

**INNOVATIVE RESEARCH ORGANISATION****International Journal of Advance Research in Education, Technology & Management***(Scholarly Peer Review Publishing System)***RTE Act : Need of Hour**

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Introduction

Education is the most patent mechanism for the advancement of human beings. Education is a constant process of development of hidden powers of man which are natural, harmonious and continuous. It is said that twenty first century, "a nation's ability to convert knowledge into wealth and social good through the process of innovation is going to determine its future", accordingly twenty first century is termed as century of knowledge. Education is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to cultural value, in preparing him for later professional training and in helping him to adjust normally to his environment. The quality of education of the child will determine the quality of life in a nation. Both at national and international level efforts are being made to educate more and more people as education contributes in the development of the society which is consistent with the dignity of the human being. The right to education is recognized as a human right and is understood to establish an entitlement to education. According to the International Covenant on Economic, Social and Cultural Rights the right to education includes the right to free, compulsory primary education for all (1), an responsibilities to develop secondary education accessible to all in particular by the progressive introduction of free secondary education(2), as well as an responsibility to develop equitable access to higher education in particular by the progressive introduction of free higher education in particular by the progressive introduction of

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free higher education (3). The right to education also includes a responsibility to provide basic education for individuals who have not completed primary education. In addition to these accesses to education provisions the right to education includes also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to enhance quality(4). The right to education is included in the Article 26 of the Universal Declaration of Human Rights and Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights.

The Universal Declaration of Human Rights 1998, states that "everybody" has the right to education, hence the right includes all individuals, although children are understood as the main beneficiaries. Although, education is a fundamental human right and essential for the exercise of all other human rights, still nearly 200 million children in the age group between 6 and 14 years, more than half do not complete eight years of elementary education; they either never enrol or they drop out of schools. Of those who do not finish eight years of schooling, the achievement levels of a large percentage, in language and mathematics, is unacceptably low. It is no wonder that a majority of the excluded and non-achievers come from the most deprived sections of society-Dalits, OBCs, tribal, women and other financially backward-precisely those who are supposed to be empowered through education.

The main attributes of this right to education are :

1. Universal access to primary education free and compulsory for all;
2. Accessibility to secondary education in its different forms as well as technical and vocational education which should be made generally available.
3. Capacity-based access to higher education;
4. Opportunities for continuing education and literacy programmes and life long learning.



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5. Mammon international standards of quality education and of the teaching profession.

Right to Education Act, 2009

The Right of children to compulsory Education. Free and Act 2009. The Act is the first step in providing the children within a given age range a guaranteed opportunity to be provided with free and compulsory education. This is possibly one of the unique steps towards developing a comprehensive inclusive education policy in India. This is for the first time that a Fundamental Right has been added to the constitution of India since its promulgation in 1950. Efforts are also being made for improving the quality of education by regulating student-teacher ratio and imparting requisite training to the teachers. The Act will benefit close to none crore children who do not go to school at present, but its implementation will be challenging for the government. The government will have to appoint 12 lakh teachers and these teachers will have to be trained within the next five years. The centre and the states have agreed to share the financial burden in the ratio of 55:45, while the Finance Commission has allotted Rs. 25,000 crore to the states for implementing the Act. The centre has approved an outlay of Rs. 15,000 crore for 2010-2011.

Significant Features of the Right to Education Act-2009

The Right of Children to Free and Compulsory Education Act which was passed by the Indian parliament on 4th August 2009 describes the modalities of the provision of free and compulsory education for children between 6 and 14 in India under Article 21 A of the Indian Constitution.

**INNOVATIVE RESEARCH ORGANISATION****International Journal of Advance Research in Education, Technology & Management***(Scholarly Peer Review Publishing System)***The salient feature of the Right of Children for Free and Compulsory Education Act are as follows :**

1. Free and Compulsory education to all children of India in the age group of 6-14 years.
2. No child shall be held back, expelled, or required to pass board examination until completion of elementary education.
3. A child above is six years of age, who has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; provided that where a child is directly admitted in a class appropriate to his or her age, then he or she shall, in order to be at par with others, have a right to receive special training, in such a manner, and within such time limits, as may be prescribed; Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years.
4. A child who completes elementary education shall be awarded a certificate.
5. Calls for fixed student-teacher ratio.
6. Will apply to all of India except Jammu & Kashmir.
7. Provides for 25 percent reservation for economically disadvantaged communities in admission to Class One in all private schools.
8. Mandates improvement in quality of education;
9. School teachers will need adequate professional degree within five years or else will lose job.

