

**Implementation of Right to Education Act-2009-
Issues and Challenges Ahead –
A Study of Nagpur City - (2010-2014).**

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EXECUATIVE SUMMARY

Principal Investigator

Dr. Sampada Amit Naseri

Assistant Professor

Department of Home-Economics

Mahila Mahavidyalaya, Nagpur.

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Chapter I

Introduction

Education is a dynamic process that starts from birth. Education is the mirror of the society and base of the socio-economic development. It transforms human beings from ignorance to enlightenment, from underdevelopment to faster economic and social development.

Different Interpretations of Education

The concept of education is like a diamond which appears to be of a different colours (nature) when seen from different angles (point of view or philosophy of life).

Definitions of Education

- Sri Aurbindo (1872-1950) defined 'Education means building of human mind and spirit'.
- Mahatma Gandhiji (1869-1948) defined it as 'All round drawing out of the best'.

Characteristics of Education

- Education is a lifelong process.
- Education is a bipolar process.
- Education is a tripolar and multipolar process.
- Education is a deliberate process.
- Education is a psychological process.
- Education is a Sociological process.
- Education is a child centred process.
- Education is not information or knowledge.
- Education is not instructions.
- Education has three aspects-formal, informal and non formal.

Dimensions of the educative process

Why to educate ,Whom to educate, Who is to educate, Where to educate ,What to educate- ,How to educate, When to educate. There are some factors determining aims, contents and methodology of education. These factors play a very important role. They are,

- 1.Economic factors.
2. Geographical factors.
3. Linguistic factors.

4. Philosophical factors.5. Political factors. 6. Religious factors.7.Social factors.

Historical Background of Indian Education

Education in India has a history stretching back to the ancient urban centres of learning at Taxila and Nalanda. Western education became ingrained into Indian society with the establishment of the British Raj. Since independence, the education policies of successive governments have built on the substantial legacies of the Nehruian period, targeting the core themes of plurality and secularism, with a focus on excellence in higher education, and inclusiveness at all levels.

Indian Education Policy

To formulate a coherent education in India Kothari Commission was set up. According to Kothari Commission, education was intended to increase productivity, develop social and national unity, consolidate democracy modernize the country and develop social, moral and spiritual values. To achieve this, the main pillar of Indian education policy was to be free compulsory education for all children up to the age of 14.

Education as a Right

Right to Education is among the listed human rights whose status affects the realization of all other rights. Tomasevski (2005), special UN Rapporeteur on the Right to Education , states that ‘the right to education defies classification either as a civil and political right or an economic, social and cultural one. It forms parts of both Covenants and, indeed, all core human rights treaties. Legally, education is enshrined in all of the major international treaties, starting by the UDHR.UDHR establishes the right to education, in its article 26, in the following manner.

1. Everyone has the right to education. Education shall be free, at least In the elementary and fundamental stages. Elementary education shall be compulsory.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.
3. Parents have a prior right to choose the kind of education that shall be given to their children (UNHR, Article 26).

For education to be a meaningful right, it must be Available, Accessible, Acceptable and Adaptable (4-A’s). The 4-A’s are to be respected, protected and fulfilled by the

government, as the prime duty-bearer, but there are also duties on the other actors in the education process and that is the child.

Availability- that education is free and funded by the government and that there is adequate infrastructure and trained teachers able to support education delivery.

Accessibility- that the system is non-discriminatory and accessible to all, and that positive steps are taken to include the most marginalised.

Acceptability- that the content of education is relevant, non-discriminatory and culturally appropriate, and of quality, that the school itself is safe and teachers is professional.

Adaptability- that education can evolve with the changing needs of society and contribute to challenging, inequalities, such as gender discrimination, and that it can be adapted locally to suit it specific context.

Survival Rate at Primary Level

Survival rate at primary level grade I to V is 78%. National level data 4 reveals that out of survival rate at primary level grade I to V is 78%. National level data4 reveals that out of every 100 children who enrol in grade I, only 78 are able to complete grade V.

The Past

During pre-independence days, educational rights were unknown. In fact, education was considered as a privilege rather than a right. The State's obligation to provide education was recognized with the inclusion of a directive principle to this effect under Article 45 in the Indian Constitution (directive principles, unlike fundamental Rights, are not legally enforceable).

Analysis of Legal Documents

Right to Education Act (2009)

While Section 19 of the RTE Act remains vague on many issues (perhaps to be able to include the state norms), it clearly states that every school has to meet the requirements in the schedule within 3 years, whether recognised or unrecognised.

