



CHALLENGES IN IMPLEMENTATION- RTE 2009

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INTRODUCTION

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), which was passed by the Indian parliament on 4 August 2009, made India one of 135 countries to make education a fundamental right of every child. The 86th Constitutional Amendment was first introduced in Parliament in 2002 and took more than 6 years to be passed and finally receive presidential assent in 2009 to be notified as an Act on 1st April 2010. The Indian Constitution included this intent right since independence in the form of a Directive Principle (Article 45) that aimed at guiding governance. This meant that the country aspired to achieve universal elementary education for all children up to the age of 14 years from the time of independence, and successive Indian governments also adopted policies that could facilitate this aspiration. However, it was still not a justiciable right. By moving this provision to Article 21 (inserted as Article 21A) and converting this to a fundamental right, the new Act has converted this aspiration into a commitment. The Act, however, has excluded the 0-6 year age group who continue to figure in the Directive Principles.

The Act has serious implications for private schools as well. All private schools need recognition from the designated authority and all recognised schools must fulfil the norms for physical infrastructure, teacher-pupil ratio, and learning processes as specified. The federal nature of Indian polity and diversity of educational structures meant that though the Act is applicable for the entire country, the state governments needed to frame their own rules for its implementation. The central government framed model rules and made it available to states for guidance. Different state governments took their own time in framing the rules, and while some have retained more or less all the feature of the model rules, some have modified them to suit their specific situations and interests. The implementation of the Act involves serious financial and governance challenges.

Considering that different Indian states are at different stages of development both in terms of economic and educational indicators, these challenges are also likely to manifest differently. There are wide differences in total and per capita expenditure in elementary education across states, and states with low expenditures would need to garner additional resources to meet the RTE requirements. On the other hand, even those states that do not face major financial challenges need to put systems and processes in place to improve their delivery and meet the RTE expectations in true spirit.

IMPLEMENTATION ISSUES/ CHALLENGES

- Not easy to implement in urban and rural areas- embodies great diversity and inequalities
- demarcation of the habitation pattern divides the urban society into rich and poor
- Challenge to create the planning, implementation and monitoring framework that deals with the diversity and inequalities in a manner that the educational interest of the urban poor is safeguarded.



ISSUES OF UEE IN RTE CONTEXT

- RTE stipulates - neighbourhood school within three years
- Primary school within 1 km & upper primary within 3 kms of the household
- Urban context not easy to locate schools in overcrowded and unauthorised
- Free transportation arrangements to the nearest school or provide free residential school/facilities. More schools required
- Demolition drives, changing uses of land, relocation of slums etc. disrupt the lives of people and access to schools
- School to be made available at the new place
- Providing access to schooling to such groups as street children, children of rag pickers, who seldom have proper residence is another challenge

Not only physical access ensuring social access & addressing exclusionary practices in the school, especially those based on caste, class, gender and special needs.

- School mapping exercises to incorporate social mapping with the community
- Community heterogeneous and disorganised- civil society involvement

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Special Concessions:

RTE reinforces systemic reforms required school system to be made flexible in terms of admission procedure, academic cycle and school timings.

- Children visit native place and overstay- school to understand such pattern and adjust school timing accordingly

MANDATE OF RTE

- Education compulsory for 6-14 years.
- Any time of the academic year, a child can go to a school.
- 'free' to give equal opportunity to all
- Expenses not to become a hindrance each child is given age appropriate education which implies that children enrolled in the class that corresponds to their age. special training/ bridge course'

SPECIFIC CHALLENGES

Tracking out of school children difficult task due to inter and intra migration.

- Street that may / may not be having linkages with their families.
- Mapping such children and enrolling them in the age appropriate class massive and complex task.
- Providing age appropriate education another major challenge to ascertain the age of child parents may not be able to tell the age of child and no affidavit
- Schools run as part of National Child Labour Projects (NCLP) to be brought under the umbrella of RTE to equip them with necessary infrastructure to comply with RTE

UNIVERSAL RETENTION

The Act stipulates State to facilitate the completion of elementary education and directs no child to held back, expelled or required to pass a board examination until completion.

- Child of disadvantaged groups are not discriminated
- Various practices- separate seating arrangements in the classroom, calling them by different names, discriminatory attitude of teachers
- Private schools to reserve 25% seats for disadvantaged
- Difficult task to monitor each private school that they admit and create enabling conditions that children not dropout

MINIMUM FACILITIES

Act lays down norms and standards relating to, *inter alia*, (PTR), infrastructure including school building, learning equipment, school working days, teacher working hours

- Urban areas numbers of schools in rented buildings
- Facilities good –water, toilet but functional not much known

INCREASING PRIVATISATION

Three type- Govt, govt aided and pvt unaided.

