

Right to Education: Issues and challenges

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Abstract

Everyone has the right to education. At least elementary and fundamental steps will be free of education. Elementary education shall be compulsory. (Article 26 of the Universal Declaration of Human Rights in 1948). This recommendation of the United Nations has been reintroduced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009). This Act came into force on April 1, 2010, for the first time, the law for the rights of all Indian children Contained in. Regarding the initial and compulsory education, regardless of caste, class, gender, etc., the children of the age group of 6 to 14 years, the RTE Act, although it is entitled to proper credit for the responsibility of the state in very specific terms for education. It would be appropriate to provide free elementary education to the children and the aged children between the age of six to fourteen years from the School and Concerned Authority. The current research study has tried to find out the situation of implementation, awareness and understanding of RTE provisions among teachers, parents and children in some rural schools. The RTE Act has passed two years ago, but so far only progress has been made in the context of enrolment / infrastructure, but in terms of quality education in case of student learning in the state much more not achieved. The same is about the awareness and understanding between his various stakeholders. To strengthen the operational aspect of the Act in the state, by giving some recommendations for immediate intervention by the government and some other opportunities of research.

Keywords: Right to education, Illiteracy, Ignorance, age appropriate classrooms, no detention policy

Introduction

The Right to Education Act, 2009 is the first central law on school education that is applicable throughout India (excluding Jammu and Kashmir). In 2010, the country achieved a landmark milestone when the Article 21-A and the rights of children were enacted on the Free and Compulsory Education (RTE) Act, 2009, April 1, 2010 and in the direction of making elementary education universal in the country an important step represented And the route is really full of challenges.

The most important challenge that the RTE Act is in itself, is to end child labour in the poor country. Every day, we see children working in households, in domestic work, in tea stalls, dhabas and restaurants, workshops and selling goods on the roads. Bringing all these children to schools is not as easy as it seems because many government agencies are involved in working with them. Therefore, there are challenges in effective implementation of the RTE Act.

Till the nineteenth century, education in India was an exclusive right available only to a small section of society¹. Under British rule, in spite of compulsory education laws, not much progress was made in this direction². Post-independence, Article 45 of the newly framed Constitution stated that “the State shall endeavour to provide within a period of 10 years from the commencement of the Constitution, free and compulsory education to all children until they complete the age of 14 years”³. But nothing much happened towards universalisation of elementary education. National Policy on Education, 1968⁴ was the first official document which attested Indian Government’s commitment towards elementary education. This was further emphasized in the National Policy on Education, 1986⁵.

In the review of the policy in 1990, the constitution was recommended to include the right to education as a fundamental right, on the basis of which a national policy was created in 1992. Meanwhile, India signed the United Nations Conference on Child Rights (CRC) in 1992, and started the process of adopting the law to make education the fundamental right of the child. In this direction, in 1976, amendment was made to enable the central government to make laws for school education through amendment in the constitution for which the power was in the hands of state governments. In 1992, in the case of *Mohini Jain v. Karnataka State*, the Supreme Court of India believed that the right to education is in accordance with the fundamental rights contained in Part III of the Constitution and every citizen has the right to education under the Constitution. After this, in the case of *Unnikrishnan, JP vs Andhra Pradesh*, the Supreme Court said that "the right to education has not been explicitly said to be the fundamental right, it is vested and free from the right of life guaranteed under 21 years of age. . ." Age The Constitution should be recruited in view of the principles of principles. Thus, the right to education is understood in the context of Article 45 and 41. (A) Every child / citizen of this country has the right to free education till he is fourteen years after a child and (B) age / citizen If 14 years do not complete, the right to education is surrounded by the economic capabilities of the state and the boundaries of its development. "1. In the end, in 2002, the amendment of the Constitution of India made education a fundamental right, but by adding it, the character of this right will be determined by the resulting law. This follow up legislation referred to in the 2002 Amendment of the Constitution of India (the Constitution 86th Amendment)⁶ is the ‘The Right of Children to Free and

¹ Aradhya N. and Kashyap A., The ‘Fundamentals’ of the Fundamental Right to Education in India, Books for change, Bangalore (2006)

² Nalini Juneja, India’s Historic Right to Free and Compulsory Education for Children Act 2009—The Articulation of A New Vision, In Kazuyo Minamide and

³ Pillai Chandrasekharan, Right to Education in India, A report, Second International Conference on Law, Organized by UNESCO, New Delhi and the Indian Society of International Law (2004)

⁴ MHRD: National Policy on Education (New Delhi, MHRD), para 4(4) (1968)

⁵ MHRD: National Policy on Education (New Delhi, MHRD), para 3.2. (1986)

⁶ <http://indiacode.nic.in/coiweb/amend/amend86.htm>

Compulsory Education Act 2009⁷,⁷ passed by parliament in August 2009, and notified into force in April 2010. Based on this Act, a subordinate legislation, the Model Rules, was framed by the centre to provide guidelines to states for implementing the Act⁸.

