

Implementation of Right to Education in India: Issues and Concerns

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Abstract

In the present age of globalization and technological developments, the paramount prerequisite for endurance in society is education as it plays pivotal role in the process of overall growth of human beings. Thus to strengthen the position of education in a more organized manner, the government of India took an essential initiative through the enactment of the 86th Constitution Amendment Act. This attempt aimed to achieve and facilitate the realization of free and compulsory education to children between the age of 6 and 14 years as a fundamental right. Despite the amendment, the present system is facing wide ranging problems, which in turn is hampering the spirit of enactment. The article analyzes and evaluates the initiative of Right to Education in India, with the compliance of the 86th Constitutional Amendment Act. The article finds that although this attempt has shown benefits, there are serious barriers and roadblocks in way desired objectives of 86th Constitutional Amendment Act. These issues need to be addressed on an urgent basis to strengthen the scene of education at the grassroots level.

Keywords: Education, fundamental right, right to education, constitutional amendment.

Context

Swami Vivekananda once said, "Travelling through the cities of Europe and observing in them the comforts and education of even the poor people, there was brought to my mind the state of our people, and I used to shed tears... what made the difference? Education was the answer I got..." Therefore, to a nation education is the best investment on its precious human resource for the all-round development of its people. And it is for this reason that founding fathers of our Constitution had laid down the provisions pertaining to education in the constitution itself. Education is the corner stone of the cultural edifice of a nation; it is a pacesetter for cultural resurgence and socio- economic transformation. The fundamental purpose of education is to transform human personality into a pattern of perfection through a synthetic process of the development of the body, the enrichment of mind, the sublimation of emotions and the illumination of the spirit. Education is a preparation for life and for a living¹. Education is a subject that concerns human beings in all walks of life and has been a felt need through ages of civilization. Being educated means preparing for good citizenship of the country and of the world. It is often said that the destiny of a nation is shaped in its classrooms, laboratories and playgrounds. The axiom was telling put forth,

over two millennia ago, by Aristotle, when he declaimed, "Fate of empires depends upon the education of the youth."

Education acts as a catalytic agent in developing and actualizing the human resource of a country. Education plays an important role in the overall development of a country. Education is a critical factor in improving the quality of life of people, in eradicating poverty and accelerating economic growth. Education has a well-defined role in creating conditions of change. The provision of relevant and quality education is, therefore, a major objective of all national governments. Education is the most powerful tool for the progress of the country and social change. It means knowledge and knowledge itself is power. Education helps an individual in making rational choice and protects them from exploitation. The Right to Education is thus an inalienable human right, a pre-requisite for the defense and enjoyment of all other human rights. Prioritizing Right to Education and its incorporation in national education strategies is therefore important as it is a fundamental right that cannot be forfeited.

Thus, the Right to Education is an inalienable human right, a pre-requisite for the defense and enjoyment of all other human rights. Prioritizing Right to Education and its incorporation in national education strategies is therefore important as it is a fundamental right that cannot be forfeited. Full realization of the right to education is not merely a question of access but a holistic one, encompassing educational quality and the environment in which education is provided as well². It is in this backdrop that the present article analyses and evaluates the Right to Education Act, 2009.

The Right of Children to Free and Compulsory Education Act 2009: Key Features

Seven years after an amendment was made in the constitution, the dream of Free and Compulsory education for all children became a reality in August 2009, when the Parliament passed the Act. With the RTE coming into force, India has joined the league of over 130 countries which have legal guarantees to provide free and compulsory education to children³. The said Act introduced Article 21-A providing for fundamental Right to Education for children aged 6-14 years⁴. It also amended Article 45 which provides that The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years⁵; and also introduced a fundamental duty in Article 51-A for parent or guardian to provide opportunities for education to his child between the age of 6-14 years⁶.

The Act is very comprehensive and touches upon every aspect of education. The broad features include:

- The RTE Act 2009 envisages quality and compulsory education to every child in the age group of 6-14 years in neighbourhood school till the completion of elementary education.
- No child is liable to pay any kind of fee or charges or expenses which may prevent the child from pursuing and completing elementary education.
- The Act also makes provisions for a non- admitted child to be admitted to an appropriate class.
- Action on the part of the government and local authority to establish a school within the limits of the neighbourhood, within a period of three years from the

commencement of this Act: also to ensure and monitor admission, attendance and completion of elementary education by every child.

