

A Study on India's the Right to Education Act: Overcoming Social & Economic Challenges

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Abstract

Indian governments have had to address a number of key challenges with regard to education policy as it is a crucial part of its development agenda. Education enables our children to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India. The Right to Education (RTE) Act, which was passed by Indian government on 4th August, 2009, describes the modalities of the importance of free and compulsory education for children between 6 to 14 years in India. India became one of 135 countries to make education a fundamental right of every child when this Act came into force on 1st April, 2010.

But alas, reality is bitter than imagination, it is been observed generally that people are not only ignoring the RTE Act, but they are also involving children malpractices such as child labour, early marriages etc. to increase their earnings.

In this study a survey will be done to find common people's awareness of this Act and would highlight the various issues of social justice required for it. It would also focus on the pedagogy to be adopted so that the right to education becomes an actual right for all our children and not merely a right on paper.

Keywords: right to education, RTE Act, fundamental right, pedagogy of education, social justice, child labour

Introduction

Education is an essential human right and to achieve this for all the children is a major challenge of the modern world according to UNESCO. The right to education is an integral part of the Organisation's constitutional mandate which expresses 'the belief of its founders in full and equal opportunities for education for all' and 'to advance the ideal of equality of educational opportunity'. The right to education is enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

India is a signatory to three key international instruments that guarantee the right to elementary education – Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966 and the Convention on the Rights of the Child, 1989. The India also joined after 52 years of independence, the host of countries that provide for a constitutional guarantee to free and compulsory education.

In ancient times, in India the Gurukula system of education was followed where anyone who wanted to study had to go to a teacher's (Guru) house and requested to be taught. If accepted as a student by the guru, he would have to stay at the guru's house and help in all activities at his house. This created a strong bond between the teacher and the student and also taught the student about managing a house. The guru taught everything from Sanskrit to reading the Holy Scriptures and from Mathematics to Metaphysics. The students stayed with the guru as long as they wished or until the guru felt that they had been taught whatever was needed for them. Learning was linked to nature and its importance was emphasized for life. Teaching was a process of developing the personality and imparting wisdom rather than memorizing some information.

The modern school system was brought to India, including the English language, originally by Lord Thomas Babington Macaulay in the 1830s. The curriculum was confined to 'modern' subjects such as science and mathematics, and subjects like metaphysics and philosophy were considered unnecessary. Teaching was confined to classrooms and thus the link with nature was broken resulting in shattering the bond between the teacher and the students.

The first law on compulsory education was introduced by the State of Baroda in 1906. This law provided for compulsory education for boys and girls in the age groups of 7–12 years and 7–10 years respectively. The first documented use of the word right in the context of elementary education appears in a letter written by Rabindranath Tagore to the International League for the Rational Education of Children in 1908 (Commission, 1993).

A great legal breakthrough was achieved in 1992 when the Supreme Court of India held in *Mohini Jain v State of Karnataka*, that the 'right to education' is concomitant to fundamental rights enshrined under Part III of the Constitution and that 'every citizen has a right to education under the Constitution'. The Supreme Court subsequently reconsidered the above mentioned judgement in the case of *Unnikrishnan, J P v State of Andhra Pradesh*. The Court (majority judgement) held that 'though right to education is not stated expressly as a fundamental right, it is

implicit in and flows from the right to life guaranteed under Article 21... (and) must be construed in the light of the Directive Principles of the Constitution. Thus, 'right to education, understood in the context of Article 45 and 41 means: (a) every child/citizen of this country has a right to free education until he completes the age of fourteen years and (b) after a child/citizen completes 14 years, his right to education is circumscribed by the limits of the economic capacity of the State and its development' (Kashyap, 2006).

India is emerging as third largest economy of the world in terms of purchasing power parity. It had shown impressive growth in fields of science and technology, management education etc. which have a direct bearing on the economy's growth patterns. India has demonstrated exemplary capabilities of meeting the requirement of quality manpower be it for the Green Revolution of late 1960's or for the IT Revolution of the late 1990's, or for the Space Revolution of current times. India's Science and Technology manpower has stood test of time and all this is possible because the literacy levels in the country have increased.

