

## **RTE Act 2009 is still too distant from ground reality**

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**Abstract:** Right to Education in India was implemented in 2009 with 5 years deadline for achieving universal access to quality education. The formulation of RTE has taken great effort of several educationists, NGO and Civil Societies and common people of India but the efforts for the achievement of the mentioned targets seriously lack the sincerity & dedication, so the provisions of RTE are still too distant from reality. This paper aims to explore, analyze and compare the provisions made in RTE 2009 with the actual situation of enrollment of children, status of teacher, social equity and inclusion & attitude of schools. It has been 5 years now since the RTE has come into force, the author through their paper will evaluate the extent up to which it is successfully implemented.

### **Introduction**

The right of children to free and Compulsory Education Act, 2009 (RTE Act) presents a unique opportunity to ensure that all children enjoy their right to a quality, child friendly and child-centered education. It provides specific time frames for implementation of its provisions including three years for establishment of neighborhood schools with infrastructure, pupil teacher ratio and facilities mandated under the schedule to the Act and five years for recruitment & training of teachers. Having come into force in April 2010, the first round of deadlines has passed and the second deadline of March 31, 2015 also exhausted. The RTE Act is very well conceived act and is consisting of suitable provisions for quality education of children but only policy provisions can't do, the rules and regulations have to be implemented with sincere efforts from all the stakeholders involved. The RTE Act 2009 has made very high promises of providing neighborhood schools, optimum pupil teacher ratio, unrestricted admission of children from all the sections of society, strict prohibition of unfair & discriminating practices, no capital fees & corporal punishment and no detention policies. All the provision were already very hard to achieve at the time when the RTE Act was just came into force in 2009, but lack of commitment from the state govt., school authorities & local bodies have made the targets of RTE too distant from realization.

### **Pathetic condition of Govt. Schools**

In India, Govt. Schools are the major service provider for delivering public education and access to all the sections of the society. Government Schools dominate elementary instruction delivery and over 80 percent schools are in rural areas. As one of the largest democracy of the world, Indian Govt. has to take the responsibility of ensuring the delivery of basic services i.e. health, education civil security. But the Govt. Schools are continuously losing the faith of common people and even the people who hardly earn the day meal for the whole family, are not keen for the education of their children in Govt. Schools. The sorry state of publicly funded primary education in India is well documented and is providing favorable conditions

for the rapid expansion of private schools. According to the PROBE report for the increase in private education in India, the breakdown of government

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schools is more decisive than parental ability to pay. According to Dreze and Sen (1997 p76-77), "The most striking weakness of schooling system in rural Uttar Pradesh is not so much the deficiency of Physical infrastructure as the poor functioning of existing facilities. The current result of classes 8<sup>th</sup>, 9<sup>th</sup> & 10<sup>th</sup> in Haryana is also telling the same story. The pervading absenteeism of teachers in schools, the overcrowding of classes, the engagement of teachers in non academic activities, lack of accountability of schools authorities, job security of the teachers & not related to the learning performance of their students, lack of training & professional education of teachers are all the major reasons which have shaped the current irresponsible & ineffective image of the government schools. The RTE Act 2009 aims for the enrolment, attention and retention of all the school going age children of India so that they can successfully complete the elementary education. But with the dilapidated condition of the Govt. schools which dominates the delivery of elementary education in India, the aim of universal enrolment, attention and retention does not seem to achieve at all. The Govt. schools teachers and authorities have to become responsible and effective in order to achieve the education for all target.