Schools running without certificates of recognition, or after withdrawal of certificate of recognition would be liable to a fine of 1 lakh Rupees and 10,000 rupees for each day if the contravention continues. Section 18 (3) states that every displaced child will be provided admission in the neighbouring recognised schools.

Right to Education Act (2009) : Background and Meaning

Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The right to education act seeks to give effect to this amendment. The government schools shall provide free education to all the children and the schools will be managed by School Management Committees (SMC). Private schools shall admit at least 25% of the children in their schools without any fee.

Right to Free and Compulsory Education –

- 1) Every child of the age of 6-14 years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education.
- 2) For the purpose of sub-section (1), no child shall be liable to pay any kind of fee or charges or expense which may prevent him or her from pursuing and completing the elementary education. Provided that a child suffering from disability, as defined in clause (i) of section 2 of the persons with the disabilities Act, 1996, shall have the right to pursue free and compulsory elementary education in accordance with the provision of chapter V of the said Act.

Some of the Highlights of the Historic Right to Education Act (2009)

- Every child in the age group of 6 to 14 years will have a right to free and compulsory education in a nearby school.
- Calls for a fixed student-teacher ratio.
- Will apply to all of India except Jammu and Kashmir.
- Private and unaided educational institutes will have to keep 25% of the seats for students belonging to the weaker sections.
- No child would be failed or expelled and will not be required to pass any board examination till the age of 14.
- All students who complete their elementary education will be awarded certificates.
- Financial burdens will be shared between the center and states.
- Infrastructure of schools will be improved. Recognition will be subject to improvement.
- Quality of education will be improved.

- School teachers will need adequate professional degree within five years or else will lose job.
- No child shall be subjected to physical punishment or mental harassment.
- To constitute a school management committee consisting of the elected representatives of the local authority, parents or guardians of children.
- No teacher shall be deployed for any non-educational purposes.
- No teacher shall engage himself or herself in private tuitions.

Importance of Right to Education Act-2009

The importance of learning is to enable the individual to put his potentials to maximum use. Education makes man a right thinker and a correct decision maker. It can be achieved through gaining knowledge from external world, teaching him to reason and acquainting him with past history, so that he can be a better judge of the present with education he finds himself in a room with all its windows open to the outside world.

Some Issues and Challenges in implementation of RTE Act (2009)

- **Right to Education Act- Financial Challenges**

The Right to Education Act is already plagued with various financial hurdles and challenges. The fiscal budget is to be shared between the center and the states in the ratio of 55:45 and 90:10 for the North-Eastern States.

- **Right to Education Act: Challenges to Find Qualified Teachers.**
- **Right to Education Act: Challenge to provide infrastructure.**
- **Right to Education Act : Challenge to provide Equality and Quality in Education**
- **Right to Education Act : Challenge to Enforce 25% Quota for Weaker Section.**
- **Right to Education Act : Challenge to Child Labourers to Schools.**

Some other issues and challenges

- **Is Education really free under RTE**
- **Is Quality Education Available to all Under RTE**
- **Reservations at 25% in private schools**
- **Availability of Teachers and Required Pupil-Teacher Ratio.**
- **Challenge of Refund of Amount of fees from Government**
- **Challenge of Psychological effect on children in private schools**

- **Challenge of providing other school material to the underprivileged children**
- **Challenge of online admissions**

Statement of the Problem- Implementation of Right to Education Act-2009 - Issues and Challenges Ahead - A Study of Nagpur City - (2010-2014)'.

Delimitations of the study

1. Only government and private recognized schools were selected.
2. Due to time constraints more issues related RTE could not be examined.

Aim of the study

The main aim of the study was 'Implementation of Right to Education Act-2009- Issues and Challenges Ahead- A Study of Nagpur City - (2010-2014)'.

Objectives of the study

The main objectives of the study are

1. To study issues and challenges still remain after implementation of RTE, 2009.
2. To study the accessibility, availability, adaptability and effectiveness of RTE, 2009.
3. To study the issues and challenges for the schools in implementing Act.
4. To study the Teacher-Pupil Ratio.

Justification of the study

1. This study is very significant as it provides an insight into the status of implementation of Right to Education Act in Schools.
2. Creating awareness and understanding of Provision of Right to Education Act-2009 amongst the teachers, parents and to the society is very necessary.
3. The study will be very useful to understand that after implementation of Act, to assess, different issues and challenges still remained.

Hypothesis

The study proposes to test the following hypothesis.

1. There is a significant difference in the student-teacher Ratio of government and private schools.
2. The qualifications of teachers and quality education are co-related

Chapter II

Review of Literature

This chapter contains the review of related studies with regards to the Implementation Right to Education Act-2009, related issues. Such reviews help the researcher to possess an in-depth knowledge on the issues and challenges in implementation of Right to Education Act-2009.

