



## 'Right to Education in India – Implementation Issues

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### *Abstract*

*Right to Education is a revolutionary deviation and an acknowledgement of a maturing democracy, of sensitization of human dignity. So this act is worth a celebration.*

*Significant Aspects of Right to Education-Limited age-group (6-14) under RTE;The Non-Detention Policy;The issue of financing the Right to Education;Neighborhood Admissions for 25 percent;Monitoring of RTE; Pupil-Teacher Ratio; Socio-economically and physically challenged pupils. These are the issues which may face implementation problems.Under the RTE we should improve the quality and quantity of public educational institutions. In India our development goals make up of quality, quantity and also equality defining the varied socio-economic spectrum of our society<sup>7</sup>.*

*Ultimately it can be said that the core of the right to education relates to its substance, which differs from education itself. Effective and transformative education should be the result of the exercise of the right to education, which is a universal human right.*

The Right to Education (RTE) act is a major indicator of our country maturing from political and civil rights to social and cultural rights. A rights-based approach even though a great democratic tool, does not reflect well on a responsible social-welfare identity of the state<sup>1</sup>.

The right to education is an educational right but is more a social revolution in the sense of all Indian citizen getting a right to education contradicting the ancient socio-culturally stratified and sanctified rights that limited education to the top social strata of Indian society. Right to Education is a revolutionary deviation and an acknowledgement of a maturing democracy, of sensitization of human dignity. So this act is worth a celebration.

But is it perfect. No. Any educational system is a product of the socio-economic needs of the times. The British babu-creating model was easily accepted by the Indian elites post-independence, since it did not disturb much of the India social-hierarchy. A model catering to book-work more than to labour-skills. Even Gandhiji had called for Buniyaadi Taleem, labeling reading and writing only as 'upachaar'(tool) to achieve labour-skill based activities of life. But we declined his model.

**History of RTE in India :** Right to Free and Compulsory Education Bill was introduced in the *Rajya Sabha* - the upper house of Indian parliament on 15 December 2008 nearly seventy one years since Mahatma Gandhi gave a call for *universal education* in 1937; sixty one years since independence; fifty eight years since the Constitution, instead of making education a fundamental right made it part of the *Directive Principles*; fifteen years since the Supreme Court in 1993 ruled on the *right to education*; six years after the 86th *constitutional*

1-What are the different strategies and approaches to realize Right to Education in India?(2009) Shantanu Gupta, Institute of Development Studies, England

*amendment* was passed by the Parliament in 2002 by inserting *Article 21A* making education a *fundamental right* for children in the restricted age group of 6 to 14 years; and four years after the draft bill was prepared by the Central Advisory Board of Education (CABE) committee. Though the delay on part of the state is deplorable, the introduction is undeniably momentous (Rana, 2009)<sup>2</sup>.

The democratic pressures, civil movements like the National Alliance for the Right to Education (NAFRE), international conventions on child rights to education and judicial decrees have forced the government to come up with the right to education, even though very late.

### **Significant Aspects of Right to Education :**

**a) Limited age-group (6-14) under RTE** - The first striking aspect of the right to education is the age-group that it is catering to, 6-14 years. It has left out the 3-6 years olds as well as the 14 to 18 years olds. Firstly, it has violated article 45 of the Indian Constitution by leaving out the age group 0-6 years, it has violated Art 14 to Art. 18 as well as Article 41. Even on consent it is not following the United Nations Convention of the Rights of the Child (UNCRC) 2000, catering to the live, care, participation and development of all 0-18 year old children. The Right to Education is also an insult to the educational policies upto 1986 and also the 1993- Unnikrishnan versus State of Andhra Pradesh judicial decree which states education is indivisible part of Right to Life (Article 21) "Right to education is implicit and

flows from the right to life guaranteed by Article 21. That the right to education has been treated as one of transcendental importance in the life of an individual ...without education being provided to citizen of this country, the objective set forth in the preamble to the Constitution cannot be achieved the constitution would fail.” Still the Indian government took eighteen long years to enact the right to education. In that it also carried out the 86<sup>th</sup> Constitutional amendment mandating education only for children between 6-14 years and education according to laws created by the state and freed itself from the responsibility of giving quality education. Now practically, if we see who will be left out in the 0-6 years category are going to be mostly from the poor, scheduled castes, scheduled tribes, other backward castes and the girl child. They are poor and helpless. The same category children from the well-off and upper castes are in a position to go to private nursery schools. So what we are doing is denying entry to the underprivileged sections and girl child entry into elementary education by wiping them in the bud. The constitution and international

