



## IMPLEMENTING RIGHT TO EDUCATION: CHALLENGES AND SUGGESTIONS

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### INTRODUCTION

The present paper deals with the Right to Education Act-2009, its Salient Features and Main Challenges of Implementation. 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. It received much opposition due to its mandatory provision to provide 25% reservation for disadvantaged children in private school. The Sub-Committee of the Central Advisory Board of Education which prepared the draft bill held this provision as a significant prerequisite for creating a democratic and equalitarian society. The Bill was approved by the Cabinet on 2nd of July 2009. Rajya Sabha passed it on 20th July and Lok Sabha on 4th August, 2009. It received Presidential assent and was notified as law on 3rd September, 2009 as the Children's Right to Free and Compulsory Education Act. The law came into effect in the whole of India except the Jammu and Kashmir State from 1st April, 2010. The first time in the history of India a law was brought into force by a speech by the Prime Minister. This Act ensures that all children between 6-14 years have access to free and quality elementary education.

### MAIN FEATURES OF RIGHT TO EDUCATION ACT 2009

1. Free and Compulsory education to all the children of India in the 6-14 age group
2. No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.
3. A child above 6 years of age, who has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he /she shall be admitted in a class appropriate to his or her age. Further a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after 14 years.
4. 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 provision of the Births, 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.

5. A child who completes elementary education shall be awarded a certificate.
6. It calls for a fixed student-teacher ratio.
7. This act will apply to all of India except J&K.
8. Provides for 25% reservation for economically disadvantaged communities in admission to class one in all private schools.
9. Mandates improvement in quality of education.
10. School teachers will need adequate professional degree within five years or else will lose job.
11. School infrastructure (where there is problem) to be improved in three years, else recognition cancelled.
12. Financial burden will be shared between Central and State government. The Centre shall contribute 65% and the balance 35% shall be borne by the States.

Thus, through the RTE Act, the government has made a promise to millions of children to provide educational facilities. It ensures that every child is equal before law and all of them should have access to the same quality of education.

## **PROBLEMS IN IMPLEMENTATION OF RTE**

The RTE have far reaching consequences for implementing the mission of free and compulsory elementary education. This task, however, is not much easy as it appears. The existing harsh socio-cultural and economic ground realities are in front of daunting challenges for executing RTE. Though RTE was implemented on April 1, 2010, some states have expressed their reservations to some provisions of the Act. There are controversies between the Central and State Governments issues related to the implementation of RTE Act. The MHRD Report (RTE the Second Year) reveals that certain provisions of RTE have not been fully implemented in some of the State and Union Territories.

### **A. Funding**

The issues related to funding are also acting as a hurdle in the implementation of the Act. There are certain provisions such as construction of new schools and toilets, has to match up with the requirement of the RTE. And these targets have to be realized by every State. Due to financial constraints some states expressed their inability to adhere to the RTE norms and standards.

### **B. Physical Infrastructure**

In second year on RTE (MHRD, 2012), some infrastructural issues are addressed, which will help us to understand the linkage between the existing and expecting infrastructure facilities in schools. The report undoubtedly indicates that 16% of schools still don't have toilets. This is an alarming number. On one side, provisions are made to bring children to schools and provide them opportunity to stay in the schools, whereas on other hand, they are not able to get the basic facilities like toilets, drinking water, etc. This is an overall situation, if counting will go deeper up to separate toilets for girl children, situation will be more horrible. The teachers have to retain children in school for hours to gather



without having the facilities of toilets. Physical and Human resources are needed safe drinking water toilets and nutritious meals.

### **C. School Management Committee**

There are problems in the in the constitution and functioning of school management committees. Some elementary school teachers desired to improve the selection process of school management committees in the rural area. They want that there should be provision of an observer appointed by the government to conduct the election of school management committees in schools. The school management committee has to play its constructive role in functioning of the school to impart quality and equitable education to children.

### **D. Professionally Qualified Teachers**

Teacher development needs to include training in order to adapt to the evolution of teaching and learning processes and methodology. There is a need to shift 'training' to professional preparedness of the teachers. The question about knowledge, attitude and skills an effective teacher should possess is a subject to debate. The fact remains that the quality of education is dependent on the preparation of high quality teachers.

Pupil teacher ratio is one of the maintaining the required PTR because for this country as whole has to recruit more than 13 lakh teachers within a time frame.

### **E. Pupil Teacher Ratio (PTR)**

To maintain PTR (Pupil Teacher Ratio) as per the RTE norms, a large number of teachers are to be recruited, trained and deployed in the schools .But there is no provision to check if a State is unsuccessful in maintaining the PTR at the elementary school as per the RTE Act. This tendency among elementary school teachers seems to be on increase these days. They are not responsible whether the children learn or not. Many of them come to school, do trivial administrative work and go away. Some teachers are engaged in activities such as mid-day meal management, societal activities, etc. Lack of commitment on their part led to practice of absence in them. Many teachers take turn in coming to school. The government schools are worst affected by this conduct of teachers and headmasters. It is a serious concern for all stakeholders whether non-committed teachers can contribute to classroom teaching seriously.