Specific issues and challenges before the RTE Act

1. Act involves children between 6 and 14 and does not exceed 14 to 18 and less than 6 years

Only six to fourteen years of age children are included in the Act to get the privileges. It leaves the little children at zero and six years old at the age of fourteen to eighteen years. The fact is that India has signed the UN Charter, which clearly states that all children upto the age of 18 should be given free and compulsory education. The age group of six to six years is formally considered in the nurturing of children in the age of 14 years and the work is left halfway because the next 4 years of adolescence is also similar in the process of matured children The form is important. Education is not enough for a person to live a minimum civilized life till the age of 14 years.

2. Physical infrastructure and other resources: The Act⁸ says that school building should be an 'all weather' structure, and should include an office cum store for the head teacher, separate toilets for boys and for girls, a kitchen for cooking the free mid day meal that children are provided, have access to safe drinking water, a library, a playground, and barrier free access.

The investigator noticed that most schools have 'all weather' buildings, and office co-stores for the main teacher, separate toilets for boys and girls, free mid day meal, a playground and cooking barrier free food there is a kitchen. . Two schools said that earlier when midday meal was cooked in the school, then they did not have a kitchen in the school and therefore they were making food in the school premises. Principal teachers shared that a few days ago, they received instructions from the Education Office to have a kitchen in their respective schools. Schools did not require kitchen now, because nowadays a government agency ISKCON provides mid day meal to these government schools, but they were forced to build the kitchen because it was necessary according to the standard. According to the RTE Act, even though every school requires access to safe drinking water, and in a library the investigator found that most schools do not have access to safe drinking water and libraries. Research shows that availability of physical facilities like safe drinking water, electricity, toilets, furniture, playgrounds and libraries positively influences the performance of students and their achievements.

⁷ Ministry of Human Resources Development: The Right of Children to Free and Compulsory Education Act 2009 (New Delhi: MHRD) (2009)

⁸ Model Rules under the Right of children to free and compulsory Education Act (2009)
http://mhrd.gov.in/sites/upload_files/mhrd/files/RTI_Mode_1_Rules.pdf

The investigator noticed that a newspaper used to come to the school, but the students were not allowed to read it and were rarely taught by the teachers. When the investigator asked about the convenience of the library, the chief teacher shared that some of his schools get some books from the government, but these books are not used to lend to the students because students use them properly. Do not do ' On the other hand, almost all students shared that they really liked reading books and some of them said that there is a private library in the neighborhood where someone needs to register and read books, newspapers for 15 days Or it can be done for release and students are not charged anything. Many students were found registered in this library. There is enough evidence to show that the students who have access to good library resources, who are interested in them and challenge them, will have deep love for reading and learning.⁹As reported by various studies, there is a strong correlation between the presence and the use of library resources by students and teachers with better student performance. Arko-Cobbah¹⁰ described that 'the library in rural schools plays a significant role in the school curriculum'. School library resources play an important role in informing, educating, entertaining, and enriching students. When students are able to explore meaningful information they want, they learn faster and their literacy skills also grow rapidly; they learn how to learn¹¹.

3. Age appropriate classrooms: Act provides children above six years, who have never been admitted to any school or, have not completed primary education and have dropped out, the right to be admitted to a school in their / her age education The Act facilitates a child admitted to the special class to be given special training to enable him / her to be par in other children. The RTE Rules also states that children admitted after six months of the beginning of the academic session.

The Head teacher of the school was not aware of what the special training is and what constitutes this training. The investigator visited this school during November and February so the students were already in their second semester. Some 4-5 children joined school during this time but the investigator did not have any mechanism there to check whether a new student needs a special training or not. This is more or less true of other nearby schools too. In such a situation when they are not even aware of the special training, expecting them to know who will impart the training, where and how will be needless

4. Access to education: In order to provide access to education, no screening and document, no capitation fee, easy transfer certificate has been given in the year 2009, no screening and documentation. According to the RTE Act, no school can refuse to give admission or transfer certificate to any child. The investigator

⁹ School libraries and student achievement in Ontario, the Ontario Library association, Toronto, Ontario, (2006)

¹⁰ Arko-Cobbah A., The Role of Libraries in StudentCentered Learning: The Case of Students from the Disadvantaged Communities in South Africa. *The International Information & Library Review*, **36**, 263-271 (2004)

¹¹ School Libraries Work, Research foundation paper, Scholastic Library Publishing, 3rd edn. (2008) available at www.scholastic.com/content/collateral_resources/pdf/s/sl_w3_2008.pdf

found that some students in a school wanted to go to another government school, but they said that neither the school where they were studying was ready to give transfer certificates nor the school they wanted to enroll, He wanted to accept them. They directed everyone to study at the nearest school.