2- Right to Education Act in India (2009)-Kainth (Dr.) Gursharan Singh, Guru Arjan Dev Institute of Development Studies, Amritsar

conventions on childrens' rights have mandated not only educational but even health and nutrition rights for all children including those in the 0-6 years age-group. And we are not even talking about the health and nutritional aspects of our children. Now, we consider the other end of the age-limit, 14-18 years. The right to education is between 6-14, that means to about eighth standard. That is free education will be available upto standard eight. What do the poor, scheduled castes (SC) scheduled tribes (ST) other backward castes (OBC) and girl children do after that. Just drop out. They are poor, with the girl child under compulsion to marry, especially in rural areas. As stated earlier, does the government want a labour force who can read and write to labour for the service and industry sectors of our economy. This sounds like an extreme interpretation but the socio-educational economic repercussions cannot be overlooked.

**b) The Non-Detention Policy** -Added to this is the non-detention policy under the right to education. No child is to be held back in any class right up to eighth standard. The education system is also to be changed and the CCA (Continuous Comprehensive Assessment) to be carried out discounting the annual three-hour examination system. All these are fine and ideal academic policies. But are we in a position to carry them out effectively.

No- detention system will mean the poor, SC, ST, OBC and girl child will be carried up to eighth standard without any hurdle. But the teacher, the pupil and its poor and illiterate parents shall also not be duly worried whether their child / student is really learning and going to the next class. The teachers are ill-trained for the CCA and shall need huge quality training and motivation.

And the alternate assessments shall include group-activity, personality development, project-making, sensitivity and bond-building and may be some vocational education. All these require confidence, parents and home-backing and motivation. Will this be comparable in the SC, ST, OBC and girl child and the poor in general and they are going to be on the back-foot.

**c) The issue of financing the Right to Education.**

Some states like Uttar Pradesh are demanding hundred percent central grants while others are seeking seventy-five percent grants from the centre. The centre will probably settle on sixty-five percent grants. Most of the states lack the finances to carry out this right.

The right to education is one year old and there are still at least 8 million of the target group out of school children, 1.5 lakh government schools are without buildings and 4.5 lakhs do not have a toilet<sup>3</sup>

The point is why can't the government allot at least 6 percent of the GDP for education and at least half that for elementary education. Even African and Asian countries allocate at least ten percent or more of their GDP for education.

If they can do it why can't we in India. Has it to do with alleged internal state support for privatization of education or is it a modern manifestation of socio-educational denial to public educational institutions catering mostly to the poor, SC, ST, OBC, and girl children. Answer to this riddle shall solve most of the India's educational problems<sup>4</sup>

**c) Neighborhood Admissions for 25 percent** - The next significant aspect of the right to education is the compulsion on unaided schools to reserve twenty-five percent of their seats for the neighborhood children including the poor.

This clause invites extraordinary repercussions and interpretations from the elites and other concerned parties. The government is going to pay the twenty five percent childrens' school expenses. But it is going to be the national average cost per child. If the schools yearly expenses are more than the government's average cost per student. Then these elite schools get automatic exemption from taking in poor students. Then the other major objective is the government trying to fund private schools with public money. It seems so. It means the

government is acknowledging its inability to improve the quality in public educational institutions.

On a larger scale the government has moved out of public sector industries, it is also moving out of service industries. But now these indications show the government's intention to move out of its core function of social welfare, especially in the field of education. And the other aspect is even if the unaided schools are forced to take in twenty five percent neighborhood children comprising the poor SC, ST, OBC and girls, how are the cultural backgrounds of the two to meet. The poor children shall be demoralized and will lack confidence in the company of children from rich and well-healed backgrounds. Is this an ideal scenario.

