



## **Universalization of Elementary Education in the Context of Right to Education Act (2009): Assessment of Issues and Concerns**

**Satvinderpal Kaur**

Assistant Professor,

SDS College of Education, Lopon Distt. Moga Punjab

### ***Abstract***

*Ensuring formal education to all children has been an area of lively debate in the world. Time to time various policies and programmes have been launched by the state to ensure universalization of education. Article 45 under the Indian Constitution stated that the state shall endeavor to provide free and compulsory education for all children until they complete the age of fourteen years, within a period of ten years from the commencement of this Constitution. But, the State failed miserably in fulfilling this obligation as is evident from the fact that even after 66 years, universal elementary education is a distant dream. In the year 2009, a law to facilitate the realization of the fundamental right to education was passed by the Parliament by way of the right to free and compulsory education act (RTE). The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE 2009), is an Indian legislation enacted by the Parliament of India on August 4, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 to 14 years under Article 21a of the Indian Constitution. The Act envisaged quality, accountability and accessibility of education for each and every child of the nation. Transformation of the dream of universalization of education depends upon the successful achievement of the goals advocated by RTE Act. There are many fundamental issues and challenges standing before the successful implementation and progress of the right to education act. The present paper evidently discusses the issues and concerns related to universalization of elementary education.*

### **Introduction:**

Education is the investment in human capital. The development of the country can never be possible without ensuring the expansion of education among the masses. This is the reason why various countries have incorporated the provision of compulsory education to be imparted to all the citizens. Education is considered as the basic human right by a number of treaties and identified that right to education as a fundamental aspect for development and social transformation. Historically, after the independence, Article 45 under the Indian

Constitution stated that the state shall endeavor to provide free and compulsory education for all children until they complete the age of fourteen years, within a period of ten years from the commencement of this Constitution. But, the State failed miserably in fulfilling this obligation as is evident from the fact that even after 66 years, universal elementary education is a distant dream. In the year 2009, a law to facilitate the realization of the fundamental right to education was passed by the Parliament by way of the right to free and compulsory education act (RTE). The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE 2009), is an Indian legislation enacted by the Parliament of India on August 4, 2009, which describes the modalities of the importance of free and compulsory education for children between 6 to 14 years under Article 21a of the Indian Constitution. The Act views the education as fundamental right and mandates the government to provide free and compulsory education to every child up to eighth standard. Hence it is now legally enforceable for every child to demand free and compulsory education in the age group of 6-14 years.

#### **Salient Features of RTE Act (2009)**

-Every child in the age group of 6-14 years will have a right to free and compulsory education in the nearby school.

-Children who have either dropped out from the school or have not attended any school will be enrolled in the schools and no school can refuse them for admission.

-Private and unaided educational institutes will have to keep 25 percent of the seats for the students belonging to weaker sections of the society. Of an estimated out of 22 crores of the children of this age group, nearly 92 lakh are out of school.

-Neighborhood schools will be identified by a system of school mapping, and children of six and above who are not in schools will be identified by local authorities or school management committees.

-For all the schools, it is required to be recognized, failing of which they will be penalized for up to Rs. one lakh.

-No school can get any donation or capitation fee and any admission test or interview of the child or parent during the time of admission.

-No child will be failed or expelled and will not be required to pass any board examination till the age of 14. All children complete their elementary education will be awarded certificates.

-The RTE Act also demands for adequate number of qualified teachers to maintain a ratio of one teacher for every 30 students.

-Schools have to ensure proper infrastructure, which includes a playground, adequate no. of classrooms, library, toilet facilities, barrier free access for physically challenged students and drinking water facilities within three years.

-The school management committees will comprise 75 percent of the members from the parents of the students, who will monitor the functioning of the schools and utilization of the grants.

-The National Council of the Protection of human rights shall monitor the implementation of the act, together with commissions to be set up by the states.

-Financial burdens will be shared by the center and states in the ratio of 55:45 and this ratio is 90:10 for the north-eastern states.

Undoubtedly, Right to Education Act (RTE) has provided enormous opportunities to spread education among the people with an objective to make them empowered and able to rigorously participate in the national development mission; however the act contains following loopholes also:-

-The fundamental right to free and compulsory education has been confined only to educate the children of the age group 6 to 14 years and does not provide for the fundamental right to education in the age group of 2 to 6 years i.e. formative years of schooling and also in the graduation level.

- It encourages privatization of educational institutions by the provision of public-private partnership. It would lead to privatization and commercialization of education which by itself has long impending effects on the socio- cultural scenario of the country.

- Certain schools have already challenged the law in the Supreme Court as being unconstitutional and violating fundamental rights of unaided private educational institutions.