- With a view to prepare children above the age of three years for elementary education and to provide early childhood care and education for all children until they complete the age of six years, the appropriate government may make necessary arrangement for providing free pre- school education for such children.
- It stipulates that no school should refuse admission to any child on any grounds.
- Any school or person, while admitting a child shall not collect any capitation fee and subject either the child or his/her parents to any kind of screening procedure.
- The Act also provides for adequate number of qualified and trained teachers.
- All the schools to ensure proper infrastructure.
- Maintenance of teacher-student ratio as per prescribed norms, provision of necessary facilities in the schools, student friendly education etc.
- With an aim to promote inclusive growth, the Act also provides for 25% reservation for children belonging to marginalized sections of society.
- There are also provisions in the Act like prohibiting corporal punishment, detention and expulsion till the completion of elementary education.
- The Act provides for the development of curriculum in consonance with the values enshrined in the Constitution and for all round development of the child.
- The curriculum should provide for learning through exploration; building up child's knowledge, talent and potentialities; development of physical and mental abilities to the fullest extent; learning through activities, discovery and exploration in a child- friendly and child- centered manner; making the child free of trauma, fear and anxiety and helping the child to express views freely; comprehensive and continuous evaluation of child's understanding of knowledge.
- Making it a duty of parents/guardians to admit their child, in the neighbourhood school.

Key Issues and Challenges

Psychological Insecurity: There has been a sense of insecurity that has crept into the minds of people from all the sections of society on the clause pertaining to reservation of 25 per cent of seats for children with underprivileged background. While parents have raised their voice against the behavioural traits their child is likely to learn on mixing with children from underprivileged background and the long term impact of such an environment later in life, teachers are worried on the issue of handling children with different academic credentials, home environment and cultural backgrounds and have expressed their inability to do so⁷.

Eyewash: Despite the enactment of The Right to Free and Compulsory Education Act, 2009 which guarantees free and compulsory education, several schools are charging capitation fees for education in pre-primary. They are also interviewing parents and/or children. There have been complaints from parents saying that several schools took their interview and asked questions about their family income, vehicles they owned, income certificates, pan card details and even the size of their flats, one of the schools even asked parents to

get a character clearance certificate from the local police station⁸. Several schools have even demanded donations at the time of admission for the pre-primary admission, and although parents have approached officials, the latter have failed to take any action in this regard.

Quality and Quantity of the Kingpin –The Teachers: The teachers are the kingpin of entire education system and it is this factor on which lies the onerous responsibility of ensuring the effective implementation of RTE Act and given today's complex environment, the diversity and complexity of backgrounds from which students enter in the schools today, this responsibility increases in magnitude⁹. The existing teacher's training and education programs are ill suited to meet the contemporary understanding of students' needs. Given the immense importance of this link, it is ironical that there has been a continuous reluctance on the part of state to respond to this issue with the seriousness it deserves and given the target of RTE, which has to be achieved in five years, it is likely that the quality of teacher's education will be compromised.

Variations across the country: Even after six decades of independence, education still remains differentiated in both qualitative and quantitative terms¹⁰. There are huge differences in access to education across location, economic category, social group and gender which cannot be simplified into public versus private. The differences in the quality of schooling have significant implications not only on the quality of education but also on the chances of entry into higher education and other possibilities of socio economic advancement. All this critically depends on public funding because only then can we ensure quality infrastructure, adequate and adequately trained teachers, other amenities and teaching aids. Ensuring a reasonable quality of education requires not just expanding the system to all children but rather a significant expansion of resources to upgrade the quality of education.

Policy Deficits: The no fail' policy of the RTE Act, according to which no child from Class 1 to 8 will fail irrespective of how poorly he or she fares in exams - as under the Right To Education (RTE) Act it has become a mandatory to pass all students up to middle class. Though various state governments believe that this will increase the literacy rate and benefit unprivileged students, get students enthused about learning rather than simply excelling in exams, many educationists and parents feel it would further lower the standard of education in government schools. Mere declaration of non-detention policy is not enough to eliminate the root cause of stagnation. To make the declaration effective, issues like comprehensive and continuous evaluation, teacher-pupil ratio, training of the teacher, all weather classrooms are addressed and that the objective of education is to produce all-round development of children, besides equipping them with life skills¹¹. Parents are also unsure about how the policy would benefit students and feel that learning to deal with failure is incredibly important in life¹².