We are simply discounting the state of mind of the poor children forced into a totally unfamiliar culture of the elite schools. A demoralized mindset is never open to excellence

3-Right to education remains a far cry-Indian Express, 29 March 2011

4-Shikshan Adhikar Kayada 2009: Bhamacha Bhopala – Simantini Dhuru – Shikshan Vedh, July 2010

and competition. The only answer is the long haul of improving public schools and bringing in most of the poor and middle class students to the exposure of quality education. Compulsory twenty-five percent reservation is a short-cut, misuse of public funds, aiding privatization of education and also a cruel joke of poor children and their educational potential. We should opt for improving the quality and quantity of aided schools to improve the education of the masses.

#### **d) Monitoring of RTE -**

The Right to Education has appointed the National Commission for Protection of Child Rights as the monitoring agency of the functioning and redressal aspects of this act. This commission is already overburdened, it does not have the personnel, training or funds to carry out this job. Very recently, HRD Minister has rejected the NCPCR proposal for a grievance redressal mechanism stating that the states can take care of the complaints coming from their areas.<sup>5</sup>This seems to be one of the biggest flaws in the RTE. To set law in place and be negligent about its implementation and redressal systems is the typical government's way of functioning. If a child has to seek justice it has to go to a government official who in the first place is responsible to implement it.

And we can go further only when the official gives the nod. This is preposterous and hypocritical. Ensuring a faulty redressal system is like ensuring denial of the right to education<sup>6</sup>

**e) Pupil-Teacher Ratio -**

The right to education asks for a pupil-teacher ratio of 30:1. This will require over one million teachers within three years. From where do we get them. This will give another boost for politician and education baron-run teacher training institutions with huge monies involved. But with poor quality. The act officially asks teachers to work for the national to local elections, the census and in national emergencies.

This is the most indignifying aspect of being a teacher. Without a sense of dignity we cannot expect commitment and excellence from our teachers. Without the highest dignity and financial incentive and training we simply cannot have a flourishing right to education for our children.

5- Sibal rejects call for RTE monitoring body – India edunews.net

6-The ‘fundamentals of the Fundamental Right to Education in India – Dr. Niranjanaradhya and ArunaKashyap, UNESCO, 2006

**f) Socio-economically and physically challenged pupils -**

The right to education has simply forgotten to address the differently challenged children and the children who are on the move, such as the de-notified and nomadic tribes of our society. Precisely, these are the children, that are out-of-school. The most socio-economically deprived sections of the society. If the law does not take care of them then it is simply missing the target. This is the socio-economic challenge to be handled in a holistic manner. The lifestyle, the economic needs of these nomadic people need to be addressed. They need to be settled in one place. This will require an economic as well as a special educational package. What the law says is that overage out-of-school children should be given alternate crash training and admitted to their age specific class. Is this feasible? Will the child with such difficult background be able to pick up so fast and match up to the class standards?

This sounds like a ridiculous idea and a cruel joke on the socio-economic backwardness of these neglected people.

The great Indian noble laureate has said that to say that the country does not have enough finance for education and health is an absolute and unmitigated nonsense. He should

know. The great educationists – J.P. Naik and D.S. Kothari in the Education Report (1966) had recommended a common school system.

But we are now too far into private schools. So we should massively increase educational budget (10 percent of GDP) and leave the unaided school from compulsion of twenty five percent admission reservations.

Instead improve the quality and quantity of public educational institutions. In India our development goals make up of quality, quantity and also equality defining the varied socio-economic spectrum of our society<sup>7</sup>.

Ultimately it can be said that the core of the right to education relates to its substance, which differs from education itself. Effective and transformative education should be the result of the exercise of the right to education, which is a universal human right.

7- Naik J.P. (1975) Equality, Quality and Quantity, The Elusive Triangle in Indian Education, Allied Pubs., New Delhi

The right is about the entitlement to claim the substance of it; it relates to the possibility of demanding the right to education and making it justifiable.<sup>8</sup>

What are the different strategies and approaches to realize Right to Education in India? (2009) – Shantanu Gupta, Institute of Development Studies, University of Sussex,

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