Uma (2010), Research Scholar, Department of Public Administration, Punjab University, and Chandigarh, India, conducted a study on 'Right to Education (RTE): A Critical Appraisal'. The study was based on Primary and Secondary data. Observations, interviews and online questionnaires were administered for data collection. The random sample of 200 people mainly educational administrative authorities, principals, teachers of primary schools was interviewed. Online questionnaires were administered on the service class people. Published reports, news reports of news channels, articles in journals and newspapers, websites, blogs were used. Findings of the study shows that the act does not take care of the age below six. The age taken cannot be justified and right, schools does not provide basic facilities children. The students sit on the floors and there are no separate toilets for students in the school. The principal does not have a separate office. No separate kitchen to prepare mid-day meals could be seen in all of the primary schools.

Sonjuhi Singh (2010) conducted a study on 'Right to Education and Right to Educate: A Study of the Impact of Right to Education Act on Unrecognised Schools in Delhi'. The study examines the status of unrecognised schools post the Right of Children to Free and Compulsory Education Act (RTE Act). The RTE Act states that every school has to meet the recognition criteria under the new norms of the RTE Schedule within three years, otherwise they would face closure. Field visits were conducted in recognised and unrecognised schools in Shahadara to gather information about which of State norms and RTE norms could not be met. These were land norms, teacher salary and the playground requirement for all schools and additionally, teacher salary for the unrecognised schools. While the schools might not meet any of these norms, parents continue to send their children to unrecognised schools as they are preferred to government schools and charge a lower fee than the recognised ones. Group discussions with teachers from these schools also showed that they were passionate about teaching children to the best of their ability.

Chapter - III

Methodology

Right to Education Act provides for the right of children to free and compulsory education till completion of elementary education in a neighbourhood schools.

Education is passport to the future, for tomorrow belongs to the people who prepare for it today. It makes provisions for a non-admitted child to be admitted to an age appropriate class. It also lays down the norms and standards relating to pupil-teacher ratios, buildings and infrastructure, school-working days, teacher-working hours etc. It provides for appointment of appropriately trained teachers, that is teachers with the requisite entry and academic qualifications. It is mandatory to all private schools to provide 25 percent of the seats for the students belonging to economically weaker section and disadvantaged section of the society in admission to class first and their fees to be reimbursed by the state as part of the public-private partnership plan. There are some more provisions in the Act.

Right to Education Act is implemented from April,2012 and till date the schools, parents, teachers, school authorities are facing many challenges which need to be solved mutually for the betterment preserving right to education of children.

Methodology

Area of Study – The Nagpur city is selected for the present study. Different types of schooling is provided in Nagpur to the children. Some prominent categories of schools are as under.

Sample

Since the study was based on implementation of Right to Education Act-2009-Issues and Challenges Ahead, the subjects were selected from various parts of Nagpur city. The schools were selected as under.

- Government and Government aided Schools.
- Private Schools

Sample Size – A purposive sample of different kind of schools were selected. A sample of 103 schools and 89 teachers was selected.

Method of Data Collection

- A self made structured questionnaire was prepared with close ended as well as open ended questions. The data was collected from School Principals, Management, Parents and teachers of the selected schools. Along with questionnaire observation and interviews were noted down.

Hypothesis

The study proposes to test the following hypothesis.

2. There is significant difference in the student-teacher Ratio of government and private schools.
2. The qualifications of teachers and quality education are co-related.

Variables under study

Independent Variables - Type of School (Government and private Schools)

Dependent Variables - Student teacher ratio

Design of the study

As it was an exploratory study of implementation of Right to Education Act-2009-Issues and Challenges Ahead, no factorial design was used.

Statistical Treatment of Data

The answers were categorised and percentage, mean, Standard Deviation and students 't' test was used to analyse the data.

Discussion

The findings were discussed considering the statistical values obtained .The obtained results were presented in graphical forms and discussed in the succeeding chapter.

Chapter IV

Statistical Analysis of Data

The present study was carried out to study the implementation of Right to Education Act-2009-Issues and Challenges Ahead-A Study of Nagpur city,(2010-14). In this chapter collected data was interpreted statistically. Percentage, mean, Standard Deviation and 't' test was used for this.

