

A STUDY OF RIGHT TO EDUCATION ACT 2009 IN INDIA: PROGRESS AND CHALLENGES.

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ASBTRACT:

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 Universalisation 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. This year, we have completed over six years since the act came into effect on 1st April 2010. The present paper examines the progress and performance of right to education act 2009 in India during the period from 2010-2011 to 2015-2016. It also through light on the issues and challenges in implementation of RTE Act. The paper ends with some important suggestions to reform elementary education in the context of right to education.

Keywords :

Right to Education, Elementary Education, Universalisation of Elementary Education.

Introduction:

Education is globally recognized as a fundamental human right and people with access to education can develop the skills, capacity and confidence to secure other rights. The right to education thus acts as an enabling right that functions as the voice through which rights can be claimed and protected. It is therefore an important stepping stone to improve the socio-economic situation of the people. Globally, right to education derives its legal basic from Article 26 (1) of the Universal Declaration of Human Rights (UDHR) which states that 'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory'. The International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by the United Nations in 1966, also recognizes everyone's right to education. Article 13(2) of ICESCR requires parties to the covenant to recognize that primary education will be compulsory and available free to all to achieve its realization. Various constitutions around the world recognize the universal nature of the right to Education. (The Czech Republic, Nigeria, Spain, Uganda, etc). However, constitutional provisions of providing free and compulsory education vary across countries in terms of specific segments (Primary level-Croatia, Turkey and Kuwait; basic education- Spain and Sweden; secondary level – the Czech Republic and Latvia).

Ever since Independence, India has Undertake several initiatives to achieve universalisation of elementary education, which has yielded mixed results. The right to Education legislation in India has seen a chequered history in evolving from a directive principle to a fundamental right. In 1950, the constitution articulated its commitment to education through its Directive Principles of State Policy. The 86th Constitutional Amendment was followed by multiple rounds of discussions (tabling of right for free and compulsory education bills by the NDA and UPA governments), which made education a fundamental right for children in the age group of 6 to 14 years.

The Act was introduced in Rajya Sabha in December 2008. It was passed in the Lok Sabha on 4 August 2009 and the president gave his assent to it on 26 August 2009. The Act came into force on 1 April 2010 as a fundamental right in India. 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 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 Universalisation of Elementary Education which emphasizes access, equity and quality. The act is a legal document divided into six chapters elaborating various aspects of the issue.

The salient features of the Act:

The salient features of the Act may be summarized in the following paragraph;

- Free and compulsory education to all children of India in the 6 to 14 groups;
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education;

- A child above six years of age has not been admitted in any school or though 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; provided that where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training, in such manner 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 still completion of elementary education even after fourteen years;
- Proof of age for admission : For the purposes of admission to elementary education. The age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Birth, Deaths, and Marriages Registration Act, 1856 or on the basis of such other document, as may be prescribed. No child shall be denied admission in a school for lack of age proof;
- A child who completes elementary education shall be awarded a certificate;
- Cause for a fixed student-teachers ratio;
- Will apply to all of India except Jammu and Kashmir;
- provides for 25 percent reservation for economically disadvantaged communities in admission to class one in all private schools;
- Mandates improvement in quality of education;
- School teachers will need adequate professional degree within five years or else will lose job;
- School infrastructure (Where there is problem) to be improved in three years, else recognition cancelled;
- Financial burden will be shared between state and Central government;

Objectives of the Study

1. To study the progress and performance of Right to Education Act 2009 in India.
2. To study the Issues and challenges in implementing Right to Education Act 2009 in India.
3. To suggest some strategies for, better implementation of the recommendation of Right to Education Act 2009.

Research Methodology :

The research has been commenced to find out the significance of RTE Act 2009 towards a Comprehensive progression in the country. The present study has been done form the data collected form secondary sources. The data is collected from different, magazines, journal, articles, text and websites linked to Elementary Education and RTE Act 2009 form 2010-11 to 2015-16, in the country. The data required for the study has been taken from the website of National University of Educational Planning and Administration (NUEPA) WWW.nuepa.org. The interpretation of the research is done through percentage method. The analysis of the study led to the suggestions and conclusion of the research. Giving more importance to the main objectives of the research, the study is divided into the components of Right to Education Act 2009 towards Comprehensive progression

such as, schools, Enrolment, Teachers, School infrastructure.