5. Not Enough Trained Teachers

Teachers are at the root of the implementation of the RTE which want to work towards a heterogeneous and democratic classroom, where all children participate in the same partnership. The primary part of our education system is already suffering from teachers shortage and a large number of teachers in this section are untrained. Unavailability of professionally qualified teachers has become a serious challenge in the proper implementation of the RTE Act. The student-teacher ratio specified in the Act created a huge demand for qualified teachers. This compelled many states to take exemption to abide by eligibility norms during recruitment. As a result, ineligible candidates were pushed into parachute teachers for running the education machinery.

The work of training of teachers is with the District Education and Training Institute (DIET), which has been formed after the National Policy on Education Policy, 1986. Most of the states - especially Bihar, Uttar Pradesh, Jharkhand, Orissa, Chhattisgarh, Assam and West Bengal - have never been bothered to develop. Ignored the appointments of institutional capacities and teacher trainers of these DIETs.

When the RTE was passed, it was estimated that a total of 10.6 lakh teachers would be required to have professional training, which was to be completed within five years from the implementation of the RTE Act - till March 2015. However, in 2017 the number of unqualified teachers was also standing. According to the Parliament, according to the Ministry of Human Resource Development 11 lakh Therefore, an amendment bill was passed to give these teachers the time till March 2019 to achieve the minimum qualification.

But here's a problem. According to the National Council for Teacher Education Teacher Recruitment Norms (2011), the prescribed qualification for obtaining the desired diploma or degree requires 2-4 years of studies. If March 2019 is the deadline,

Haryana has developed workbooks in different social science subjects. These books have all sorts of questions-small, long, map work, multiple choice as well as questions on pictures but students were hardly observed using this workbook. This workbook is meant to be done in the classroom but as children shared with the investigator their teachers told them to do it at home. With regard to the evaluation methods the investigator found out that schools were following CCE as they understood it. The methods adopted for the continuous evaluation were monthly unit tests, half-yearly examination and annual examination etc. No school has made it mandatory to pass any examination for going to the next higher class. Not all, but some schools have got profile books for every student where a teacher can record things about the individual student. In these profile books several things are mentioned covering different subjects and areas which are required for assessment. There are so many things to record in the book that teachers are

really reluctant to make entry in these books. Because of these recording works they complained that CCE should be scrapped which is adversely affecting their actual teaching-learning. The investigator observed that there is a wide gap between policy interventions¹² and how it is actually perceived and implemented in the field. The actual motive behind CCE as a way to assess child's understanding of knowledge and or her ability to apply the same has been taken over by some mechanical activities of doing some projects by copying and pasting things from the textbook and entering it in the profile books of children.¹³

6. Teacher training: The Act⁸ demands for qualified teachers and also makes way for teachers to receive in service training to enable them to acquire the requisite certifications within a period of 5 years. Research^{14, 23} shows that teacher qualification, preparation of teaching and learning, content knowledge, and experience, are important factors contributing towards teacher effectiveness. The in service teacher training helps the teachers to be more systematic and logical in their teaching style¹⁵. The investigator observed that though, most of these government schools had qualified teachers, they had little information about advances in different subjects and they were not equipped to take corrective action as the law prescribes regarding CCE.

7. No detention policy: Section 16 of RTE Act prohibits holding back and expulsion of a child from school till the accomplishment of elementary education. The 'no detention' provision in the RTE Act does not mean that children's learning will not be assessed. The RTE Act makes provision of continuous and comprehensive evaluation (CCE) procedure which will enable the teacher to assess the child's learning and performance in a more constructive way. Several states including Haryana have taken steps to implement some form of CCE as they understand it. But as the investigator observed, in the name of CCE these schools are conducting activities which are very mechanical in nature and only aim at keeping children busy without learning anything substantial. Children come to these schools, get a free meal and it bothers to no one whether they are making any progress at all. The Annual Status for Education Report (ASER) – Rural, 2012¹⁶ also states that enrollment levels have been 96% or more but 58.3% of children enrolled in Class V (government schools across rural India) cannot even read Class 2 text. The investigator observed teachers saying that 'whether students learn anything or not, they are going to be promoted to the next class as per the RTE Act. So nothing is in our hands'. Teachers perceive passing of examination

