of Mohali city schools revealed that there are no basic facilities provided to children. The students sit on the floors and there are no separate toilets for students in the school. The principal does not have a separate office. No separate kitchen to prepare mid-day meals could be seen in all of the primary schools. Another survey on 'Elementary Education in India', conducted by the National



University of Educational Planning and Administration (NUEPA), add to the fact that almost half of the recognized elementary schools in the country do not have separate toilets for girls. This brings out the sorry picture of India's schools are in. To achieve requisite infrastructure that the Act expects is a great challenge to provide. The Act also demands that the buildings of all the schools should be weather proof. Basic facilities of drinking water, playground for kids, and barrier free entries are also lacking in most of the government schools. Also the teacher pupil ratio should be 1:30, which is not there. It has been reported that only about 40% of the schools have ramps. The current scenario seems that to provide the necessary infrastructure to the schools is a great challenge. There is no clear demarcation between the responsibilities of the center and state and it seems to be a challenge to work out the details.

**Enforcement of 25% Quota for Weaker Sections:** The act gives a clause of reservation of 25% of seats for weaker sections by private unaided schools turns out to be a boon or a bane. By this clause the government itself accepts that the government schools are not capable of giving good quality education. Meanwhile, confront is to define weaker sections. The malpractices can creep in through this mechanism. A well monitored mechanism needs to be set up to ensure its fair implementation of the clause. Also, it is tough task to bring together children from varying economic and social backgrounds on the same platform. The interviews with the parents of slum near Chandigarh (Janta Colony) revealed that they would like to avail this Right and put their child in a good private primary school it was found that they preferred private school, as they feel that they provide better education and infrastructure, However, the working maids in Delhi prefer government schools, the reasons which had been observed were that being illiterate, making the certificates to prove the weaker section, was a hassle for them and moreover they were not comfortable in putting their child in such a vast economically different environment plus they feel that the teachers and the principals themselves actually do not want to give admissions to their wards and if forced to give admissions to their children they are not given due respect and love by the teachers and class mates, so to avoid any mental pressure or agony, the poor still prefer government schools. It would indeed be challenging for the teachers to maintain equilibrium and create an environment for them to blend together.



**Challenge to Bring Child Laborers to Schools:** RTE has become a fundamental right of each and every child, therefore, the children who are out of schools and are child labours should be brought back to schools. There are more than 12 million children in India who are engaged in child labor according to official figures. The act brings India in the same league as USA and 130 nations which have the concern for right to education. Therefore to be up to mark with this nations India has to work hard for this child labor issue and providing education.

**Suggestions:** The above discussion brings that that it is a great responsibility for government to shoulder if the promises of the acts to be kept. Some suggestions in this regard have been put forward.

**Provision of Infrastructure in Schools:** The government should give the time based projects. First the government should invest in the building and infrastructure and then open a school. But here it is different. The school appears in papers and files first the building appears years“ later. The other solution is that the government has many good government senior secondary schools like central schools, Jawahar Navodaya Vidyalayas and other government senior secondary schools with better infrastructures. These buildings can be used for primary schools. The shifts can be made for the school timings. The 11th and 12th class can have evening shifts. This can save a lot of investments to be made in the infrastructure of government primary schools.

**The Regional Balance in Opening New Schools should be Maintained:** The government schools should be opened where they are needed very much. An imbalance can be seen in the rural and urban sector of the school. For example in Mohali, Chandigarh and Dehradun city, one can find many government and private recognized school within the range of 1 Km, whereas you can not find a good school in the remote rural areas of India. The government primary schools in these areas are in very pitiable conditions. The government can take care of this regional imbalance while opening or giving recognition to these schools. The government can instruct private sector to come forward to open the schools in the remote rural areas where the schools are far. It will solve the purpose of imparting quality education in the far furlong areas as well. The schools should be only there where they are needed i.e. remote rural areas to vanish the regional imbalance in imparting the education.



**The Teachers of Primary School Should be Free from Extra duties:** According to the teachers of primary schools in Mohali city the teachers are involved in many other duties other than teaching for example, the maintenance of building, to supervise the construction work and supply of the material, to check the preparation of mid day meal and to send the correspondences. All these disturb the main function of the teachers. Their main duty is to provide education to the children. Therefore, it is suggested that the teachers should be involved into their basic duties of imparting education.

**Active Youth, NGOs and Civil Society’s Participation:** The awareness through civil society, youth, and NGOs has to be made for the weaker section to avail the rights and to accept them as a part of our society. All of us have to accept them with open heart to study with our kids” disregard of the fact of their socio economic background.

**Conclusion:** Therefore, in the concluding remarks it is wished to state that passing an act is not sufficient. The need of hour is to implement and monitor the act properly. The consistent monitoring and intention of the political will is a must to make it successful. According to the UNESCO’s „Education for All Global Monitoring Report 2010“, about 135 countries have constitutional provisions for free and non-discriminatory education for all. The much awaited Right to Education (RTE) Act which has been passed by the parliament of India should play an important role in achieving universal elementary education in India. The success and failure of RTE would largely depend on consistent political attention. Budgetary allocation of funds should be sufficient in this respect. The youth and civil society in India should come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils. Social inequalities and monopolization by any group should not be permitted at any cost. Education which is free of cost up to a certain age must be accessible to all. . The right to education is a fundamental right and UNESCO aims at education for all by 2016. India along with other countries of the world should also put sincere efforts to make this goal a real success.

**References:**





- [1] Becker, G. and N. Tomes “Human capital and the rise and fall of families”, Journal of Labor Economics, 1986, 4, S1-S39.
- [2] Chevalier, A. Parental Education and Child's Education: A Natural Experiment, IZA Discussion Paper No. 1153, May 2004,
- [3] Dreze, J. and Amartya, S. India- Economic Development and Social Opportunity, New Delhi: Oxford University Press 1995.
- [4] Government of India, RTE Act 2009.
- [5] Government of India, Ministry of Human Resource Department, Department of School Education and Literacy, Department of Higher Education, Annual Report, 2006-07.
- [6] Government of India, Education in Eleventh Five Year Plan, 2007-12.
- [7] Mohini Jain Vs. State of Karnataka AIR1992 SC 1858.