



RIGHT TO EDUCATION ACT-2009- SALIENT FEATURES & CHALLENGES

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Abstract: *The present paper deals with the Right to Education Act-2009, its Salient Features and Main Challenges of Implementation. This is an attempt to explore the actual implementation of RTE ACT- (2009) from various aspects .The Right to Education is a universal entitlement to education, a right that is recognized as a human right. The right to education is enshrined in Article 26 of the Universal Declaration of Human Rights and Article 13 and 14 of the International Covenant on economic, social and cultural rights. The present act has its history in the drafting of the Indian Constitution at the time of Independence but as more specifically to the Constitutional Amendment (86th) that include the Article 21A in the Indian Constitution making education a fundamental right. This amendment, however, specified the need for a legislation to describe the mode of implementation of the same which necessitated the drafting of a separate Education Bill. The rough draft of the bill was composed in the year 2005. (Thakur, 2014) The importance of education cannot be denied in one's life. It sustains the human values which contribute to the individual and collective well-being. It enhances the basis for lifelong learning and inspires confidence to face challenges. It develops the ability of individuals to act more responsible and more informed citizens and have a voice in politics and society, which is essential for sustaining democracy. Improvement in elementary education programme is one the foremost pre-requisite for improvement in the educational process. The key point of this act is coordination among various departments at different levels. So this paper indicating why quality of education is more essential part for education system as well as masses and formation of policies should be implemented in proper way so that in unpredictable future may be they are able to achieve some of target.*

Keywords: *Education, Right to Education Act, Universalization of Elementary Education*

Introduction:

The development of country can never be possible without ensuring the spread of education among the masses. The disheartening fact is however, that today more than eight million children, who should be in schools are still out of schools and are sweating in and out in farms and factories as child labourers and other disadvantaged groups. According to the census of India 2011 figures 74.04% of people above the age of seven are literate. The male literacy level has reached 82.12% while female

literacy has touched 64.46%,but the major problems of the country is that 42.1% of people are facing the problem of inequality in education (UNDP-2014). For this reason the position of India is far behind (HDI Rank 135) against the other countries. Thus for universalization of elementary education, Indian government has taken a landmark initiative to educate children, by passing Right to Education Act. 2009.

Education is an important human activity. It was born with the birth of the human race and shall continue to function as long as the human race lives. Education teaches what man lives and struggles for. It cultivates an integrated life. By so doing, it gives us significance of life. Therefore, we can say that no human beings are able to survive properly without education. Education is called man making process (Kisanji, 1999). It is the most important part of our life like our basic needs food, cloth and shelter. It makes the men how to think, how to work properly, how to live in the society. It tells the men how to make any decision in any situation. It makes the men self confident and spreads awareness to the peoples about your rights and the services. It gives a big contribution to our lives by making us responsible citizens of our country. It also gives the knowledge about our history and culture of our country. It also enables us to understand our duties as a citizen and encourages us to follow them (Cayne, 1990). Education helps an individual to achieve his aims in the life. It helps to secure his future of any individual. It also helps to increase the new skills and talent in an individual. Education teaches an individual how to control his emotions and feelings and how to behave in different situations.

Elementary education is the first stage of compulsory education. It is preceded by pre-school or nursery education and is followed by secondary education. This stage of education is usually known as primary education and is generally followed by middle school. Typically, elementary education is provided in schools, where the child will stay in steadily advancing classes until they complete it and move on to high school/secondary school (Mehta, 2010). Children are usually placed in classes with one teacher who will be primarily responsible for their education and welfare for that year. This teacher may be assisted to varying degrees by specialist teachers in certain subject area often music or physical education. The continuity with a single teacher and the opportunity to build up a close relationship with the class is a notable feature of the primary education system.

Historical Background Compulsory provision of universal elementary education is an extremely modern concept. Even in the eighties, there was a loud cry for Universalization of Elementary Education all over India, but no solid efforts were made till the beginning of the 20th century. The earliest attempt during British rule for enforcing compulsory primary education was undertaken by William Adam in 1838. In 1852, Captain Wingate, the revenue survey commissioner in Bombay proposed to impart compulsory education to the children of agriculturists after realizing a less of 5 per cent for it. Later on a similar proposal was also followed in Gujarat (National Policy on Education, 1986). A strong consciousness for the need of compulsory primary education in India was affected by enactment of the Compulsory Education Act in 1870 in England. The great son of India Gopal Krishan Gokhale was the ablest