Around 19 percent children of the world are in India and about one-third of Indian population is below the age of 18 years. The population of people in the age-group of 0-25 years is around 56 crores, which is 54 percent of the country's total population. India also has one-third of the world's illiterate population, which is a major concern for the government. If we look at the 2011 figures, 74.04 percent of people above the age of seven years are literate. The male literacy level has reached 82.12 percent, while female literacy has touched 64.46 percent. The difference between male and female literacy level is 16 percent which is considerably high. However, during the period between 2001 and 2011, the increase in male literacy was just 6.88 percent. The male and female literacy levels have increased between 1991 and 2001, i.e. male by 12 percent and female by 14.4 percent.

As per the constitution of India, school education was originally a state subject, i.e. the states had complete authority on deciding policies and implementing them. The role of the Government of India was restricted to coordinating and deciding on the standards of higher education which changed with a Constitutional Amendment in 1976 so that education now comes in the *concurrent list*, i.e. school education policies and programmes are suggested at the national level by the Government of India. The state governments will still have a lot of freedom in implementing these programmes. Policies are announced at the national level periodically. In 1935, the Central Advisory Board of Education (CABE) was set up to play a lead role in the evolution and monitoring of educational policies and programmes.

According to District Information of School Education, out of the total number of primary schools in India, 80.51 percent are government-run and 19.49 percent are private. The number of children in government schools is higher but their declining popularity and the simultaneous growth of private schools is a warning of the country's deteriorating education system. In states like Uttarakhand and Karnataka, there were even cases of the state government closing down government schools (Rai, 2012).

Early marriage, criminal tendencies, losing ethical values etc. are the major challenges being faced by the people living below the poverty levels. People who

have taken the responsibility to implement RTE have to act responsibly with ethics, and have to put their efforts in meeting the objectives of RTE. On the Right to Education website, education is represented as being:

1. **Acceptable** — this means providing quality education and quality teaching, that is relevant and pluralistic.
2. **Available** — which includes safe buildings, school in the village, sufficient numbers of teachers, free textbooks and uniforms, sanitation facilities, and appropriate transport.
3. **Accessible** — which means no child labour, no gender discrimination, no disability discrimination, affirmative action to include the most marginalized in school and schools within reachable distance.
4. **Adaptable** — which includes meeting the specific needs of the children in the local context, meeting the changing needs of society and contributing to gender equality.

The Right to Free & Compulsory Education Act, 2009 (RTE Act) became law on April 1, 2010. It fulfills the constitutional mandate for free and compulsory primary education but some of its provisions have raised debates over the years. Various challenges and issues are being faced by stakeholders in implementing this Act in the schools. Already there has been a major amendment notified by the central government to comply with the Supreme Court judgment safeguarding minority rights.

A major hurdle in the implementation of the RTE Act, as mentioned by the states, is inadequacy of funds. The Centre estimated an annual budget of Rs 231,000 crore for implementation of the RTE Act. The Expenditure Finance Committee gave it the go-ahead, with a Centre-state contribution ratio of 68:32. This was later approved by the Cabinet. Of the total amount, Rs 24,000 crore would come from the finance ministry and the remaining Rs 207,000 crore from the Centre and the states. This, the government claimed, would prevent the states from being overly burdened. Then why are the states citing lack of funds as a hindrance? (Rai, 2012)

According to the Ernst & Young report on “Right to Education: Role of Private Sector”, March 2012, India has made substantial progress in achieving its elementary education goals over the last few decades, yet there are certain sections of society that continue to remain significantly underserved. The RTE Act does not cater to the absence of pre-school education provisions for children below the age of six years. Primary research with various stakeholders in the education industry indicates the following:

- The focus of RTE is input-oriented with a miniscule focus on outcome or quality
- With many states yet to notify the rules, implementation of the Act has not been very effective and there is huge disparity across the states. Monitoring of the Act by the State Commission for Protection of Child Rights (SCPCRs) continues to be questionable.
- The Act has been a partial success and there is lack of awareness as to what it has to offer; mass mobilization and an awareness drive to increase awareness

of the RTE Act are needed. Lack of community involvement and a low level of awareness continue to hinder its implementation.