¹² National Council for Educational Research and Training, National Focus Group on Examination Reforms, Position Paper (New Delhi, NCERT) (2005)

¹³ Lance K.C., Hamilton-Pennell C., Rodney M.J., Petersen L. & Sitter C., Information empowered: The school librarian as an agent of academic achievement in Alaska schools. Anchorage, AK: Alaska State Library, 1-3 (1999) available at <http://www.library.state.ak.us/pdf/anc/infoemxs.pdf>

¹⁴ Darling-Hammond, L. Powerful Teacher Education: Lessons from Exemplary Programs. San Francisco: John Wiley and Sons (2006)

¹⁵ Kazmi S.F., Pervez T., Mumtaz S., In-Service Teacher Training in Pakistani Schools and Total Quality Management *Interdisciplinary Journal Of Contemporary Research In Business*, 2, 238-248 (2011)

¹⁶ Annual Status of Education Report, rural (ASER) report, Pratham, ASER Centre, New Delhi (2013)

as a criteria for being promoted to the next higher class. Teachers should be made appraised that 'pass' 'fail' options are not a necessary requirement for learning. A child would not acquire any special resource to handle the same syllabus for yet another year by just repeating a class. There is no evidence that suggests that the quality of the learning of the child improves if the child is failed¹⁷.

8. School Management Committees: To encourage parent and broader community participation in school monitoring and decision-making the ACT makes provision for schools to form a School Management Committee (SMC) with at least 75% of parents of children in the school of which fifty percent are to be mothers. SMC's are empowered to monitor the performance of schools and the use of government grants, to prepare school development plans and to fulfill other functions prescribed by state governments. During three months study the investigator did not find any parent teacher meeting or meeting of SMC members. The Head teacher and other school teachers in their informal talks shared that *'parents are not interested in coming to school because for them coming to school simply means losing a day's salary'*. So provision of SMC does not have any meaning for these schools where children are first generation learners and where parents are daily wage manual labourers. On the other hand, studies show¹⁸ that communities can have a positive impact on school effectiveness. Whatever research is available on community engagement show that communities active role in school improvement often leads to many positive outcomes including improved student achievement. When schools involve families in positive ways, rather than labeling them as problems, such schools can easily be transformed from places where only some students flourish to one where all children do well.

9. Status of poor kids in the private schools

The RTE Act, 2009 opens the doors of private schools for children with a weak background. But the main challenge comes from the perspective of the private school administrators. A horrific question is how much parents are willing to send their children to private schools, even if education is free? Even if they are interested, children will be exposed to a different life level suddenly. Will they be treated with dignity and equality by their peers and teachers? Would not it be sad for poor children?

Apart from this, what about overhead expenses like uniforms, books, stationery etc. to participate in a private school? It is more likely that parents will feel intimidated by the idea of sending their children to private schools. Regarding the private school's stone-making strategy to keep poor children away. As a

¹⁷ The Right of children to free and compulsory Education Act, 2009 Clarification on Provisions, available at http://mhrd.gov.in/sites/upload_files/mhrd/files/RTE_Secti on_wise_rationale_rev_0.pdf

¹⁸ Family, School and Community Connections: Improving Student Learning, IOWA School Boards Foundation, **1(6)** 1-6 (2007)

result, most private schools which accommodate poor children are mostly school with low budget low budget.