advocate of compulsory primary education. He moved a Resolution in 1910 in the central legislature and again introduced a non-official bill in 1919. The bill had wide and popular support, but it was defeated. Vithal Bhai Patel being inspired by Gokhale's efforts brought a bill in the provincial legislature of Bombay and it became Bombay Primary Education Act, 1918. India Act of 1919 (Mont-Fort Reforms) introduced diarchy and education became a transferred subject under control of a minister responsible to the legislature (Programme of action, 1992). With provincial autonomy in 1937, congress ministries were formed in six out of eleven provinces. These governments expanded compulsory primary education in their provinces. Primary schools were established in school-less village/habitations, which had no facilities to send their children to nearby schools at an easy walking distance of one mile (now one km.)

At the time of independence, India inherited an educational system which was not only quantitatively small but was also characterised by striking gender, caste and regional disparities. Only one child out of three had been enrolled in primary school. Thus, challenge was to provide elementary education to all its children within a stipulated period of time. (Ministry of education, Govt. Of India, 1985) Accordingly, in 1950, the provision of Universal Primary Education was incorporated in the Article 45 of the Constitution of India, which reads "The state shall endeavour to provide within a period of 10 years from the commencement of the Constitution free and compulsory education for all children until they complete the age of 14 years." The provision of Universalization of Primary education was scheduled to be achieved by 1960. Special care of the economic and educational interests of the under privileged sections of the population also became a constitutional obligation. An insistent demand was made that Government should fix an early deadline for its fulfilment and should prepare a concrete programme of action for the purpose. Government decided to achieve the goal of Universalization of Elementary Education (UEE) of all children on a time-bound programme as recommended by the Conference of State Education Ministers in 1977 (Sarva Shiksha Abhiyan, 2011). This big aspect of education in India has found a place as point 16 in the Prime Minister's new revised 20 point Programme. In the middle of the Sixth Five Year Plan, the central government had directed all the state governments and administrations of Union Territories to have prospective planning with bold and solid steps to control hundred per cent children in the age-group 6-11 years and 50 per cent enrolment of the 11-14 age-group children by 1990. This was to be achieved in the existing formal primary schools and non-formal centre and in such institutions yet to be newly opened and by shift system in the existing formal schools, wherever possible. At the direction of the central government, an enrolment drive was launched over the country from the Teachers' Day (September 5, 1982) to the Children's day (November 14, 1982). All this spoke of the gravity of the problem of Universalization of Elementary Education in the country. Due to the less awareness among adults as parents about Right to Education, the childhood of India does not get opportunity to get education and are engaged in many inhuman practices and suffer a lot of social problem vis a vis child labour,

deprivation of children from education due to poverty or some other reasons, discrimination between boy and girl in providing them education, child begging, deprivation of education from slum and nomadic children. There are an estimated eight million out-of-school children in the age group of 6 to 14 in India out-of-school in 2009 and the world cannot reach its goal without India (United Nations Children's Fund, 2011).

1.2.1 Salient Features of the Right to Education Act, 2009 given by Ministry Human Resource Development (MHRD) 2009 Free and compulsory education to all children of India in the 6 to 14 age group.

- No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.
- If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age. However, if a case may be where a child is directly admitted in the class appropriate to his or her age, then, in order to be at par with others, he or she shall have a right to receive special training within such time limits as may be prescribed. Provided further that a child so admitted to elementary education shall be entitled to free education till the completion of elementary education even after 14 years.
- Proof of age for admission: For the purpose 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 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.
- Call need to be taken for a fixed student–teacher ratio.
- Twenty-five per cent reservation for economically disadvantaged communities in admission to Class I in all private schools is to be done.
- Improvement in the quality of education is important.
- School teachers will need adequate professional degree within five years or else will lose job.
- School infrastructure (where there is a problem) need to be improved in every 3 years, else recognition will be cancelled.

Challenges

1. Disabled left out of education Bill: The chances of 20 million children with physical and other disabilities to get the right to education have been jeopardized, as the Right to Education Bill excludes them. Although the earlier draft of the Bill had made specific mention of children with disabilities, the Bill tabled in the Lok Sabha has erased those references, activists say. Activists say that India was the one of the first countries to ratify the UN Convention on Rights of Persons with

Disabilities, in October 2007, which says “State parties shall ensure that persons with disabilities are not excluded from the general education system on the basis of disability and that children with disabilities are not excluded from free and compulsory primary education or from secondary education on the basis of disability.”