Undoubtedly Indian government has taken various initiatives before the RTE Act to promote universalization of elementary education. Every five years plans, SarvaShikshaAbhyan started in 2001, Mid-Day Meal Scheme, Education Programmes (DPEP) launched in 1995, National Policy of Education/, District Primary initiatives etc. But despite all these efforts, the dream of universalization of education has been remained distant for the country. Now RTE Act presented an opportunity to reach the education on equitable basis among unreached, particularly to the children of disadvantaged groups. It is an essential step towards improving each child's accessibility to secondary and higher education, bringing India closer to achieve national educational development goals, as well as the Millennium development goal (MDG) and Education for All (EFA). However, there are many fundamental issues and challenges which stand ahead in the way of progress for the accomplishment of this act.

### **Dearth of teaching faculty**

As per the Right to Education Act 2009, there should be one teacher for every 30 students. But the flash statistics released by NUEPA shows that the total no. of teachers in the year 2008-09 are on an average 4.5 teachers per elementary school and 3.0 teachers per primary school within India. The teacher absence rate ranges from 15 percent in Maharashtra to 71 percent in Bihar. Hence the dearth of good and qualified teachers is going to be one of the most crucial challenges. At present there are about lakh teachers in all for 1.29 million recognized elementary schools in the country, out of which, nearly 3 Lakh teachers are either untrained or under trained. The trend of appointing contractual teachers on meager salaries is another issue which negatively affects the quality teaching. The model rules of the act advocate in establishing school within walking distance of one Km of the neighborhood, and in case of children for class VI to VIII within a distance of 3 km of the neighborhood. Evidently the shortage of teachers and neighborhood schools are the challenges for the successful implementation of the act.

**Infrastructure:** The RTE act envisages that the schools must maintain quality in terms of infrastructure facilities like adequate teachers, play grounds and accommodation. In a survey conducted by NUEPA, it has been found that almost half of the elementary schools in the

country do not have separate toilets for the girls. Leaving aside this, virtually all government schools of the country lack even basic facilities like chairs, benches, drinking water, a good building enough rooms and teachers. This goes up to depict the sorry state in which our schools are. Hence it is going to be a challenge to provide required infrastructure that the act envisaged. Further it is required to establish a balance between center and state. There are no clear cut demarcation between the responsibilities of the state and center and is an issue to work out the details. For the successful implementation of the RTE Act, the objective is to promise quality education to all. Almost 65 percent of the population of country resides in rural areas. In a developed state of Punjab in all 122 habitations have no primary or upper primary schools in the neighborhood to access free and compulsory education mandated by the RTE.

### **Quality of Education**

A key feature of the RTE is that it emphasized quality as an integral aspect of the child's right to be educated. Part v of the RTE act lays down fairly specific terms under which the quality of elementary education is to be ensured. As per the annual Education report of 2011, 36 percent of the class III students in rural Indian schools can solve simple two digit subtraction problems. 55 percent of the class V students cannot read the text book of class II. The same report shows the alarming decline in mathematical skills among the children at elementary level. In a programme to evaluate education system worldwide India ranked second last among the 73 countries.

### **School drop outs and retention**

The dropout of children from the primary and upper primary level remains a serious concern. It varies significantly across different regions social, economic and gender groups. Now that the right to education has become a fundamental right of each and every child, the question is to spread education among them. Although the overall gross enrollment is impressive for primary schools the issue is the retention aspect of all enrolled. The latest survey conducted in Punjab for the purpose of setting goals to comply with RTE, 50, 000 children are out of school now. There are more than 12 million children in India (these are just official figures and in reality number may be much more than this), who are engaged in child labor. Providing education to such children is a huge challenge and issue of concern. Unless and until a special provision is made in the act, it would be very difficult to make these children able to avail their right to education. At present, 81.5 Lakh children have either dropped out from the schools or have never been a part of any educational institution. It is a challenge before state and center governments to ensure that all these children are brought back to schools. As has been pointed by agencies working for children's rights, reaching out to child laborers as well as kids who have been trafficked is one of the greatest challenges before the effective implementation of the RTE Act. Here, the complexity of the problem increases, since child labour prevention is under the purview of the Union Labour Ministry, whereas

implementation of the RTE Act is the responsibility of the HRD Ministry. Therefore only inter-ministerial coordination can ensure that these children are not denied their fundamental right of free schooling.

UNICEF (2013) reported that Eight million children never stepped inside a school and 80 million comprises dropped out and at a risk to be dropped out without completing basic schooling 41% of children dropped out before elementary level. Out of school children and school dropout is a national emergency.