- Pvt. instit. Not uniform & homogenous hierarchy catering to different socio economic class
- Pvt.2 types: recognized & unrecognized schools.
- Educational data does not cover unrecognized -variety and size of private sector much more reflected in official data.
- Increasing privatization deprives the public schools of middle class clientele who are vocal and more likely to demand for more quality education- deterioration of govt
- Challenges in urban education to instill a capacity to articulate the concerns of disadvantaged

ISSUE OF UNRECOGNIZED SCHOOLS

Another major challenge status of unrecognised schools

- Number of such schools growing at much faster pace
- clientele group of these schools predominantly poor
- RTE specifies norms with regard to school building and qualification of teachers what will be the future of these schools and the children studying?

ACHIEVEMENT OF COMPETENCIES

ASER, Aggarwal & Chugh- poor achievement level.

- RTE rests the onus of ensuring learning on teachers whereas earlier this burden was placed on child and the children were categorized as ‘brilliant’ or ‘slow learner’.
- Challenge before the teachers to make all the children learn
- Teachers of pvt.school need to ensure disadvantaged children also achieve the competency level

.PLANNING & MANAGEMENT ISSUES

The multiplicity of city administration with overlapping jurisdiction, low fiscal capacity of cities, increasing privatization

- Administrative arrangements and structures are vastly dissimilar in urban areas

- Preferably all schools in a city may be brought under one administrative control. may politically not palatable, at least some structure to be created to coordinate between different agencies also to provide redressal on RTE related complaints.

We are also not examining these issues although they are no less important. We, therefore, are confined to the following issues in this respect:

- 1) Teacher education (pre service),**
- 2) Teacher management, and**
- 3) Redressal mechanisms.**

TEACHER EDUCATION

Teacher education is a major challenge in terms of both the number and quality. States such as Odisha require a supply pool of thousands of professionally trained teachers for which the seats in existing teacher training institutions are highly inadequate. In addition, these states usually also have a backlog of serving teachers without the required professional qualification. In the wake of RTE, the states now have the responsibility of assisting these teachers as well in getting the requisite professional qualifications within a stipulated time frame of five years since the law came into force. Odisha and a number of other states in eastern India provide primary teacher training diploma only through state-run institutions which have very limited seats and therefore they need to look for solutions to deal with this challenge. Although 96 per cent of regular teachers in Odisha are trained, regular teachers constitute only about 60 per cent of total serving teachers.

PERCENTAGE OF PROFESSIONALLY TRAINED TEACHERS AMONG REGULAR

(Source: DISE Flash Statistics 2010-11)

Karnataka has a policy of hiring only regular teachers with stipulated minimum educational qualification and pre-service training. Hence, though the state has a backlog of about onefourth teachers who do not fulfil the requisite educational and professional qualifications, majority of them are likely to retire in the next five years. The state should be able to fulfil the RTE requirement of having qualified and trained teachers by 2015. Karnataka also faced a paucity of trained teachers and found a solution in privatising the system. Till 2003, only state-run teacher training colleges were imparting the primary teacher diploma courses and the universities were imparting the B.Ed. courses in the state. But these were not able to meet the growing requirements for teachers. During 2003-04, a new policy gave permission for the opening of private D.Ed./ B.Ed. colleges leading to a surge in the number of private colleges imparting these courses. This meant an increase in the supply pool of teachers in the state. However, no mechanism exists for maintaining the quality of these courses, which is generally perceived as being widely uneven, and in some cases, questionable.

This is not to undermine the fact that the teacher training courses even in state-controlled institutions are old fashioned and the quality suspect, but consultations with a cross section of stakeholders indicate that that the quality in private colleges, barring a few exceptions, could be worse. Although the government regulates the fees charged by these private colleges, they are widely reported as charging higher fees and are perceived as being