Data Analysis and Interpretation

>School Related Indicator :

Table 1 : illustrates the details of the schools based indicator at elementary level in India. After implementing RTE Act 2009 the number of schools imparting elementary education has registered a significant hike. From 1362324 schools in 2010-11, their number has increased to 1448712 in 2013-14 but decreased to 1445807 in 2014-15 and further increased to 1449078 in 2015-16. The percentage of single-classroom schools and single-teacher schools during 2010-11 to 2015-16 declined from 6.47% to 4.20% and 8.86% to 7.50% respectively. Primary schools with student-classroom ratio greater than 30 was 25.74 in 2015-16 compared to 38.66 in 2010-11. Similar is the case for upper primary schools with student classroom ratio greater than 35. A marginal improvement is seen, form 31.44 in 2010-11 to 28.01 in 2015-16. The percentage of schools with pupil-teacher ratio greater than 30 at the primary level has shown significant improvement, form 42.44 in 2010-11 to 25.93 in 2015-16. State like Bihar at (62.92), Delhi (42.92), Jharkhand (41.23), and Uttar Pradesh (57.70) shows more than 40% of primary schools having PTR above 30. At the upper primary level, percentage of schools having pupil-teacher ratio above 35 is decreased to 13.46 compared to 31.32 for the year 2010-11.

Table 1: School Related Indicator

Sr. No	Indicator	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1.	No. of schools	1362324	1412178	1431702	1448712	1445807	1449078
2.	% of single-classroom schools	6.47	5.83	5.28	4.90	4.41	4.20
3.	% of single – Teacher Schools	8.86	8.31	8.65	8.32	8.07	7.50
4.	% of p. School with SCR>30	38.66	37.16	33.53	30.18	27.51	25.74
5.	% of u.p. School with SCR>35	31.44	30.32	32.18	30.76	28.96	28.01
6.	% of p. School with PTR>30	42.44	40.84	37.02	29.90	27.11	25.93
7.	% of u.p. school with PTR>35	31.32	30.77	27.46	15.35	14.11	13.46

Sources : DISE report 2010-11 to 2015-16.

>Enrolment related Indicators :

Table No.2 shows that the enrolment related indicators at elementary level in India. The RTE Act has been able to bring an improvement in the enrolment in the primary and Upper Primary level. The

enrolment in primary classes increased from 135.21 million in 2010-11 to 137.10 million on in 2011-12 and thereafter it is showing a decreasing trend. It decreased to 134.78 million in 2012-13 to 132.43 million in 2013-14, to 130.50 million in 2014-15 and 129.12 million in 2015-16. At upper primary level the enrolment increased consistently from 57.84 million in 2010-11 to 67.59 million in 2015-16. Percentage of girls enrolment shows a decreasing trends, however decrease is only marginal. At primary level, it decreased slightly from 48.41 (2010-11) to 48.19 in 2014-15 and to slightly increased to 48.21 in 2015-16. At upper primary level, it slightly increased from 48.39 in 2010-11 to 48.77 in 2012-13 and to slightly increased from 48.66 in 2013-14 to 48.63 in 2014-15 and it remained the same in 2015-16. Also, the gender parity index has decreased from 0.94 in 2010-11 to 0.93 in 2015-16 at primary level and it increased from 0.94 in 2010-11 to 0.95 in 2015-16 at upper primary level. At the elementary level, the share of SC and ST enrolment with respect to total enrolment in 2015-16 workout to 19.78 and 10.35 percentage respectively. The share of OBC enrolment in the elementary level across the country is 45.08 percent. In 2015-16, the Muslim enrolment at elementary level is reported to be 13.80 percent. The average annual dropout rate decreased from 6.76 in 2010-11 to 4.13 in 2015-16 at elementary level.

Table 2 : Enrolment Related Indicators:

Sr.No	Indicator	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1.	Total Enrolment Primary	135.21	137.10	134.78	132.43	130.50	129.12
2.	Total Enrolment Upper Primary	57.84	61.95	64.92	66.47	67.16	67.59
3.	% of Girls to Total Enrolment in Primary	48.41	48.35	48.36	48.20	48.19	48.21
4.	% of Girls to Total Enrolment in U. P.	48.39	48.63	48.77	48.66	48.63	48.63
5.	Gender Parity Index primary	0.94	0.94	0.94	0.93	0.93	0.93
6.	Gender Parity Index Upper primary	0.94	0.95	0.95	0.95	0.95	0.95
7.	% SC to Total Enrolment	19.06	19.80	19.96	19.72	19.80	19.78
8.	% ST to Total Enrolment	10.70	10.92	10.80	10.63	10.47	10.35
9.	%OBC to total Enrolment	40.14	42.94	43.15	44.21	44.53	45.08
10.	% Muslim to Total Enrolment	12.50	12.79	13.52	13.73	13.77	13.80
11.	Dropout Rate	6.76	6.50	5.62	4.67	4.34	4.13

Source : DISE Report 2010-11 to 2015-16.

