



Failing Its Purpose

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(The editorial is based on the article “Failing Its Purpose” which appeared in The Indian Express on 30 October 2018. It analyses the enactment of RTE Act.)

The role of education in facilitating social and economic progress or development is irreplaceable. Education helps improve functional and analytical abilities and opens up opportunities for individuals and groups. Education is not a mere tool to enhance efficiency, but an effective mechanism to augur democratic participation in social life.

Education is a dynamic and powerful force in social and economic empowerment but its effectiveness depends on its spread, utilization, and social circumstances. In this direction, one exemplary effort that came into effect is the Right of Children to Free and Compulsory Education Act of 2009 (RTE).

Provisions of Right of Children to Free and Compulsory Education Act of 2009 (RTE)

- Every child in the age group of 6-14 has the right to free and compulsory education in a neighborhood school, till the completion of elementary education.
- The act prohibits donation, capitation fee, screening test/interview of child or parents, physical punishment or mental harassment, private tuition by teachers, and running schools without recognition.
- Section 12(1)(c) of the RTE Act mandates unaided and non-minority schools to keep aside 25% seats for underprivileged children of society through a random selection process. The government will fund the education of these children. No seats in this quota can be left vacant.
- All private schools will have to apply for recognition, failing which they will be penalized as per the laid down norms.
- No child can be held back, expelled and required to pass the board examination till the completion of elementary education. [This is now set to change through The Right of Children to Free and Compulsory Education (Second Amendment) Bill, 2017]
- The amendment Bill which has been passed only by Lok Sabha till now, amends this provision to state that a regular examination will be held in class 5 and class 8 at the end of every academic year. If a child fails the exam, he will be given additional instruction, and will have to take a re-examination. If he fails in the re-examination, the relevant central or state government may decide to allow schools to detain the child.
- The Act lays down the norms and standards of Pupil-Teacher Ratios (PTRs), buildings and infrastructure, school working days, teacher working hours.

- The Act prohibits the deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- There is provision for the establishment of commissions to supervise the implementation of the act.

Purpose of RTE Act:

- The right of children to free and compulsory education till completion of elementary education in a 'neighbourhood school' means that distance can no longer be a barrier to education.
- It aims to provide free and compulsory education which means that it is now the obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. The act also makes provisions for a non-admitted child to be admitted to an age-appropriate class.
- It specifies the duties and responsibilities of appropriate Governments, local authorities, and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments. Hence, makes the government responsible for delivering proper service.
- It prohibits physical punishment and mental harassment of students and aims at providing student-friendly environment in schools.
- It aims for the development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent, and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.

Has the purpose been served after the enactment of RTE Act?

- Community surveys revealed that the level of awareness about RTE is quite poor. Many people don't yet know about this constitutional provision which guarantees children their right to education.
- The focus of the RTE Act is primarily on "inputs" (like infrastructure) rather than "outcomes". Still, classrooms in most schools lack basic infrastructure, and two or more classes are conducted in the same room at the same time.
- The study reveals that 62.50% of students still feel discrimination on the basis of gender, caste, and religion (behavior of teachers is governed by these categories). There is no provision in this Act to address this social problem which widens the gap among students of various sections of society.
- Available evidence shows that enactment of RTE hardly led to any improvement in the delivery of quality education. Learning outcomes, declined during the years that followed the legislation.

- The manner in which reimbursement is to be provided by the government to private schools has created a number of confusions and led to corruption.
- The norms and standards prescribed in the schedule for a school are far removed from ground reality. One of the clauses of RTE Act penalizes private unrecognized schools, although they provide similar or better, teaching services compared to government schools, while spending a much smaller amount.
- The act allows only children between the ages 6-14 to get the privileges. It leaves out younger kids (0-6) and an older one (14-18) despite the fact that India has signed the U.N. Charter which states clearly that free education should be made compulsory to all children up to the age of 18 years.
- Enrollment ratio of girls is still low and the ratio of dropouts are more. Therefore counseling of parents and community leaders are critical to retain girls in schools, a fact that is not covered in the Act.
- The Act also has no provisions to take education to children with special needs. Moreover, Minority Religious Schools have not been brought under the RTE as well.

Way Forward

- Effective implementation of existing provisions of the RTE Act is required and engagement of civil society should be improved to make it more effective.
- It is also necessary to establish a modality through which the RTE Act is protected and a system needs to be evolved to deal with gaps in implementation.
- States should ensure all sanctioned posts of teachers lying vacant are filled up immediately to achieve targets.
- The minimum pupil-teacher ratio should be maintained in each school as per the provisions. This will only be possible by recruiting more qualified and trained teachers.
- Every untrained teacher within the system must be trained as per the National Council of Teacher Education recommendations; no untrained teacher should be recruited. Teacher education must be revamped to provide orientation on various aspects of RTE.
- Support should be provided for local-level teachers and activists in school education to create a joint cadre of people committed to the principles of equitable, quality, free and compulsory education.
- More percent of GDP must be allotted to education. Enough funds should be allocated to develop infrastructural facilities in schools.
- The government should protect all school spaces from being privatized, including through public-private partnerships.
- Though the RTE Act has a provision for including overage children in its ambit, in reality, this is not happening; hence proper groundwork needs to be initiated with the help of civil society to meet targets.
- The RTE Act must be extended to include early childhood care and education.



Data on

learning outcomes under the RTE as documented in The Annual Status of Education Report (ASER) 2014.

(Graphic: KPMG's 2017 Report "Assessing the RTE Act")