### **Socio-Economic and Regional imbalances in Education**

Many of the research studies conducted in this field showed poverty as a major cause of dropping out of the school. The vicious cycles of the poverty, illiteracy, and unemployment are the barriers standing against accessibility of education by all. In India, where 37 percent of the people are living below the poverty line, it is a challenge to educate the children of such segment of the population. Poor people give first preference to their survival than to educate their children. They prefer to engage their children in labor work, which provides immediate economic benefits instead of education, which does not provide gains in terms of money due to high rate of employment. Most of the children of the country resides in rural areas for whom the government schools of desperate quality are available. India needs common (neighborhood) school system where children irrespective of their social status, cast and region living in a particular locality have access to quality education.

Table 2

#### **Rural –Urban Literacy Profile**

Year	Locality	Males	Female	Persons
1951	Rural	19.02	4.87	12.0
	Urban	45.06	22.33	34.59
1961	Rural	29.10	8.55	19.10
	Urban	57.49	34.51	46.97
1971	Rural	33.76	13.17	23.74

	Urban	61.27	42.14	52.44
1981	Rural	49.69	21.77	36.09
	Urban	76.83	56.37	67.34
1991	Rural	57.87	30.62	44.69
	Urban	81.09	64.05	73.08
2001	Rural	71.18	46.58	59.21
	Urban	86.42	72.99	80.06
2011	Rural	68.9	58.75	63.8
	Urban	84.9	79.92	82.4

Source: Census of India 1951, 1961,1971,1981,1991 and 2011

**Gender disparities in Education:** The right to education is to be achieved on the basis of equality of opportunities. The high dropout rate among the girl child and the low literacy rate among the women especially the rural areas is again an issue needs serious concerns. Gender disparities clearly reflect the gender discrimination which is more impending in the rural India. Among rural women the literacy rate is still 58.75 which is much below in the states like Rajasthan where rural female literacy rate is merely 46.25 percent (Census 2011) It is clear illiterate women put little efforts to encourage her children especially the girls to be educated due to lack of awareness and due to certain socio cultural barriers. Hence the challenge is to motivate that section of the society to avail the opportunities of Right to Education Act.

Table 3

Gender Disparity Profile in Literacy Rate

Year	Males	Females	Person
1901	9.83	0.60	5.35

1911	10.56	1.05	5.92
1921	12.21	1.81	7.16
1931	15.59	2.93	9.50
1941	24.90	7.30.	16.10
1951	24.95	7.93	16.67
1961	34.44	12.95	24.02
1971	39.45	18.69	29.95
1981	56.50	29.85	43.67
1991	64.13	39.29	52.21
2001	75.85	54.16	65.38
2011	82.14	65.46	74.04

Source: Registrar General and Census Commissioner India 2011

### **Conclusion**

Every generation looks up to the next generation with the hope that they shall build up a nation better than the past. The accessibility of every child to quality education enables to explore his/her potential, prepares them to develop life skills and therefore making them empowered to take the opportunities of employment. It is undisputed fact, that government has initiated many programmes for the universalization of education before RTE Act, but the dream remained distant for the nation so far. However, widespread poverty socio-economic disparities, various prejudices in the socio-political setup of the country, the goals to develop an effective educational system with access, equality and quality has not been achieved. The failure to check the dropout rate among the marginalize sections and rural people of the society has been remained as issue of concern. The failure and success of the RTE Act would largely depend upon the consistent political will in the form of implementations of policies, budgetary allocations of funds and their proper utilizations. Substantial efforts are required to eradicate social disparities and guarantee quality education on equal basis. The concept of pre- school(2-6 years) should be generalized because if all the children avail same kind of early childhood education, the chances will be high that they will go on to regular school.

Teacher is a king pin of any educational system, the quality of the teacher training programmes is required to be improved. In order to motivate the teachers to work hard and to realize the successful educational system, they should be appointed on good salary packages



and on regular basis. Job satisfaction on the part of teacher is pertinent for any educational system. The nodetention policy under this Act, children dropped out after the age of 14 when they show poor performance in the higher grades. Substantial efforts must be required to retain and maintain children after this age .The private –public partnership encourage the commercialization of education and needs to be restrained by introducing a legal framework to control and regulate the private institutions in matters of admission policies, fee, charges, salaries to their employees etc. The infrastructure, basic facilities, working conditions of the government run schools should be augmented. Load of school bags for the children needs to be reduced at least at the primary level. The future prospect of every nation lies in the hands of the children and illiteracy is the major hurdle before them. The right to education is a fundamental right and UNESCO aims at education for all by 2015. India should make sincere efforts to achieve the goal.



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