>Teacher Related Indicator :

Table No.3 Shows that the teacher Related Indicator at elementary education in India. The total number of teachers in 2015-16 suggests that about 8.08 million (6.40 million in the year 2010-11). Teachers are engaged in teaching in schools imparting elementary education across the country. The data also shows appointment of a large number of teachers across the country consequent to the RTE Act interventions. About 13.18% of the total teachers in 2015-16 are contractual teachers across the country. Increasing in the number of teachers is also reflected in the Pupil-Teachers ratio which has shown consistent improvement. During 2015-16, at the primary level PTR was 23 students per teachers while at the upper primary level it was 17. The percentage of teachers received in service training was 29.6 in 2010-11 and it is decreased to 14.9 in 2015-16.

Table No. 3 : Teacher Related Indicator :

Sr. No	Indicator	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1.	Total No. of Teachers	6.40	6.69	7.35	7.72	7.96	8.08
2.	% of contractual Teacher to total Teachers	11.22	12.16	7.20	6.45	13.64	13.18
3.	Pupil-Teacher Ratio Primary level	32	31	28	25	24	23
4.	Pupil-Teacher Ratio Upper Primary level	29	29	25	17	17	17
5.	% of Teachers received In service training	29.6	34.2	25.8	22.0	18.3	14.9

Source : DISE Report 2010-11 to 2015-16

>Infrastructure facilities in schools :

Table. 4 Suggests there has not been a considerable improvement in the infrastructure facilities in elementary schools in India from 2010-11 to 2015-16. after the implementation of the RTE Act. Facilities like boundary wall, drinking water, Ramps, Library, Playground and kitchen shed have not improved as per standards. The percentage of schools with electricity connection and computers have also not seen much increase. There has been significant increased in the percentage of school that are equipped with toilets for girls and boys students from 60.28% and 42.59% in 2010-11 to 97.58% and 97.07% in 2015-16 respectively. Though basis infrastructure has improved in elementary schools in India, the pace has been very slow and a lot still needs to be done to achieve the set standards.

Table No. 4 : Infrastructural Facilities in schools :

Sr. No	Indicator	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1.	Boundary wall	55.41	58.16	59.48	61.87	64.50	64.89
2.	Drinking Water	92.71	94.45	94.87	95.31	96.06	96.76
3.	Girls Toilet	60.28	84.48	88.29	84.63	87.08	97.58
4.	Boys Toilet	42.59	81.14	67.08	94.45	95.43	97.07
5.	Electricity Connection	42.75	47.11	49.92	51.74	58.93	61.67
6.	Computers	18.70	20.53	22.09	23.30	25.23	25.97
7.	Ramps	50.39	53.43	55.09	82.33	77.37	82.60
8.	Library	57.25	53.86	68.95	76.13	82.06	82.69
9.	Play ground	55.03	56.10	56.58	58.05	59.79	60.36
10.	Kitchen shed	36.11	40.95	60.43	74.92	77.37	80.02

Source : DISE Report 2010-11 to 2015-16

Challenges in Implementation of RTE Act 2009 in India :

Population and economy : The most important factor that effects the implementation of RTE is fast growing population and slower growing economy. Due to increasing population the poor people is not able to fulfill the basic needs of his family. So in order to increase the economic/ financial position, he forces his child for laboring. These types of children are those who have never enrolled in any school. But the question is that if these children have never been enrolled in school, how have they been counted.

Illiteracy of parents : To know the importance of education for the upliftment of human life, every parent should be literate. Because large amount of population is illiterate and not aware of the value of education for his life, many people is missing the opportunity of right to education. Though the bill prohibits any person from preventing the child from going to school, it has ignored the reality of the majority of poor children who are employed in agriculture sector and bear the burden.

Lack of Awareness : Our government has passed the bill quite enthusiastically, but most of the teachers, educators and other social activities and the common man are not aware of the salient features of this act. How they can fulfill the target given in this bill. Also the poor people are not aware of the right to education. So they cannot guide their child in education field. Due to the lack of awareness, this act is not useful to these people. So RTE is not reaching to these people who are not aware about it.

Lack of Schools : In RTE, all the children are supposed to be admitted in nearby schools. In backward areas, there is no facility for education so from these areas children cannot get education. Large distance between the school and home also create problem for the children. In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the government should locate the school in such a manner as to avoid such danger.

Lack of trained teachers : For disable students, special facilities and special trained teachers are required. Regular teacher are not sufficient for children with disability because of the lack of aware of the concept of disability and education of special children. So the disabled children will be deprived of this opportunity. The elementary education part of our system already suffers from shortage of teachers and a fairly large number of teachers of this segment are untrained. To get trained and qualified teachers within stipulated period is not only going to prove a Herculean task but appears to be almost impossible. A gradual and systematic influx of teachers would have been better approach.

Unavailability of 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 Lab, languages lab 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.