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10. School infrastructure (where there is problem) to be improved in three years, else recognition can be cancelled;
11. Financial burden will be shared between State and Central government.
12. No child shall be subjected to physical punishment or mental harassment.
13. To constitute a school management committee consisting of the elected representative of the local authority, parents or guardians of children.
14. No teacher shall be deployed for any non-educational purposes.
15. No teacher shall engage himself or herself in private tuition./

Challenges Lying Ahead in Effective Implementation of Right to Education Act

Highlighting the importance of RTE Act, UNESCO Director-General said that, "without India, world cannot reach the Millennium development goals of having every child complete primary education by 2015. It is expected that the Act will propel to even greater heights of prosperity and productivity for all, guaranteeing children their right to quality education and a brighter future. But the RTE Act, that promises to provide compulsory and free elementary education to all children of India. is set to face many challenges in its implementation.

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Second challenge is related with infrastructure. The Act will monitor the infrastructure in schools including the number of classrooms, separate toilets for boys and girls, facility of drinking water, kitchen for mid-day meal, playground and barrier free access for physically challenged students and so on. But thousand of schools still do not have required infrastructure. Infrastructure facilities and other general conditions of private and public schools in India are very dismal and inadequate. In a survey, conducted by National University of Educational Planning and Administration (NUEPA), it has been found that almost half of the recognised elementary schools in the country do not have accessible separate toilets for girls.

Third important challenge and problem with the implementation of the Act is related with accountability among the schools defined by the Act. In the most private and public schools and accountability among the teaching staff is lacking. The ultimate victims of these malpractices are the innocents who would like to excel in life. To ensure the culture of accountability, the Act requires that all schools, except those that are unaided, constitute School Management Committee. Section 37 of the Act also maintains that legal proceedings against such actions of the government cannot be initiated in the vent that these have been undertaken in good faith and in the best interest of children. Rather than pursuing an objective vision, the Act is ridden with loopholes.

Fourth challenge in implementation of Right to Education Act, is the massive shortage of qualified and trained teachers. Both the government and private schools lacks teachers. But major shortages of teachers are in government schools-especially schools situated in rural areas and semi-urban areas. There are number of untrained teachers in the countries that range from total strength. This problem is mainly related with private schools as in the government schools teacher are appointed as per the government rules. The Annual Status of Education Report (2009) says half of India's children in Class V cannot read a class II level textbook and fewer still can do basic mathematics in rural areas. A major cause for this is the lack of trained teachers.

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The average student-to-teacher ratio in a classroom at present stands at 50:1, and as the Act envisages that this ratio should be 30:1; it implies that at least 12 lakh more trained teachers will be required within six months of notification of the Act. However, inadequate staff is only part of the problem. A World Bank Report (2005) said that, 25 percent of teachers were absent from schools and only half of those present, taught anything. Added to this, even presently there are hundreds of students in some classes and there is a huge gap between the training imparted to teachers and what they practice on the ground. In the absence of competent teachers, who are considered the pillars of education, it would be next to impossible for the Act to realistically achieve its goals.

Fifth, the RTE Act is to be implemented through the Public-Private-Partnership (PPP). It implies that the private sector will be encouraged to start primary and middle schools in non-served areas and they will have to admit wards of the weaker sections up to at least 25% of their total intake in each class, in the case of unaided schools and up to the percentage of annual recurring grant-in-aid to their annual expenditure in the case of aided schools. This arrangement raised a question that at one hand it is feared that interfering in the functioning of private schools will have an adverse effect on the quality of education. These institutes claim to have brought some semblance of order to the education system in our country. Sixth section 4 of the Act prescribes that a child must be admitted to a class appropriate to his age. This would mean that if a child aged nine years approaches a private, unaided school to get admission, the management would be bound to admit him to the appropriate class, in this case Class V or VI, irrespective of the fact he had no formal education in the past. This raises a very pertinent question whether the purpose of the Act is really to educate children or merely produce certificate holders.