concerned only with making profits. The demand for such courses is high as the expansion of the system has led to creation of high number of positions for teachers in government schools. Public sector jobs in India continue to be more secure and stable, and therefore highly desirable. Fifty per cent of the weightage is given to marks secured in the D.Ed./ B.Ed. programme for selection of teachers. Most of the private colleges, especially in the North eastern Karnataka are believed to be inflating the marks of their students to ensure selection in government schools. The recruitment of teachers without credible pre-service training is one of the biggest and the most critical challenge for quality of teachers in the state. There is also a lesson to be learnt for other states that are thinking of allowing private colleges to enter. They should try to have regulatory mechanisms for quality in place before allowing the colleges to start the courses. Distance education is widely seen by states as another viable option. The states find it attractive because of the low costs and potential for training large numbers in a short span of time. However, serious doubts have been expressed regarding its efficacy in preparing teachers. The concern about quality of training and teacher preparedness is not new and the RTE has only brought it to the surface. The issues relating to teacher training and teacher preparedness are important for private schools as well.

TEACHER RECRUITMENT AND MANAGEMENT

The overall TPR is 26 in both Karnataka and Odisha if one takes the state average into account. But the situation changes if one looks at the disaggregated. Almost 22 per cent of both primary and upper primary schools in Karnataka and 46 per cent of primary and 35 per cent of upper primary schools in Odisha respectively have TPRs above 1:30 and 1:35. Government are in much better position as compared to private schools in Karnataka, as only 8 per cent of primary and 14 per cent of upper primary schools have higher than 1:30 or 1:35 TPRs. The situation is much worse in Odisha where a large proportion of both government and private schools have TPRs higher than the RTE mandated norms. About 40 per cent of government schools fall under this category for both the stages and nearly 18 per cent of schools in the state are single teacher schools(DISE,2009-10). qualification requirements are the same as RTE norms.

Karnataka already has a system of conducting examination for selecting teachers and placing them through a process of counselling. Odisha does not have these systems in place. The state governments also need to develop mechanisms to check the fulfilment of academic and professional qualification as well as TPR criteria in private schools. The situation in Odisha becomes more serious if one considers the fact that about 40 per cent of teachers in Odisha government schools at elementary stage are not regular. We have already discussed the financial implication of this fact but finance is only one side of the story. The state also needs to evolve a more institutionalised system for recruitment to get away from its present system where five kinds of teachers with different salary structures are present. This also adversely affects teacher morale and motivation, something important for teacher performance. Karnataka does not face any such problem but a significant proportion (nearly one fourth) of teachers still does not fulfil the educational requirements.

The issues that surfaced about teacher education, recruitment and management in these two states are fairly common for other states: again Odisha somewhat representing the resource-poor and Karnataka the resource-rich states. What is very clear is that while the

issue of quality is near universal states such as Odisha face additional challenges of weaker institutional processes for recruitment, management and education. It is high time that states initiate a process of institutional reforms with long-term goals in view rather than looking for short-term solutions and short-cuts. We need to learn from past experiences that so called short-term solutions are no solutions: they neither provide relief nor succeed in transforming the quality of education delivery.

MONITORING AND COMPLIANCE MECHANISMS

The Act has made provisions for the National Council for Protection of Child Rights (NCPCR) and the State Council of Protection of Child Rights (SCPCR) to exercise quasijudicial powers as national and state bodies for compliance. It designates ‘local authority’ for compliance at local levels, and leaves it to state rules to decide who these would be at various levels. While Karnataka has designated SDMC (School Development Management Committee – same as SMC), Gram Panchayat and Block Education Officer as local authorities, Odisha rules are unclear about defining local authorities. Although RTE does not demand it, Karnataka has made the SDMC a part of the local elected bodies, which makes it possible for the SDMCs to play a more important role in leveraging the resources for school development as they have more reach in terms of funds and legitimacy. This is not true for Odisha and most other states. The SMC has been given important roles: developing the School Development Plan and overseeing its implementation as well as acting as the first-level compliance institution in states such as Karnataka. Three-fourths of the members are parents, half of them being mothers. Places are also reserved for disadvantaged social groups. This obviously is aimed at allowing women and other members coming from disadvantaged groups to be able to participate in school monitoring and related decisions. Past experiences clearly reveal that it is important to give representation but representation alone does not help in breaking the power relations and traditional roles.

Therefore, it would be important to treat the SMC training as a process of empowerment through information, skill and attitude building; something that most training modules do not necessarily aim at. It would help if perspective building on the SDMC’s role and rationale for that role is part of teacher training processes as well. The teacher has to accept her/his accountability towards SDMC to make it a more meaningful body.