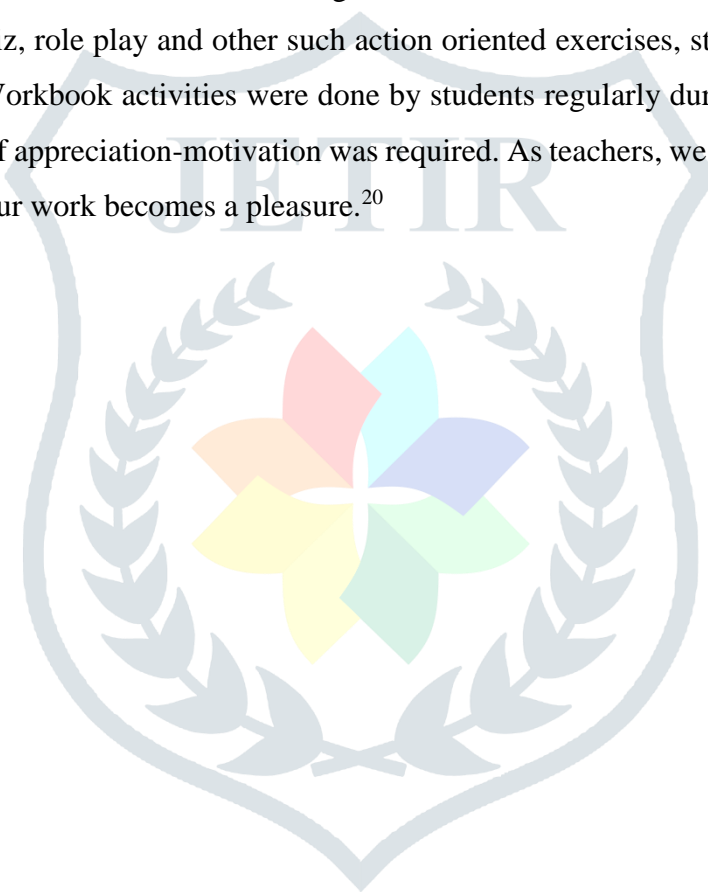
10. Recognition Process for State Schools: Section 19 states that Government schools must fulfill the minimum requirements of the schedule but the Act does not say anything on the action that will be taken against those schools which are not been able to fulfill minimum requirements for quality mentioned in the schedule. There is no library for children in school and safe drinking water facility.

11. Exercise of rights: The rights of pupils to education include right in education and in the classroom. This Act not only bans the corporal punishment of children but has also made it an offence to subject them to mental harassment. The Act makes provision of the establishment of the National/ State Commissions for Protection of Child Rights. NCPCR/SCPCR is also made responsible for monitoring out-of-school children to facilitate their access and participation in the schooling system. This would include children who have never enrolled or have dropped out, children who are temporarily absent, and children who are permanent migrants, who migrate seasonally with their parents. In Haryana, Right to Education Protection Authority¹⁹ has been set up as an interim measure. One of the most important observations is that physical punishment or mental harassment is not a practice in any of the school. But the investigator did not observe any designated authority at the habitation level where violations of the Act can be registered, investigated and responded within a definite time frame.

12. Perception of Parents: All parents are aware of free elementary education in the government school. Majority parents shared that classrooms and schools are not cleaned regularly; classes are not regularly held. When further explored to find out the reasons for the irregular classes, they said irregularity of the teachers; some teachers come to the school on alternate days. Most of the parents are not satisfied with the teaching methods adopted in the schools. They feel effective teaching methods should be used like use of visual aids, regular class tests, continuous feedback to the parents, sufficient lab equipments, computer classes, regular classes, special coaching to the students, field visits, quizzes and vocational work for the students. Parents feel that teachers just teach and do not interact with the students, no homework is given to the students and teachers give less importance to the academic work. Most of the parents say that their children are not satisfied with the school. The reasons cited by them are, schools have no proper infrastructure, no electricity, no regular teaching, no cocurricular activities etc. When asked whether principals and teachers motivate the non-enrolled children to take admission in the schools, most of the parents said no.

¹⁹ Lance K.C., Hamilton-Pennell C., Rodney M.J., Petersen L. & Sitter C., Information empowered: The school librarian as an agent of academic achievement in Alaska schools. Anchorage, AK: Alaska State Library, 1-3 (1999) available at <http://www.library.state.ak.us/pdf/anc/infoemxs.pdf>

13. Perception of Children: The investigator observed that most of the children are not aware of the benefits of the RTE Act. It is important to note that majority students are dissatisfied with the cleanliness of the schools; boring teaching methods followed in the schools; attention given by the teachers to the children; regularity of classes. They also shared that principals and teachers do not motivate children in the schools. In one of the schools while talking to students about their aspirations the investigator found one girl with tears in her eyes saying, '*ye log hausla nahi dete*' (they do not give us any motivation). This reminds the investigator of famous lines, '*manzil na de chirag na de hausla to de*' (do not show light or take us to our destination but at least give us some motivation). In schools of Haryana students use NCERT textbooks published by their state and in these NCERT books there are many activities and questions which promote critical thinking. But the investigator observed that many such questions and activities were not done with students and when the investigator discussed the content of these textbooks, raised questions, conducted quiz, role play and other such action oriented exercises, students found the subject to be very interesting. Workbook activities were done by students regularly during the study period and for all this a few words of appreciation-motivation was required. As teachers, we know that if our students are motivated to learn, our work becomes a pleasure.²⁰



²⁰ Mukunda V., Kamala, What did you ask at school today? A Handbook of child learning, Harper Collins Publisher (2009)