Evaluation System: The present evaluation system in the higher education lays emphasis on the development of scholastic aspects at the cost of co-scholastic aspects. Unfortunately, the non-cognitive learning outcomes, which are equally important, are tested neither comprehensively nor continuously. Even the evaluation of higher level cognitive learning

outcomes is often neglected¹³. A continuous and participatory system of evaluation will provide timely feedback to the students for improving their performance and thus provide self-evaluation and self-improvement and in percolating its effect deep down to the primary level.

Pressures and Progress: Under the pressure to meet the national and international commitment, the progress towards universalization of elementary education is being viewed unduly in terms of meeting quantitative targets. There seems to be an inadequate focus on schooling processes and outcomes. Central as well as State governments are heavily preoccupied with reporting the progress in terms of expansion of the schooling facilities and coverage of children in the relevant age group and hence neglecting the qualitative aspects.

Questions Unanswered: A closer look at the fine print of the Right to Education Act highlights the major weaknesses in the landmark law. It is worrying that the authors of the Act have not visualized the long-term consequences of the revolutionary provision of providing 25% reservation to children from the weaker sections. The first big unanswered question relates to the fate of children from the weaker sections after they complete their free elementary education in the elite schools. Predictably, these children will have to leave these schools and slip back to schools of questionable standards, which is bound to be psychologically traumatic. Secondly, the quality of education, the infrastructure, teacher pupil ratio and issues like drinking water and toilet facilities in government schools have also been questioned. Next, the most ambiguous aspect of the RTE Act relates to teaching quality. A shocking aspect of our vital, life-molding primary education is that in most of our six lakh villages, the teaching of children is in the hands of barely educated teachers. Clearly, the RTE Act accords little importance to teaching standards, which is the major shortcoming in our educational system.

Policy Implementation in Isolation: The reason as to why the dropout rate has grown alarmingly after the implementation of the RTE Act and the dream associated with the ambitious RTE Act of bringing in the poor to share the common dream of quality education for children - two years after its implementation still remains elusive for the poor. Instead of imposing the vague concept of education on the children of the poor to show improved statistics, work should first be done to improve their living conditions, for children who lose the earning members of their family; concerns of survival precede the concerns of education¹⁴.

The Textbook culture: The formal school system, denies space to children and teachers to engage with subjective experiences and life as it plays out for the student. The regime of standardization dominates the schooling system and leads to the fragmentation of learner's lives. There is a gap between the world of books and the world a child inhabits. School textbooks are out of sync with the reality a child lives in. The clash between these two worlds produces dissonance. The culture of rote learning and the examination oriented attitude to textbooks dismiss the student's own life world as insignificant. This dominance of textbooks undermines the role of both the teacher and the learner and denies them creative engagement with the learning endeavor. The teacher-child relationship remains

confined in hierarchical terms. All children who come to a learning site should have the opportunity to contribute to the attractions of the space by their conversations and their questions. It is therefore advocated to create learning environments that invite children to share and to create curricula and content that the participating children find enough to connect with, where they feel comfortable enough to express themselves.

The Way Forward...

The Act admittedly has shortcomings and there are some who say that it is wholly inadequate. The RTE Act in its present form will neither promote its prime objective of ensuring completion of elementary education of every child of the age 6 to 14 years nor meet the commitment of ensuring quality primary education and at best, it is just a statement of good intent. Given that the Right to Education has traveled a long and arduous journey, the Act, even in its present form must continue despite its shortcomings. Amendments to it could be sought through concerted effort by education practitioners, civil society and parliamentarians to address gaps and fortify its strengths. Accessing this right meaningfully and in full measure will require, aside from the investment of huge resources, financial and human, a lot of work on the ground level as well. Key to this is seeing free and compulsory education for children not just as a right, but as a duty. It is therefore the duty of the state, parents and guardians, and the community to ensure that all children of school-going age are in school.

The government's intentions of engineering a social revolution by the RTE shall remain a mere wishful thinking if the issues like upgrading infrastructure, enhancing teacher quality and promoting educational attainment in public schools etc. are not addressed. As a society, we need to make a concerted effort to achieve educational excellence, both government and private. Private educators and the government have to work synergistically to loosen the shackles of our strictly stratified society and we cannot overlook the fact that our educational system, both government and private, is in need of serious overhaul.

Notes

¹ Unnikrishnan Vs State of Andhra Pradesh (1993) 1 SCC 645 at p.664, para 10

² Sapna Chadah,(2010), "Operationalising Right to Education Act: Issues and Challenges" *The Indian Journal of Public Administration*, July-September, Vol. LVI No. 3 pp.616-634

³ "India joins the list of 135 nations in making Education a Right", *The Hindu*, April 2, 2010.