2. ***Requirement of qualified and trained teachers:*** 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. Teachers will be at the core of implementation of RTE that seeks to work towards a heterogeneous and democratic classroom where all children participate as equal partners. There are 57 lack posts of teachers at primary and upper primary level.

Currently, more than 5.23 lack teacher posts are vacant. To bring the pupil-teacher ratio to 30:1 as prescribed by the RTE Act, 5.1 lake additional teachers are required. Already, there are 5.1 lack schools with a pupil-teacher ratio of more than 30:1. On top of that 5.48 lack untrained teachers at the primary and 2.25 lake at upper primary level have to acquire necessary qualification within five years of the RTE Act coming into force. The states with high percentage of untrained teachers and inadequate teacher education capacity are: Assam (55.13% untrained teachers), Bihar (45.5%), Chhattisgarh (31.32%), J&K (43.34%), Jharkhand (32.16%), Uttar Pradesh (25.87%) and West Bengal (32.15%). States like Andhra Pradesh, Delhi, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu and Uttarakhand have very

3. ***No standard definition of teacher qualification:*** The existing elementary teacher education programs (known variously in different parts of the country as JBT, D. Ed., PTC, BSTC, etc) lack a bench mark and proper definition. Teachers trained for secondary classes (classes IX, X, XI, XII) are considered eligible to teach middle classes (VI, VII, and VIII). But teachers trained to teach the elementary classes are only eligible to teach classes I – V. Even the Supreme Court has accepted this argument. Now the TRE Act is for the kids in the age group 6—14 studying in cases I – VIII. So a clear definition of teaching eligibilities required so that a teacher can teach all these eight classes. This will also help administratively as well as keep teachers motivated.
4. ***Reservation of seats in unaided private schools:*** The act talks about 25% seat reservation in private/public unaided school for lesser privileged children. The fees of these students will be borne by state government. The fee will be reimbursed at government rate. There will be a wide gap between the cost of education per child and the reimbursement by the government. Who will bear this deficit portion? Obviously the remaining 75% of the students. For a certain class of society who provides education to their kids in this private school already by stretching their means this extra burden might prove too much. It's like providing

benefit to one at the cost of other. Would improving the standard of the government school be not a better and more justified option?

5. **Status of poor kids in the private schools:** A glaring question is: how interested are the parents of the poor kids to send them to the private schools even if the education is free of cost? The kids will be suddenly exposed to a different living standard. Will they be treated with dignity and equality by their peers and teachers? Will it not be traumatic for the poor kids to cope with that? Moreover, what about the overhead expenses such as uniform, books, stationery, etc of attending a private school? The chances are high that the parents themselves would feel intimidated at the thought of sending their kids to private schools.
6. **Input oriented Act:** The Act is deemed to be excessively input-focused rather than outcome-oriented. The bill guarantees for the admission of the children, but does not promise the quality of education.
7. **Admission according to age but no facility for bridge courses:** The act stipulates that the child should be assigned the class according to age, which is a good step because wasted years can be saved; but no bridge course is suggested that can prepare the child to adjust to the admitted class.
8. **Automatic passage to next class may be counterproductive :**As per the act; every student will be passed to the next class. This can promote indolence and insincerity among children towards their studies and carelessness and laxity among the teachers. The Act will create a system with no incentive for students to try to improve themselves, or to behave with a modicum of restraint. It compromises their ability to withstand pressure and compete harder in order to excel. This will create a generation of drifters who have never tasted hard work or competition. And what happens when the kids turn 14? Leaving aside some notable successes, there will be millions who have just gone through the system without gaining much – and valuables formative years of life wasted.
9. **School recognition:** Section 19 of the Act requires all schools except government schools, to meet certain norms and standards relating to infrastructure, pupil-teacher ratio, and teacher salaries on the basis of which they are required to get recognition within three years. This clause penalize private unrecognized schools, although they provide similar, if not better, teaching services compared to government schools, while spending a much smaller amount. They are susceptible to extinction in three years.
10. **School management Committee :**The Act requires every government and aided school to form a School management Committee (SMC) which will be most comprised of parents and will be responsible for planning managing the operations of the school. SMC members are required to volunteer their time and effort. This can be a burden for the poor parents. And for the aided schools, the SMC rule will lead to a breakdown of their existing management structures.