### **Status of Teachers**

RTE Act 2009 has definitely raised a hope in the people that greater focus will be offered to the issues of teachers. Building the capacity and agency of teachers is critical to ensure quality of education in schools. The fulfillment of all the provisions of RTE would be impossible without taping into and supporting the agency of teachers. Despite this recognition and despite efforts towards improvement, adequate steps have not been taken to ensure that the norms laid down are complied with. RTE has prescribed the pupil teacher ratio as 1:30. According to the DISE 2012-13, the average PTR in India as in 2012-13 was 1:27. 19.83 lakh teachers' post have been sanctioned, of which 14.15 have been recruited. The average PTRs across the country as whole ranged from 1:10 in Andaman and Nicobar Islands to 1:53 in Bihar. As on Sep. 2013, 5.02 lakh sanctioned teacher post remain vacant. Lack of teachers is largely concentrated in a few states with the most adverse PTR in Bihar, Jharkhand, Uttar Pradesh, Madhya Pradesh, West Bengal, Odisha and Chhattisgarh. The most important institutional agent i.e. Teacher is not available in optimum strength to the students, so how can we expect quality education in the schools. It is quite appreciating that India has almost attained 100% enrolment in primary education but 59.67% of Indian primary Schools are failed to adhere to the Pupil Teacher Ratio norms. Teacher unavailability has a severe impact on the quality of education. The adverse PTRs result in reduced classroom instruction time and lack of individualized instruction. Under the RTE, we are aimed to enroll more and more students from the socially excluded, economically weaker

and disadvantaged sections of the society. But the adverse PTR has impacted the quality and inclusive agenda of RTE. When large number of children are coming to the schools for the very first time and from a marginalized environment, the unavailability of teachers matter a lot.

Behind this adverse PTR, the slower pace of govt. recruitment process is responsible. The administration in India takes a lot of time in creating and filing the vacancies. To cope with the crisis of teacher unavailability, the practice of hiring Para-teachers on contract is prevailing all over the India. These teachers are under qualified and untrained which is further contributing to the quality deficit in India's school. The RTE mandates a minimum of two teachers in every school. However in 2012-13 11.79% primary schools were single teacher schools.

Besides the availability of teacher in sufficient numbers in schools, the professional education and training is a critical issue. According to a District Information System for Education (DISE) Report in 2011-12, only 34.12 percent teachers were post graduates.

Apart from lack of professional education & training, the teachers are routinely found to be engaged in non-academic duties. The RTE Act has prohibited the deployment of teachers for non-educational purposes, other than duties as prescribed by the local authority, state legislatures & parliament. According to DISE 2012-13, 5.49% teachers were engaged in non-teaching work. The teachers are engaged in the mid-day meal management and this has severely hampered the class instruction time. The RTE Act has mandated a qualifying eligibility test for appointment as teachers so that well qualified teachers with appropriate attitude & aptitude for profession could be recruited. But on an average, only about 8 percent candidates have been passing the eligibility test. This encourages contract employment & guest teacher in the schools, who are under qualified, getting less salary, have no job security so under stress they work & because of these factors don't feel committed to achieve quality in imparting education.

Teacher education is also a big concern in India where majority of teacher training institutes are operated by private players. These private institutions are least bothered about producing well trained & skilled teachers and exploiting the students by taking huge amount as fees. Teacher education and training needs an urgent orientation as it lays foundation of making a qualified & trained teacher.

### **Community participation**

RTE Act 2009 assumed the role of community indispensable for achieving the targets of quality education of all the children in India. The community has to be aware of the different rights available to it and should raise its voice against any violation and discrimination. RTE has mandated the formation of Schools Management Committee (SMC's) for ensuring community involvement in all the activities of the schools. The involvement of parents and common people in the educational process is very much important and necessary also for securing efficient schooling of children.

But Most of SMC's in the schools in India are working on paper only. The parents and the other community members are not aware of the important tasks they are entrusted with and at the same time are not well equipped and trained for pursuing the duties assigned to them under RTE. The rationale behind the provision of SMC's which stands for a committee consisting of parents of the children studying in the schools & members from the management of the school, is decentralized governance of the school to ensure quality education for all the categories of the school children without any kind of discrimination. The community resources can be utilized and the knowledge & the skills available in the society can be transmitted to the school through the SMC's. With the help of SMCs, a sense of community ownership can be created which will have a deep impact on the school to function systematically.