Sociological aspects and is more complex in nature. It is feared that mixing of children from poor neighbor hoods and low-income, low-educated families with those coming from highly educated, high-income families would create problems for both kinds of children. While on one hand it is argued that children from poorer families would not be able to cope and would develop an inferiority complex, parents of children from richer families have been openly expressing their fear regarding their wards being subjected to ‘bad influences’. A perusal of research across the globe suggests that though it poses a challenge for the school to effectively deal with the situations where children from diverse backgrounds are attending together, the diversity in reality acts as major learning opportunity.

Limitations and challenges, have indeed helped in changing the inter-racial relations for ever. It is important to view this measure as a desirable one not only for poorer children but also for those coming from relatively richer backgrounds, as the presence of children from diverse backgrounds is going to widen their understanding of the socio-religious-

linguistic-economic realities of India. A number of private schools are advocating for running evening classes for this group in order to save the costs and safeguard the homogenous nature of students. They go to the extent of claiming that that would be able to teach much larger number of children by running evening / separate classes for weaker / disadvantaged section as against they have to be integrated in the regular school.

PRIVATE SCHOOL AS NON-PROFIT INSTITUTIONS

In the context of private school, it is important to raise a very pertinent issue about the law that guides their institutional status. Indian legal system does not allow any educational institution at any level to run on a profit basis. All fee-charging private schools operate under the Acts that guide non-profit Trusts or Societies, and therefore cannot have any declared profit. In reality, a number of loopholes in the legal system allow them to pay any dividend or make profit without declaring them as profit. Based on their non-profit status, they also access a number of subsidies and concessions such as prime urban land owned by state at less than market rate for lease and often do not fulfil the necessary requirements that make them eligible for such concessions. For instance, even before the RTE was enacted, the Delhi state law required all private schools and hospitals that had received land from the state at concessional rates to admit certain proportion of students or patients from While private schools are opposed to this measure on the basis of the arguments cited above, there is another school of thought that claims that the measure is going to benefit the private and kill the public sector in the long run.

STRUCTURES TO IMPLEMENT AND MONITOR RTE

Besides equity, efficiency and quality improvement the RTE stress on the decentralisation

- SDMC- local authority officials, parents, guardians and teachers prepare school development plan
- 50 percent women and parents of disadvantaged children: Functions of SDMC ensuring that the parents enroll and send children to school regularly, all the incentives from the government reach to students advocacy and awareness prog. to supervise the construction activities
- capacity building of these parents is also a big challenge. Bimonthly or quarterly meetings with parents must be made mandatory

CONCLUSION

Running private educational institutions at all levels has become a profitable business in India for those who can circumvent the laws; it is cumbersome and unattractive for others because of absence of any comprehensive regulation and lack of clarity regarding tax liabilities. Informal enquiries have also shown that local politicians own majority of these institutions and therefore vested interests play a major role even in state assembly/parliamentary debates on this issue. Any educational reform involving private institutions needs to look into this aspect of legal reform but the problem is that the law makers themselves are often guided by vested interests. In all such circumstances, different types of barriers emerge as the central factors in the limited enjoyment of the right to education of these various population groups. Understanding these different obstacles and their inter-relationship is a permanent challenge for developing effective education policies to



ensure non-discrimination and equal opportunities in education. Fostering inclusive education implies active engagement of civil society. The intellectual community and the civil society play a central role in promoting better understanding of inequalities in education. The advocacy work of these stakeholders is vital to ensuring widespread attention to issues for ensuring equality of opportunity in education.

A number of these issues apply to all levels of education, and therefore are outside the remit of RTE. However, these are wider issues with significance for attaining the goal of free and compulsory education for all, which we are now also talking of extending to secondary level, and therefore critical to any serious discourse.

References

1. DISE. (2009-10,2010-11). Analytical Tables.
2. DISE. (2009-10,2010-11). District Report Card. DISE. (2009-10). Flash Statistics DISE.
3. DISE. (2009-10.2010-11). State Report Cards.
4. Government of India. (2009). Right of children to free and compulsory Education Act.
5. Government of India. (2009). Model Rules under the Right of children to free and compulsory Education Act
6. Government of Odisha. (2010). RTE Odisha Rules.
7. Government of Karnataka. (2012). RTE Karnataka Rules.
8. Government of India. (2001). Census 2001, Child Population.
9. Juneja, Nalini. Exclusive Schools in Delhi and Their Law, Economic and Political Weekly, Vol- XL No. 33, August 13, 2005
10. Technical Support group, SSA (2011-12). Appraisal Report, Karnataka.