### **F. Single Teacher School**

As per the latest data 9% of the elementary schools are still being managed by a single teacher. There are schools in the remote area without any teacher. In some schools the teachers do not come regularly. There is no monitoring of such teachers by bodies such as the government or school management committees. In such a circumstance how right to education can be ensured right to education.

### **G. Enrolment of Children of Economically Weaker Sections**

As per the RTE provisions, the unaided private schools are required to reserve 25% seats for children from economically weaker sections of society. No method, however, is prescribed for selection of 25% poor children for admission in unaided private schools. They can choose the children in the way that would benefit them. In spite of this, the private schools have been expressing one or the other excuse for not admitting such children. Their general impression is that due to underprivileged children in their schools they have to compromise discipline and quality of education. The fact is that private schools are elitist and

are trying to resist government control over admission. They feel that the rights they are enjoying for years would be taken and the basic character of the private schools would also be demolished. As a result of this resistance in private schools many states are facing problems in implementing relevant provisions of the RTE Act.

#### **H. Dropouts**

The national dropout rate is about 7%. Kasturi (2012) pointed out that major reasons of dropout in India are poverty and child labour, lack of toilet for girls in schools, lack of drinking water facility, lack of playgrounds, lack of teachers, discrimination of caste and gender, lack of pre-schooling and inadequate learning tools. The high dropout rate pushes us to think about inadequate infrastructure, social biases and gender difference as main causes for it.

#### **I. Children with Special Needs**

RTE has a provision for providing children friendly environment in schools. On analysis of data it was found that more than 50% schools didn't have disabled friendly in the country. This may lead to dropout of disabled children in schools. This problem is more serious in the schools located in the rural and remote areas of the country.

#### **J. Quality Concerns**

Quality in elementary education is one of the vital issues. Children are entitled not only for education but also for quality education. After implementation of RTE Act, every stakeholder is concerned about quality education. The major challenge is to ensure the availability of professionally qualified and committed teachers in sufficient number to impart child-centered education, Absenteeism of teachers, single teacher school, proxy teachers, etc., is some challenges which need to be addressed seriously to ensure high quality elementary education in the country.

According to the Annual Status of Education Report (ASER-2012), a survey conducted by an NGO Pratham, reported a sharp drop in learning level in the elementary schools in the country where less number of children can read. They survey found that more than half of the children in the Class V were not able to read a Class II level text book in year 2010. This number has dropped to 4% in 2012.

The report further revealed that with regard to the basic Arithmetic, if seven Out of ten children enrolled in class V were able to solve a simple two digit subtraction problem with borrowing in 2010, the number has come down to five out of ten children in 2012. RTE's provisions could not become part of total school environment. As a result the initiative failed to improve classroom processes as envisaged under RTE Act. What happens in a class room plays an important role in over all development of children. Generally teachers feel that since Continuous and Comprehensive Evaluation (CCE) was introduced, their written work has increased. Maximum time is spent on keeping records. It however does not mean that there is something wrong with CCE. It is rather the way CCE is understood and practiced by the teacher in schools. This is a challenge for the government to attain minimum level of learning in such a situation.



## SUGGESTIONS/ CONCLUSION

Due to social political, economical and geographical constraints, it is challenge before the country to implement the RTE ACT in true sense. Still there is a lot of spadework to be done, in terms of creating the frameworks, action plans as well as creating the infrastructures and enabling environment both at centre and states, for implementing the RTE across all schools.

1. The noble objective of the right of every child to education can be achieved by collective efforts of all the stakeholders.
2. There is a need for coordination, with strong political will and commitment, between the central and state government agencies.
3. The stakeholders such as , teachers, head of the institutions, village panchyat, school management committee, parents, non-government organizations, and key persons of society can collectively make quality education accessible to every child under the overall umbrella of the central and state governments.
4. For practical shape, the ground level functionaries should be taken into confidence and constructively involved in preparing strategies in this regard. The ground level realities must find place in the preparation and implementation of plan for quality elementary education.
5. The point of emphasis here is that coordinated efforts of all the stakeholders are precondition for the success of any initiative, including right to education.
6. Every literate person should also come forward and spread the usefulness of education to illiterate parents who are unable to appreciate the relevance of education in curbing the social evils.
7. In order to meet the goals set by us, India must prioritize and invest in making the Act a reality through dialogue and consultation with key stakeholders within and outside the government. For this all the key stakeholders should work tremendously to remove all psychological and social barriers in the implementation of the Act.
8. If our government is really serious about effective implementation of RTE, then the poverty has to be accepted as a biggest challenge.

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