Lack of Infrastructure : The Act will monitor the infrastructure in school including the number of classroom, Separate toilets for girls and boys, facility of drinking water, kitchen for mid-day meal, play ground and barrier free access for physically challenged students. But after six year implementing RTE Act. Thousands of schools still do not have required infrastructure.

Enrolment : A reality check the implementation of the act reveals that still near about 50% of the total enrolled children do not remain present at a given point of time in the school as also indicated by DISE 2015 whose data shows a vast gap between gross Enrolment Ratio (a high 98% at the primary level) and actual attendance of children in schools which remains an abysmal 57% making it hard for the country to realize the objective of universal and compulsory education, while at one hand, we have massive growth in terms of enrolment of children at primary level, on the other hand there are so many examples which manifested adverse picture, similarly if we talk about enrolment in term of government and private schools, we found that to get admission in private school is still, a dream for deprived group of our country.

Pupil- Teacher Ratio : Pupil-Teacher Ratio is one of the key concerns of RTE. An obligatory PTR is prescribed for government and private schools. To maintain PTR as per the RTE norms a large number of teachers are to be recruited, trained and deployed in the schools. As a result around 25.93% of primary schools have PTR>30 and about 13.46% of upper primary schools are having PTR>35.

Lack of Financial Assistance : Amount is required. Our system is severely starved of funds and that it does require huge some, even much above six percent of the GDP for all aspect of educational development.

Recommendations/Suggestions :

In the light of the challenges discussed earlier, following are some suggestions which may be helpful to meet the challenges.

- As stated above, there is acute shortage of trained and qualified teachers and without qualified trained teachers it is almost impossible to equip the children with knowledge. It is therefore

absolutely critical that the Government make clear budgetary provisions to appoint new teachers and impart training to them to make them capable to deliver the knowledge what is really needed in 21st century.

- The RTE Act can only become real when it gives all children, be it the 3-6 age group or out of school children, equal opportunity to realize their fundamental right. It is therefore important for the government to pay more focused attention to pre-school education and to primary education by enhancing financial as well as academic resource to create good quality school accessible to all children.
- 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. It is important to bring them in step in order to avoid confusion.
- Children with disabilities should be provided extra facilities in neighborhood schools and specially trained teachers should be recruited in every schools to provide the right education for all.
- 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.
- Government should immediately take action to ensure all the basic facilities in the school.
- To provide sufficient financial assistance to educational institutions 10% of development funds should be spent on the school education and health of the children.
- Programme should be implementing in phases rather than all at once. To make RTE effective, it should be implemented in phases with close monitoring of effectiveness at every stage.
- To achieve the goals of free and compulsory elementary education, it is of up most importance to develop curricula that is responsive to changing needs and facilities the incorporation and integration of new content areas related to, science, Technology, Population and the Environment.

Conclusion :

The present study makes an attempt to assess the progress and performance of the Right to Education Act 2009 in India during period of 2010-11 to 2015-16. The study mainly focused on school related indicator, enrolment related indicator, teacher related indicator and infrastructural facilities at elementary stage. The trends relating to the enrolment of children at the primary level showed that it was not commensurate with the growth of population in the relevant age group, not with standing the fact that universalisation of elementary education has been the avowed objective of the government. The quantitative growth of enrolment has been faster in the case of girls than in the case of boys throughout the period of six years in both primary and upper primary education. Besides, the enrolment of students has increased at a higher rate than the number of schools and teachers.

To reflect upon the quality of education the study examined at student-teacher ratios. Let it be told that the significance of teachers has been increasing over time and this should contribute positively to growth and development of children.

The expansion of primary education had been the highest during six years in enrolment, teachers and schools. One important reason of the downfall in the quality and standard of school education during the recent years may be the uneven growth of enrolment, number of teachers and number of schools, the enrolment growing faster than the other two. As a conservative estimate, the population of children in the age group 6-14 years, at present may be about 204 million of which about 197 million (2015-16 estimate) might be attending elementary school. This leads to the conclusion that about 7 million children are still out of school, which constitute about 3 percent of the relevant age group.

According to the present study, India has not been able to achieve the goal of the Universal Elementary Education(UEE) as guaranteed in Article 21-a of our constitution. Though, there has been a massive expansion of schooling facilities during the last six years, the goal has moved farther with the number of out of schools children increasing. Moreover, there are glaring disparities in what has been achieved, which are based on cast, sex, religion and rural-urban areas. There are good reasons to believe that India will not be able to achieve this goal of UEE even by 2030 Unless some effective and efficient alternative strategies are planned and implemented.

The above data and analysis clearly indicate that the present infrastructure facilities for the children in the context of the right to education are inadequate. It may be emphasized that the number of facilities in the public sector schools be diversified with adequate training facilities for the teachers along with legal provisions for educational opportunities for the children in all schools including the private schools in India.

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