There has been significant number of increase in the SMCs in the schools according to the DISE 2012-13. But the performance of SMC's continues to be varied and uneven across the states.

Most of the states have notified the formation of SMC's but the concern arises in the form of inadequate representation of the marginalized communities in the SMC's and adequate steps are not taken to enable linguistic minorities, women and person from marginalized communities to engage with the process of functioning of the SMC's. RTE has required the school authorities to provide training to the community members and guidance regarding the functioning of the SMC's. But in 2011, evidence suggests that the actual training was undertaken in only 47% of the schools besides the quantity, the quality of the training is also not satisfactory. Here the major concern is that the SMC are failing to perform the tasks visualized for them. The SMC's are formed to monitor the proper functioning of the school but it failed in addressing the basic functions like the attendance of children, proper delivery of the Mid-Day Meal, addressing discriminating & unfair practices in the school and most important the formation of school development plans. The SMC's are found to be unaware of their monitoring roles and financial powers and their role in the process of redress of grievances (Jha, 2014), so basic agenda behind the SMC's can be achieved only when the SMC's are well equipped & trained.

### **Social inclusion and equality of opportunity**

The Right to free and compulsory education Act promises every Indian child of 6-14 years of age, 8 years of compulsory and free education.

But the evidences suggest that a large number of children continue to be wholly or partially excluded from the educational system. Under the RTE Act, two broad categories of children are recognized which will especially considered for inclusion and equality, these are the "disadvantaged group" and the "weaker section". These children are vulnerable and at risk of not completing elementary education. The RTE-SSA Framework, 2011 identified girls, children from SC, ST and Muslim communities, children belonging to the most under-privileged groups, as being vulnerable and at risk of not accessing their rights of education. The list recognized by the RTE as

vulnerable and at risk categories of children is not exhaustive as additional categories of children remain excluded in specific contexts. The magnitude of children who are excluded wholly/partially from education is alarming. Social exclusion up to some extent is the result of educational inequalities. Inequalities are reported in the available data, primarily for SC & ST children and communities. Census 2011 reflects lower literacy rates for SC (66.1%), ST (59.0%) communities when compared to national overall literacy rate at 73.0%. Executive committee meeting of the SSA reported increased enrolment and continued drop out for SC, ST and Muslim children. It is very appreciating that the enrolment rates are increasing and this reflects the motivation and awareness among the parents & children. Accessibility to school is ensured up to a great extent in India but the continued high dropout rate despite of all the measures is a big matter of concern for the whole community and especially for the marginalized because they share a major dropout rate. Physical access to the school for the children living in remote and difficult to reach areas, for the urban poor children in densely populated areas still remains a challenge but this inaccessibility does not end merely reaching schools. The physical layout and access to various basic facilities like safe drinking water, toilet, playground, hygienic & healthy mid day meal and seating is further challenging the accessibility to school. The poor infrastructure & bad condition of the facilities available in the school not only demotivate the children but sometimes compelled them to drop out. Absenteeism and low performance levels are continuously reported among the poor children.

Besides the challenge of physical accessibility, the social inaccessibility in terms of non acceptance and low attention from the peers, teachers and school authority to the disadvantaged & weaker section children also exists. A recent study by the MHRD acknowledged the widespread prevalence of discrimination in the school and inside the classrooms. A study in Udaipur, Rajasthan observed that the children belonging to the economically weaker section are not allowed to attend the morning assembly in the school, they were seated in the back benches and their parents were not allowed to come for the routine PTM's. According to National Newspaper, Hair cut of EWS children is done in a school at Bangalore for identification as EWS. In a convent school in Chandigarh, a separate section for the EWS children is made, although segregation & discrimination is strictly prohibited under the RTE. The Mid-Day Meal scheme which was started for increasing enrolment and retention is continuously underperforming and instances of unhygienic, not tasty, unhealthy & uncooked food are reported frequently. So it is failing in the purpose of retaining children as the children are not ready to take food which is not tasty & even not cooked enough.