Chapter –V

Role of Government and Non Government Organization

India made a Constitutional commitment to provide free and compulsory education to all children up to the age of 14 nearly sixty years ago. The goal, which was expected to be achieved by 1960, remains elusive, even now. Yet, one has to admit that developments in recent years have had significant impacts on the situation, raising the hope that universal basic education could be a reality within a reasonable period of time. Three factors seem to be making a distinct difference in the growth trajectory of elementary education in the country.

Role of NGO

NGO initiatives: It is seen that NGOs are engaged in several activities that are aimed at improving access to education of the disadvantaged sections of society.

Some NGO' working in the field of child education are as under.

1. **Bodh Shiksha Samiti**
2. **Students' Educational and Cultural Movement of Ladakh (SECMOL)**
3. **Centre for Learning and Resources**
4. **Deepalaya**
5. **Pratham**
6. **AMIED**
7. **The MV Foundation**
8. International NGOs (INGOs) have played a significant role in adopting a rights-based approach and support civil society groups to demand good quality education. They contribute toward policy development and support initiatives within communities.

Chapter –VI

Result and Discussion

In preceding chapter, statistical findings were interpreted. The findings of the study are discussed in this chapter.

1. Number of students in a class of the selected schools (Government and Private).

The findings of the number of students in one class of selected schools shows that a large percentage of number of students in one class is between 46-55.

2. Provision of Training to the School Teachers Regarding RTE-2009

The findings of the Provision of Training to the School Teachers Regarding RTE-2009 shows that more number of teachers did not received any training about RTE-2009.

3. Opinion of School Teachers Regarding not to fail a child up to the age of 14 years.(No Detention Policy).

The findings of the study of **opinion of school teachers regarding not to fail a child up to the age of 14 years**, it is seen that large number of teachers from private schools are not satisfied with the statement that no child should be fail up to the age of 14 years which is mentioned in the RTE-2009 that is with the policy of no detention.

4. Opinion of teachers regarding resolving problem of school dropout by providing 25% reservation to underprivileged children.

The findings of the study of opinion of teachers regarding resolving problem of school dropout by providing 25% reservation to underprivileged children shows that a large number of teachers are disagree with the provision made in RTE that by provision of 25% reservation to underprivileged children will resolve the problem of school dropout .

5. Teacher – Student Ratio of Primary School

The findings of the study of ‘Teacher- Student Ratio of government and Private Primary Schools’ shows that more schools are having teacher-student ratio of 30:1.

6. Teacher –Classrooms Ratio

The findings of the study of Teacher –Classrooms Ratio shows that large number of both the schools that is government and private schools are having teacher student ratio of 1:1.It is very essential that one teacher should get one classroom, to enhance the quality of education. Teacher can focus on their students if they get teacher-classroom ratio that of 1:1.

7. Level of Teacher’s Qualifications

The findings of the level of ‘Teacher’s qualifications’ shows that more teachers are having qualification till post graduation.

8. Infrastructural information of schools.

A findings of the ‘Infrastructural information of schools’ shows that large number of schools are having infrastructural availability as per RTE-2009.

9. Availability of Child Counsellors in Schools

The findings of the study of ‘Availability of Child Counsellors in government and private schools shows that more private schools having child counsellors.

Well trained Child counsellors are needed for personality development of children.

10. Information about RTE Admissions (2014-15)

The findings of the study of ‘Information about Admissions under RTE shows that private schools admitted more students under RTE-2009 than government schools.

11. Position of Refund of Amount of Fees to the schools by the government (2010-14)

The findings of the study on Position of Refund of amount of fees to the schools by the government (2010-14) shows that large number of private schools have received refund of amount of fees by the government for admissions under RTE compare to government schools.

12. Opinion of school Authorities regarding school dropout rate will decrease by provision of 25% reservation to underprivileged children.

The findings of the study on Opinion of school Authorities regarding school dropout rate will decrease by provision of 25% reservation to underprivileged children shows that large number of private schools disagree the statement that provision of 25% reservation to underprivileged children will decrease the school dropout rate compare to the government schools.

Chapter – VII

Summary and Conclusions

The following summary and conclusions were drawn from the present study.