⁴ Ins by the Constitution (Eighty-sixth Amendment) Act, 2002, s.9 (w.e.f. 01.04.2010)

⁵ Ins by the Constitution (Eighty-sixth Amendment) Act, 2002, s.9 (w.e.f. 01.04.2010)

⁶ Ins. by the Constitution (Eighty-sixth Amendment) Act, 2002, s. 4 (w.e.f. 01.04.2010)

⁷ Meera Shrinivasan, (2011) "Built in barriers" *The Frontline*.

⁸ "Parents interviewed during pre-primary admissions: PIL", (2011) *Hindustan Times*.

⁹ Padma Sarangapani, (2011), "Teachers First" *The Frontline*.

¹⁰ Jayati Ghosh, (2011) "Funding, The Key", *The Frontline*.

¹¹ Kutubuddin Halder, (1995) "Non detention policy and drop out in primary education", Calcutta University, West Bengal, Calcutta.

¹² Shipra Suri, (2011) "Doubts over success of 'no-fail' policy", *Hindustan Times*.

¹³ G.C.Pradhan,(2002) "Evaluation in higher education: A suggested scheme" *University News*, Feb 25-Mar 3,pp.1-4

¹⁴ "No charity, please! Education is a social commitment" (2012) *The Tribune*

References

- Anderson, James E. (2010). Public policy making. New York: Houghton Mifflin Co.
- Basu, D. D. (2008). Constitution of India, New Delhi: Prentice Hall of India.
- Bhagat, Sharmila. (2008). Investing in children. Yojana.
- Chadah, Sapna. (2010). Operationalizing right to education act: Issues and challenges. *Indian Journal of Public Administration*, July-September 2010 Vol. LVI No. 3 pp. 616-634.
- Dhar, T. N. (2010). Education in India—A brief historical recapitulation: Where do we go from here? *Indian Journal of Public Administration*, July-September 2010, Vol. LVI, No. 3 pp. 598-615.
- Dreze, Jean and Sen, Amartya. (2002). Indian development and participation. Oxford: Oxford University Press.
- Dye, Thomas. (2002). Understanding public policy. New Delhi: Pearson Education.
- Ghosh, Bhaskar. (2005). Education and its priority in development policy. *Indian Journal of Public Administration*, July-September, pp.327-331.
- Ghosh, Jayati. (2011). Funding, the key. *The Frontline*
- Goel, S. L. (1994). Education policy and administration. New Delhi: Deep and Deep Publication
- Govinda, R. (2002). Education for all in India: How far and which way? New Delhi: Oxford University press.
- Govinda, R. (2005). Elementary education: Progress and challenges. Yojana.
- Halder, Kutubbuddin. (1995). Non-detention policy and drop out in primary education. Kolkata: Calcutta University.
- Naik, J. P. (1975). Policy and performance in Indian education. New Delhi: Orient Longman
- Naik, J. P. (1975). Quantity, quality and equality in Indian education. Bombay: Allied Publishers.
- Pradhan, G. C. (2002). Evaluation in higher education: A suggested scheme. *University News*, Feb 25-Mar 3, pp. 1-4.
- Rai, Vinay and Kumar, Narendra. (2010). Right to education: The way forward. Perfect Publications.
- Rao, P. Mohan and Murthy, C. G. K. (2010). Right to education: Investing for a bright future. *Indian Journal of Public Administration*, July-September, Vol. LVI, No. 3 pp. 538-547
- Roy, Jayatilak Guha. (2010). Right to education: A futuristic perspective. *The Indian Journal of Public Administration*, July-September 2010 Vol. LVI No. 3 pp. 593-597.
- Sarangapani, Padma (2011). Teachers first. *The Frontline*.
- Shrinivasan, Meera. (2011). Built in barriers. *The Frontline*.
- Suri, Shipra. (2011). Doubts over success of 'no-fail' policy. *Hindustan Times*.
- Vaidyanathan, Ayyar. (2009) "Public Policy Making in India", N. Delhi: Pearson
- Venkataiah, C. (2010). Right to education: Need for an inclusive approach. *Indian Journal of Public Administration*, July-September, Vol. LVI, No. 3, pp. 575-583
- World Bank. (1990). World Bank Policy Paper on Primary Education, World Bank, 1990

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