### **Role of Private sector**

The income of the average household in India is increasing and the Government schools are becoming more & more ineffective nowadays, this has given a rise in private schooling in India. Only the poorest households are continuing with the govt. schools and a positive correlation between increase in income and private schooling can be clearly observed in India..

The private education market is getting bigger and estimated at Rs. 3.83 trillion in the last financial year. Of this, 59.7% of the market size is accounted for higher education, 38.1% by school education, while the pre-school segment account for 1.6% of the market and technology and multi-media contributing to the remaining 0.6%. The RTE Act 2009 has recognized the need of the regulatory role of the state to monitor the evil practices in the private education sector. The RTE has stipulated that no private school should be established or can function without obtaining a Certificate of Recognition and that such Certificate of Recognition would be issued to schools that fulfill the prescribed norms & standards. RTE specifically lays down the norms and standards for the schools & if the school doesn't fulfill the prescribed norms it shall do within there 3 years of the commencement of the act. The Act extended the time limit later on but nearly 21, 351 such unrecognized schools continue to be in operation in India. Unrecognized schools are the major concern in India, they don't fulfill the norms & standard of the Govt. regulations & on the other hand the data of enrolment, retention & dropout in these schools is not easily available. The RTE Act 2009 has mandated the closure of unrecognized schools. The closure of schools is very critical to the country where the responsibility of universal access to education is not completely fulfilled by the Government. Studies show that since the RTE came into force around 1 lakh Govt. schools have been closed due to non-compliance with the RTE provisions. The closing down of private public schools due to non-compliance of RTE is damaging the spirit of universal access as the RTE should strive to regularize the instructional process & not to end the instructional process. The reports of closing down of schools are available and the schools are continuously receiving show cause notices but the stand of government for the arrangement of education of students studying in these schools is not clear at all. Besides the issue of unrecognized schools, the Private sector is in news for non-compliance with the norm of reservation of 25% seats for the economically weaker and disadvantaged children. The RTE Act 2009 under its clause 12, has required all the private schools to reserve 25% of their entry class seats for the EWS children, the government will reimburse the per-pupil expenditure. The rationale behind the reservation is social inclusion & equality. Clause 12 provides opportunity to the children from all categories to come & learn together. When the RTE At 2009 came into force with 25% reservation provision, all the private schools & the parents of the upper class section opposed it very strongly & moved to the Supreme Court against it. But the Supreme Court upheld the validity of the clause 12 and the private schools were forced to follow the norms of 25% reservation. The lack of will and the spirit of social welfare, made these private schools evolve some strategies to escape from the 25% norms. They started reducing the number of seats at entry level classes so that automatically the seats for 25% get reduced, giving admissions to upper class students in EWS Quota & making false claims, hiking fees & asking government to increase the per pupil reimbursement and they didn't stop here. The private schools are continuously being reported for adopting discriminating and unfair practices against the EWS children. These practices are strongly discouraging the children & their parents of EWS section and they have started resisting from availing the opportunity of getting admission in the reputed private schools.

Although some private schools are following the norms of 25% quota satisfactorily & they are doing with the spirit of social responsibility. But most of the schools have completely ignored the true spirit of 25% norms as it is coming in their way of making business out of education. Besides the attitude of private sector, the irresponsible attitude of the Government is also the culprit in damaging the 25% norms. The private schools are not getting reimbursement timely so they are not able to manage the burden of free education. The awareness of the parents regarding the 25% norms is very low and due to lack of parental awareness, procedural difficulties & parental choice a large number of seats remains vacant. With this situation, the RTE Act 2009 can't ensure equity as well as efficiency but the private schools as more effective and efficient than Government schools in teaching & learning outcomes should contribute towards achieving quality education for all.