CONCLUSSION: Education is new right included in our fundamental rights, given by the Indian constitution. Various researches have been conducted on the previously provided six fundamental rights, but there are very less researches being conducted on

awareness and attitude of people towards Right of Children to Free and Compulsory Education Act 2009. In today's period every child has a right to take education. The Right to Education Act 2009 was started by the government on 1 April, 2010. But this act has not been implemented in every school. Contemporary India's education statistics make dismal, indeed shocking reading. Of the estimated 200 million children who enrol annually in the nation's 900,000 primary schools, 53 percent drop out before they make it into secondary education (class VIII). Of the remainder, only 10 million enter institutions of tertiary education, of whom some 3 million graduate annually. It is hardly surprising considering that 20 percent of government primary schools are multigrade teaching institutions; another one-fifth don't have a proper building; 58 percent can't provide safe drinking water, and 70 percent lack toilet and sanitation facilities. Moreover corporal punishment is rife in India's crowded classrooms, which boast the world's highest teacher-pupil ratio-1:63 Education is the necessary aspect for every individual. Rights are those which are provided by the constitution for the welfare of the citizens. It is concluded that government should organize different orientation programmes, workshops, and seminars for teachers & also for stakeholders for better implementation of this act so that the goals & challenges of education can be fulfilled.

References

- Cayne, B. S. (Ed.) (1990). *The New Lexicon Webster's Dictionary* (Vol.1 – revised Eds.). New York: Lexicon Publications, Inc.
- Census of India Report. (2011): Registrar General Census Commission of India
- Government of India (GOI) (1964-66). Education and National Development : *Report of Education Commission*. New Delhi: Kothari Commission. Retrieved on November 22, 2014 from <http://www.dise.in/Downloads/KothariCommissionVol.1pp.1-287.pdf>
- Government of India (GOI) (1985). *Challenges of Education- A policy perspective*. New Delhi: Ministry of Education.
- Joshi,S.K.(2016). A Study of Attitude of Government and Private Elementary Schools Teachers towards Right to Education Act 2009. *The Opinion*,5(10), 45-50.
- Kisanji, J. (1999). Models of inclusive education: where do community support programmes fit in? *Paper presented at a workshop on Inclusive education: the Challenges for Teacher Education*, Windhoek, Namibia. Khomasdal: Rossing Foundation.
- Mehta, S. C. (2010). Right to Education: A precious gift to children. *NCERT Journal: The Primary Teacher*, 35(3, 4), 18-24.
- MHRD: National Policy on Education (NPE) (1986). Para3.2. The Constitution (Eighty Sixth Amendment 86th) Act (2002) Retrieved 01 May,2018 from <http://indiacode.nic.in/coiweb/amend/86.htm>
- MHRD. (2009).Provisions in RTE Retrieved on 28 April,2018 from <http://mhrd.gov.in/rte>
- National Policy on Education (NPE) (1986). *Our common future*. New Delhi: Govt. of India.
- Programme of Action (POA) (1992). *National Policy on Education*. New Delhi: Govt. of India.
- Progress Overview of Research, 2011, Sarva Shiksha Abhiyan. Ed-CIL (India) Limited, New Delhi.
- Rao, B.D. (2004).Problems of private school teachers: Role of teacher Retrieved on March 22 from <http://books.google.co.in/books?id=E1aafqumubQwC&pg=PA19&lpg=PA19&dq>
- Soy, S.S. (2014).Right To Education Act implemented; Challenges still remain. *International Streams Research Journal* 3 (12), 1-3. Retrieved on April14,2018 from <http://isrj.org/UploadedData/4110publication/14017c97592c2b9ec349277e9e43902e3/ashokyakkaldevi>
- Thakore, D. (1999). Rising criticism of Right to Education Bill, 2005. *Education World*. Retrieved April 30, 2018, from <http://www.educationworldonline.net/index.php/page-article-choice-more-id-537>.
- Thakur,B.L. (2014)
- United Nation Development Programme(UNDP).(2014). Human Development Report retrieved 25 April, from <http://hdr.undp.org/sites/default/files/hdr14-report-en-1.pdf>
- United Nations International Children Emergency Fund (UNICEF) (2000). Quality Primary Education Retrieved on February 22,2018 from <http://www.unicef.org/dprk/qpe.pdf>
- United Nations International Children's Emergency Fund (UNICEF) (2011). *The situation of children in India: A profile*. New Delhi: UNICEF/India.