

A STUDY ON RIGHT TO EDUCATION: ANOMALIES AND CHALLENGES

Piyush Kumar Shah

Research Scholar

Department of Law

Lords University, Alwar

Piyushshah512@gmail.com

Dr. Jyoti Kumawat

Research Supervisor

Department of Law

Lords University, Alwar

Abstract

The Right to Education (RTE) Act, 2009, mandates free and compulsory education for children aged 6 to 14 years in India. While the Act represents a significant step toward universal education, its implementation has faced several challenges. The Act is a significant step towards achieving universal primary education and ensuring that every child has access to a quality education. However, in addition to its successes, the RTE Act has faced numerous challenges during its implementation. This article covers the RTE Act's Anomalies, and challenges in India, offering a broad picture of the legislation's influence on the nation's educational system.

Keywords: Right to Education, Compulsory, Anomalies, Challenges, Implementation

INTRODUCTION

The RTE Act provides for the right of children to free and compulsory education till completion of elementary education in a neighborhood school. It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.

It makes provisions for a non-admitted child to be admitted to an age appropriate class. It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.

It lays down the norms and standards relating inter alia to pupil teacher ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours. It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.

OBJECTIVE OF THE STUDY

The objective of this paper is to find out the Anomalies and challenges in Right to Education in India.

REVIEW OF LITERATURE

Ravi Kumar (2004) in his research paper entitled, Free and Compulsory Education for children has been written by the author after the 93rd Constitutional Amendment 2002 was passed and the Free and Compulsory Education for Children, Bill 2004 was pending. The author argues that the target set by Article 45(7) of the constitution could be achieved only through well planned and suitably designed programmes. The author traces the process of a shift in the idea of education, from “education” to “learning”. The author emphasizes the point that ‘education’ has been placed to cater to the needs of capitalism and the system of education is trying to institutionalize the inequality which is already existing in the Indian society for centuries. The author also articulates on the important point that, India being the signatory to the Child Right Convention (CRC) has failed to act upon it and has made the constitutional amendment, making education free and compulsory to children only in the age group of 6 to 14 years.

Adarsh Sharma, Rekha Sharma Sen and Reny Gulati (2008) emphasize in their paper “The importance of early childhood education and analysis various developmental policies and programmes on early childhood education in India”. The authors have written this article by making documentary analysis and literature review to appreciate the development of policy and programme on early childhood development in India. They make the finding that the changing economic and social condition has broken down the traditional mechanism of the early childhood care system in India. Further, the authors find that the disparity between the rich and the poor has put the children in the vulnerable condition.

The article reveals that the policy and programmes relating to Early Childhood Development (ECD) has gradually evolved from Welfare to Development to Rights. The Constitution and the United Nations Convention on the Right of the Child (UNCRC) are the basis and the guiding force to drafting the policies and programmes for early childhood development.

Gouda, J and K. C. Goli (2013) in their article, “Difference between government and private school with special reference to learning” have tried to identify, compare and contrast the differences between the government schools and the private schools in terms of learning outcome, physical infrastructure and the schooling costs. They have also tried to study the impact of having good infrastructure and the schooling costs on the performance of the children in school. The authors have used the India Human Development Survey (IHDS, 2005) data for assessing the infrastructure facilities and schooling cost and the performance of the children in government and in private schools in India. The IHDS survey includes a national representative sample of 41,554 households located from all the states and union territories of India and it includes both urban and rural sample.

Jitendra Gowda and Kailash Chandra Das (2013) in their paper “Education in private and Government School” have identified the differences between the government schools and private schools in terms of infrastructure, the fee charged including the performance of the

students. The authors have also assessed the role of infrastructure, cost on the performance of children. The research paper reveals that there is a colossal difference in the standard and quality of education provided by public schools and private schools. The literature offers solutions related to improving the conditions of the teachers and on providing better infrastructure.

Karthik Muralidharan (2013), In this paper 'greater input will automatically improve the learning outcomes in children' has made policy recommendation which is based on the study of high-quality empirical research done in the past and has also given the suggestions to implement the 12th five-year plan. The findings of the author are that there is very little evidence to support. The author finds that better management by focusing more on teacher performance and by innovative teaching method, specially designed to match the learning level of children will have a positive impact on government school. The author also suggests that innovative techniques of classroom teaching and proper school management would improve the quality of teaching.

ANOMALIES AND CHALLENGES

1. Why only 6 – 14; why not 0 – 18 years

According to several activists, "The Bill allows only children between the age 6-14 to get the privileges, which we think is so shallow." They think that leaving out early childhood care and education, and senior schooling seriously limits the right to education. They explain: "0 to 6 years is considered to be the formative years in the child's upbringing. We don't see a reason why a child of this age group should be excluded. And India has signed the U.N. charter which states clearly that free education should be made compulsory to children of 0-18 years old." The act excludes 157 million children below six years of age and children between 15-18 years.

2. 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."

3. 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 lakh posts of teachers at primary and upper primary level.

Currently, more than 5.23 lakh teacher posts are vacant. To bring the pupil-teacher ratio to 30:1 as prescribed by the RTE Act, 5.1 lakh additional teachers are required. Already, there are 5.1 lakh schools with a pupil-teacher ratio of more than 30:1. On top of that 5.48 lakh untrained teachers at the primary and 2.25 lakh 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 low percentage of untrained teachers. They also have adequate capacity for teacher education.

4. 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 classes I – VIII. So a clear **definition of teaching eligibility** is required so that a teacher can teach all these eight classes. This will also help administratively as well as keep teachers motivated.

5. 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 these 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?

6. 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.

7. 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.

8. 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.

9. Automatic passage to next class may be counter productive

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 valuable formative years of life wasted.

10. 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 penalizes 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.

11. 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.

CONCLUSION

While the RTE Act has led to significant progress in expanding access to education, its full potential remains unrealized due to the challenges in implementation. Addressing these issues requires a multi-pronged approach that combines improved infrastructure, teacher quality, inclusivity, and accountability. By strengthening institutional mechanisms and fostering community participation, India can ensure that the right to education becomes a reality for every child.

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