- There is a need to sensitize local authorities to play an active role in implementation of the Act.
- While some stakeholders believe that only qualified teachers (instead of 'para teachers') should be hired, the others feel that qualification does not signify quality and local trained teachers are a better alternative.

People from villages, semi-urban areas, slums etc. send their children to schools for satisfying one basic need, i.e. for food. Government has tried to make endless efforts see the health of these children and check for malnutrition. Government is happy to see the documents which provide evidence about the good health record of these children. For a self-sustainable approach and model in this regard, there is a need to understand the educational system and its various components in detail. The children are guided by the system and the society which comprises of each and every individual.

Education has been a major issue in our country. Rabindranath Tagore wrote articles on how the Indian education system needed a change. Since the colonial times, few things have changed. IITs, IIMs, law schools and other institutions of excellence have been established, yet students routinely scoring 90 percent marks find it difficult to get admission into the colleges of their choice.

Rote learning still is a major concern in our system and students study to score marks in exams, and to crack exams. The colonial masters had introduced education system in India to create clerks and civil servants and till date we have not deviated much from that pattern. There are centers of educational excellence but there are thousands of mediocre and terrible schools, colleges and now even universities that do not meet the minimum standards. Some things have changed but elsewhere things have sunk into further inertia, corruption and lack of ambition, creating a situation of unrest and dissatisfaction among the youth.

Establishing more schools or allowing colleges and private universities to mushroom is not going to solve the issues of education in India. India is a country where students are using their parent's life savings and borrow money for education and not getting standard education. They are also struggling to find employment of their choice. The mind numbing competition and rote learning crush the creativity and originality of millions of Indian students every year and sometimes driving brilliant students to suicides. Education is seen as the means of climbing the social and economic ladder and if the education system fails in its objective, it is not due to lack of demand for good education or because a market for education does not exist.

Some social and economic challenges identified in the Indian education system are:

Shortage of qualified teachers in Indian education system: There is an acute shortage of qualified teachers in Indian education system. Materialistic gains, incentives and opportunities entice the qualified Indian educator away from this challenging field besides facing many challenges like isolation, poor or inadequate facilities, eager but academically deprived students etc. Their ingenuity, creativity, patience and forbearance are tested in facing these and challenges. Indian education

system has to meet the needs of its students and to have sensitivity towards them. It has to be dynamic and viable and must have more qualified Indian educators.

Insensitive school personnel: It is seen that still insensitive school personnel exist in modern India. Many administrators and teachers do not know about the human values. If school personnel are real and true educators, they need to learn about the students whom they are teaching. This would create a bonding between the students and the educators which will facilitate the process of learning.

Differing educational perspectives: Generally, it is seen that the educational perspectives of the Indian are not considered. The thinking, attitudes and experiences of the non-Indians are considered as the basis of the value structure rather than considering the core aspects of Indian culture. This creates a conflict in the minds of students and confuses them.

Lack of involvement and control: Indians have always been shy to express their ideas on school programming or educational decision-making. Even when these are expressed, their participation has been very limited and restricted. They need to control the programs where their children are exposed to and to have a say in deciding about what types of courses are in the curriculum. They can also be involved in hiring of teachers or in establishing employment policies and practices or other responsibilities related to school administration.

Difficulties in higher education: Colleges and universities should establish programs which can deal effectively with the needs of the students. Students generally face adjustment problems and require financial help. It is high time that colleges and universities attempt to solve these issues and provide a more successful educational experience for the students.

Instant-Indian education experts: In India we have 'instant Indian education experts' who do more damage than good. These experts seem to have all the answers and appear to have completely identified the problems and formulated the solutions. These experts usually depend on some visits to a school or on few conferences. Indian education could be better off than these experts who cannot be reasoned with or who feel they know what is best.

There may be other factors which contribute to the problems of Indian education and contributing to the situation wherein Indian education is not realizing its full development. Education system in India is failing because of more intrinsic reasons. There are some inbuilt faults that do not let our demand for good education translate into a great marketplace with excellent education services.