### **Achieving quality in curriculum & learning outcomes**

The RTE has prescribed comprehensive and continuous evaluation of the students to achieve quality in education. For the purpose of delivering quality education, infrastructure holds very important place. The students should feel comfortable, only then they can be able to receive the instructions properly. According to DISE (2012-13) data only 8.28% schools in the country fulfill all 10 infrastructure parameters as prescribed under RTE. According to information tabled in Parliament, 85% schools have drinking water facilities & 89% schools have toilets. Only three states Chandigarh, Delhi and Kerala report 100% coverage in both indicators. Only a negligible number of schools have infrastructure that suits children with disability. The Right to Education lays down 200 working days during the stage of primary schooling and 220 working days at upper primary. However 6.63% primary schools fail to comply with this norm.

RTE Act required timely supply of text books to the children so that their study may not be hampered due to unavailability of the text books. But no State reported 100% supply of textbooks in all schools. Chandigarh alone report 100% supply of text books in its school. RTE has prescribed no detention policy that means no child to be held back till class 8 in order to ensure compulsory education up to the age of 14 and prevent dropout in school. The policy of no detention will be supplemented with comprehensive and continuous evaluation of the progress of the child so that quality learning outcomes can be ensured without the fear of detention in students. But the spirit of 'no detention policy' is seriously damaged. Teachers are not trained to pursue the CCE model and they only focus on the aspect of not detention. They are not bothering whether the child is just moving to the next level class or has learned something actually. This attitude of teachers has resulted in worst results of class 10<sup>th</sup> examinations in lot of states where the students reached the 10<sup>th</sup> level class without having attained the required knowledge & skills. Data on performance of students at primary levels has revealed alarming results. The students of primary levels can't read and write. The learning levels are very low at primary level. ASER

reports that 52% children in grade 5 are not able to read grade 2 level texts and nearly one third cannot do basic arithmetic.

### **Conclusion**

The Indian Government has formulated and enacted the Right to free and compulsory Education Act 2009 with the spirit of achieving quality education for all without discrimination and exclusion. Education is assumed to achieve equity in society through providing growth opportunities to all. But after 5 years of the enactment of RTE Act 2009, there is no visible and marked change in status of school education. Although there is remarkable increase in the number of enrolment of children in primary education but dropouts and low learning outcomes still remain a big challenge. Most of the schools in Government sector are not fulfilling the basic infrastructure parameters & the private schools are continuously found to be indulging in corruptive & discriminating practices. The teachers are insufficient and there is lack of professional education & training.

The SMC's which are required to be formed under the RTE Act 2009 for ensuring community participation in the functioning of the schools are founded ill equipped and untrained. The members of most of SMC's are not aware of the financial powers and important tasks they are assigned under the RTE. They are not efficient enough to participate properly in the functioning of the schools. The SMC's are also founded not representing all the sections of the society and the poor parents & the other disadvantaged section are marginalized here also.

The RTE Act 2009 is quite appreciating and promises to achieve quality education for all. But the ground reality will change only when the provisions are implemented effectively with community participation & administrative guidance & support.

### **References**

- Dreze J and Sen A, 1996, Economic Development and Social Opportunity, New Delhi, Oxford University Press
- Kingdon G.G., The Progress of School Education in India, *Oxford Review of Economic Policy*, **23(2)**, 168-195, (2007)
- LYPSKY, M *Street-Level Bureaucracy*, Vol. 1. New York: Nueva York: Russel Sage Foundation (1980)
- MHRD: National Policy on Education (New Delhi, MHRD), para 4(4) (1968)
- MHRD: National Policy on Education (New Delhi, MHRD), para 3.2. (1986).
- Right to Education Act: Key Gaps in Policy and Implementation, Azim Premji Foundation (2011)
- Sikdar S.M., Enrolment and Dropout Rate in School Education', *Economic and political weekly* (2012)