1. The findings of the Provision of Training to the School Teachers Regarding RTE-2009 shows that more number of teachers did not received any training about RTE-2009.
2. The findings of the study of opinion of school teachers regarding not to fail a child up to the age of 14 years, it is seen that large number of teachers from private school teachers are disagree with the statement that no child should be fail up to the age of 14 years which is mentioned in the RTE-2009.
3. The findings of the study of 'Teacher- Student Ratio of government and Private Primary Schools' shows that more schools are having teacher-student ratio of 30:1.
4. The findings of the study of Teacher –Classrooms Ratio shows that large number of both the schools that is government and private schools are having teacher student ratio of 1:1.
5. The findings of the level of 'Teacher's qualifications' shows that more teachers are having qualification till post graduates.
6. The findings of the 'Infrastructural information of schools' shows that large number of schools are having infrastructural availability as per RTE-2009.
7. The findings of the study of 'Availability of Child Counsellors in government and private schools shows that more private schools having child counsellors.
8. The findings of the study of 'Information about Admissions under RTE shows that private schools admitted more students under RTE-2009 than government schools.
9. The findings of the study on Position of Refund of amount of fees to the schools by the government (2010-14) shows that large number of private schools have received refund of amount of fees by the government for admissions under RTE compare to government schools.
10. The findings of the study on Opinion of school Authorities regarding school dropout rate will decrease by provision of 25% reservation to underprivileged children shows that large number of private schools disagree the statement that provision of 25% reservation to underprivileged children will decrease the school dropout rate compare to the government schools.

Chapter –VIII

Suggestions and Recommendations

The Right to Education Act (RTE), enacted in 2009, has ushered in hope for school education in the country. It is the culmination of efforts made by educationists, members of civil society and judiciary for the last many years. Free and compulsory education for all children had been debated even in pre-Independence years. It made its way into the Constitution as a Directive Principle of State Policy under the former Article 45, whereby states were required to ensure provision of free and compulsory education (FCE) to all children till the age of 14 years within a period of 10 years of the formulation of the Constitution. There is enough evidence to suggest that this goal has not been achieved even several decades after India became independent. With the RTE coming into force, there is an expectation that this will finally be translated into provision of quality school education for all children.

The study provides the following suggestions.

1. More improvement in the infrastructure like availability of water, sanitation and toilets in schools should be done on priority basis. The incentives like books, uniforms etc. available to the students must be made at the beginning of the session.
2. The government should ensure that all government schools are well equipped with infrastructural facilities and modern teaching technology.
3. Primary schools with all minimum required facilities should be established in the neglected areas on priority basis.
4. Proper training for teachers and staff should be provided to enhance the quality of education.
5. Teachers' performance is the most crucial input in the field of education. Well qualified and highly motivated teachers are the key to effective implementation of the curriculum. Top priority, should be given for improvement of in the quality and content of teacher education programmes.
6. More trained teachers should be employing instead of Para-teachers.
7. Pupil-teacher ratio should be strictly maintained as per the requirement.

8. Programme should be implementing in phases, rather than all at once. To make RTE, effective, it should be implemented in phases with close monitoring of effectiveness at every stage. Feedback, so received should be used to improve the system in later phases.
9. Central government should release budget of its share to the states at the earliest. Private schools should get reimbursement of fees at the earliest.
10. Appointment of the Child counsellor is very necessary at every school. Many children are suffering from emotional stress, unable to cope up with curriculum, family background, strict discipline at school, learning disability, slow learners, etc. The consequences of these can be lack of attention, more behavioural problems, and poor achievement, unable to communicate their problems to the teachers and can perform poor in academics. Child counselling as well as parental counselling will be very helpful in solving these issues.

Policy Recommendations

Major Issues Relating to Policy Level Changes

- Government should provide residential school facility for poor children in good quality urban educational institutions or improve public school by giving management to NGOs or private sector which can provide quality as compared to urban high budget schools.
- Redefining the definition of “weaker section” under sub section 2 of RtE 2009, currently includes all economically poor, therefore most of benefits are availed by educationally aware and politically connected parents who are able to manage certificates to meet admission requirements.
- 25% reservation is not enough to accommodate most of poor children. It should be 50% .
- Obtaining Certificates for “Below Poverty line” and “income” certificate are difficult. It should be made accessible for all. Currently they have to go to Block level government office which is quite far and expensive for really poor.
- Reimbursement process- needs to be strengthened in terms of verification of enrolled children by visiting schools, parents. Process should be made more efficient that private school can receive claims quickly. Additional charges should be borne by the

government for example, transportation, stationeries and uniform so that poor parents can get access to such high budget schools.

- Monitoring/ verification- government has to develop separate body for monitoring implementation of clause. Government can give responsibility to NGOs and social activists for monitoring at school level implementation and Block level as well as at district level. They can closely look into the matter relating to discrimination, admission process, classroom teaching, and community awareness.
- Discrimination- Strict monitoring and policy provision need to penalise such schools.
- A Workshop and seminars should be conducted at school level to improve the awareness.
- Literature should be provided preferable in the mother tongue so that they may read and understand the Right to Education Act creaky.
- Provision of school counsellor should make more promptly for the personality development of children.

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