Suggestions

Education system should focus on teaching skills. It is said that 'give a man a fish and you feed him one day, teach him how to catch fishes and you feed him for a lifetime'. If a person is taught some skills, it enables him to earn for a lifetime. Generally, the knowledge gained by students in one semester is forgotten soon after the semester exam is over, still year after year, students focus on cramming and getting marks. This is one of the fundamental flaws of our education system and need

to be rectified. Exams are not the only way to judge the knowledge of the students. Education system should reward what deserves highest academic accolades. Evaluation systems need to be built to recognize original contributions, in form of creativity, problem solving, valuable original research and innovation. Computers and internet have made access to knowledge easier than ever. Using these tools, one can reach the masses in lesser time and more effectively.

The objectives of an education system should be to create independent thinking individuals in the form of entrepreneurs, innovators, artists, scientists, writers etc. These people will then establish the foundation of knowledge based economy. In India, institute of higher education should operate on a non- profit basis. This discourages the entrepreneurs and innovators who can creatively impart knowledge. Some private companies misuse this and invest in education service provider companies which in turn provide services to not-for-profit educational institutions and earn enviable profits. There is an urgent need for effective de-regulation of Indian education sector so that there is infusion of sufficient capital and those who provide or create extraordinary educational products or services are adequately rewarded.

The government cannot afford to provide higher education to all the people in the country. The central government spends about 4 percent of budget expenditure on education, compared to 40 percent on defence. Historically, the government did not have enough money to spend on even opening new schools and universities. The focus is on marketing rather than innovation or providing great educational service. Allowing profit making will encourage serious entrepreneurs, innovators and investors to take interest in the education sector and this would bring quality and accountability. If the government cannot provide sufficient money for higher education then it should not prevent private capital from venturing into the educational sector.

According to the Ernst & Young report on “Right to Education: Role of Private Sector”, March 2012, despite tremendous efforts being made on infrastructure development, some of the significant shortages in the provision of infrastructure facilities are highlighted below:

- Few classrooms available: According to the DISE Flash Statistics 2009–10 reports, there were only 3.6 classrooms per school on an average. Furthermore, almost 25% of the total enrolment in 2009–10 was in schools with a student classroom ratio >60. The average number of classes in government schools was 3.8, and this figure for private schools was more than double (7.8).
- Lack of sanitation: Only 58% the schools had toilets for girls in 2009–10.
- Lack of computer facilities: Only 39% schools have electricity connection and only 16.65% have computer facilities.
- Lack of transport facilities and safety features: Most government schools do not provide transport facilities, and therefore, students living in rural areas or difficult terrains find it difficult to commute and drop out of school. Furthermore, in such schools, admission of girls is minimal. Almost 50% of the schools do not have boundary walls.

The knowledge has descended on the strength of the power of mind, power of connectivity and the power of networking unleashed by the IT revolution sweeping across the globe for the last two decade. In this new knowledge era it is imperative for the basic education sector to innovate its curriculum so as to create self-dependency, entrepreneurial instinct and above all humanity and responsibility towards society. In southern and western part of India still the things are little positive in terms of RTE Act implementation but in northern parts effective implementation is still required.

Conclusion

Energy of children and teenagers has to be channelized in positive direction with a blend of sensitivity and patience in an interesting manner. If the parents are assured about their child's overall development then only they would feel secure to send them for education willingly and they have a valid reason to think that their child has a right to be educated. There should be some counseling sessions to change the mindsets of people which are a major constraint in meeting the objectives of RTE. Education implementation pattern should be innovative, creative and focused on carrier building. Children should be made to develop interest to attend the school.

Real life projects should be inculcated in pedagogy of education to have real time learning. All academicians who feel socially responsible should come forward to take some practical session for overall growth of these children. There should associations of research scholars with these for mutual benefits. While appointing the teachers and people who are directly in contact with these children they should have strong ethics and this should be aligned with objective of RTE. Lack of good universal education denies equal opportunity.

'Education is about more than just learning. It saves lives...'

- Carol Bellamy (Former Executive Director, UNICEF)

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