Added to these challenges, the Act has many other limitations. The RTE Act is highly criticized primarily for setting an age limit of 6 to 14 years for the beneficiaries. The Act ensures compulsory admission, attendances and completion of elementary education by every child in the age group of 6-14 years. But, early childhood care and development (3-6 years) is currently



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left out of the RTE Act. This group is critical for brain development and sets the foundation for sound learning in later years. It is difficult to understand the logic of not including the child between age group 3-5 when more than 50 percent of children, five years old, are enrolled on regular basis. Another problem with the Act is continuation of the traditional emphasis on inputs without adequate attention to outcomes. If a child goes to school for two years, four years, six years or even eight years, what should his/her learning achievement be? If some basic minimum learning is not achieved, should it not be considered a violation of the child's right to education. Last but not the least; it is tough task to bring together children from varying economical and social backgrounds on the same platform. It would be indeed to challenging for the teachers to maintain equilibrium and create an environment for them to blend together.

Suggestions towards Successful Implementation of RTE Act

Despite many limitations, the Act has many remarkable provisions. However, the successes of the Act will depend on the successful implementation of these provisions. In fact, it is the first step taken by the Government of India, but more is needed to be done to achieve its objectives. There are some suggestions towards successful implementation of RTE Act. First, as stated above, there is acute shortage of trained and qualified teachers and without qualified trained teachers it is almost impossible to equip the children with knowledge. It is therefore absolutely critical that the government makes clear budgetary provisions to appoint new teachers and impart training to them to make them capable to deliver the knowledge what is really needed in 21st century. Second, the RTE Act can only become real when it gives all children, be it the 3-6 age group or out of school children, equal opportunity to realize their fundamental right. It is therefore, important for the government to pay more focussed attention to pre-school education and to primary education by enhancing financial as well as academic resource to create good quality school accessible to all children. Third, to attract and retain the children of poor families in the schools, it is possible through neither the compulsion alone, not it a question of opening of schools in the neighbourhood. Schooling may be provided when the children are freed from



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domestic assignments or paid or unpaid work through the night schools, mobile schools and the like. This will involve no cultural break and no cost of the family. Involvement of NGOs and teacher entrepreneurs would be necessary in such conditions.

Fourth, convergence of various schemes, with the right to education is needed. All families with working children should be covered under below poverty line the houseless families whose children have no address should be provided with housing; the children of migrants' labourers should be admitted in boarding schools and so on so forth. Similarly, convergence could be in terms of creating infrastructure as well. For instance, national Rural Employment Guarantee should be used to create schools, playgrounds, etc. The specialized agencies like Sports Council or Art schools need to be linked with the efforts of implementing RTE Act. When the Child Labour (Prohibition and regulations) Act, 1986 allows a child to be hired and taken for work during school hours, the right to education cannot be ensured. The Child Labour Prohibition and Regulations Act, 1986 should be amended to ban any kind of work up to 14 years of age. Under Chapter VII entitled Miscellaneous, a new section be added to remove these inconsistencies. It should be specifically mentioned in this section that, "provisions of this Act shall override the provisions of any other Act that are inconsistent with this RTE Act". The Child Labour Prohibition and Regulations Act, 1986 should be specifically mentioned in this section as a reference. Sixth, schools to which children of the underprivileged have access are run by the state or local authorities. The curriculum and teaching methodologies in these schools stand obsolete and outdated, with the emphasis being on rote-learning and merely developing reading and writing skills instead of holistic education. Lack of vocational training and non-availability of such courses renders students with barely any employable skills at the end of their schooling. By the large, these have a poor record of performance and there is no mechanism specified for ensuring quality education. The present Act is also silent in this regard. Therefore, there is dire need of specified mechanism for ensuring quality education.

Conclusion

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The future of the India depends on the present day children. Therefore efforts should be made to provide the children a pleasant present and a bright future. It is generally seen that most of the children who are enrolled in schools do not attend the schools regularly, because these children are working as child labourers. Child labour is one of the social problems especially in prevalent in developing countries. Widespread child labour is closely associated with poverty. Although 86th Constitutional amendment and the RTE Act have provided us the tools to provide quality education to all children, but still most of the children are out of school and working as child labourers in factories and in an unorganized sector. A poor family may be unable to afford school fees, uniforms or other costs. Education has the potential to eradicate poverty, so emphasis has to be laid upon reducing drop out rate in the schools. It is our responsibility to bring each and every child to school and implement the RTE Act effectively so that most of the children have access to quality education and there is complete eradication of child labour from the country.

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