

Exploring the Elementary Education in India: An Analysis of Right to Education Act 2009

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ABSTRACT

The Right of Children to Free and Compulsory Education Act: (2009) was introduced with the broad objectives of making education system accessible, equitable and inclusive for all children of school going age from 6 to 14 years. It was also imbued with the spirit of establishing social equality and justice for economically weaker and marginalised sections of society. In recent years, various surveys, reports and research articles have highlighted the derailment of the goals of RTE act and posed numerous questions on the desirability of policy makers behind its implementation. Some key questions are; Is the RTE act functioning properly for achieving desirable aims?, is the public education system working efficiently for implementing RTE?, Does it contain the elements of promoting private sector for schooling in the name of free and compulsory education?, Are the children receiving quality education from the schools of both public and private sectors? and moreover, have the schools succeed in creating an atmosphere where education could be imparted to all without making any discrimination on the bases of gender, caste, disability and economic status etc.? This paper will seek the answers of these questions.

Key Words : School education, Public, Private, Elementary, Children

INTRODUCTION

The promulgation of the right to free and compulsory education act 2009 marked the beginning of the inclusive, accessible and equitable elementary education system for the children aging between 6 to 14 years in India. As reflected from the cursory reading of the act that it imbued the vision of establishing a just and egalitarian social order in which weaker and marginalised sections of society endowed elementary education as fundamental right. But, initially various reports and articles emphasized on the derailment of the main objectives of the RTE Act and highlighted discrepancies in the implementation of the policy. The present paper seeks to explain the genealogy of compulsory primary education as a right in India, assess the different provisions of RTE act (2009), discuss the contestation and controversy over the role of private and

public sectors in the implementation of RTE and argue to protect, promote, maintain, and strengthen public elementary education system by allocating more budget and essential facilities so that they could become a vibrant place of learning for all.

Past, Present and RTE:

During the colonial rule in India, British government used education as an instrument to establish their hegemony over the impoverished Indians and for consolidating the Raj and its role was much bigger than an army (Kumar, 2006). Since the beginning of 19th century, Various Indian reformers and intellectuals emphasized the need to impart free and compulsory elementary education to all children (Panikkar, 1995). In the mid of emerging stormy national movement for freeing India from colonial rule, this issue acquired a central place,

when Gopal Krishna Gokhale unsuccessfully moved a resolution in the Imperial Legislative Council on March 19, 1910 for implementing free and compulsory primary education for the boys between the age of 6 to 10 years. His final draft put the economic burden of its implementation on the shoulders of alien government as he said, “at least two-thirds of the total expenditure should be borne by the state” (Ghosh, 2000, p. 139). Then, highly aware from the economic motives of colonial rule, the majority of official members rejected the final will by characterising the step as premature and unnecessary.

The attempt of Gokhale left a deep impression on Indian leaders, though the colonial masters neglected the message. Afterwards, different reports of education commissions are the bare testimony of the British insensibility towards the issue because “none of them focused on elementary education and none of them considered the education of marginalised communities as an issue worthy of policy deliberation” (Bhatty, 2014, p. 102). Whereas, after independence, Indian leaders widely discussed the various Fundamental Rights of Indian citizen in the constituent assembly and inscribed the rights of equality, liberty, equal status and opportunity etc. in the draft constitution, promulgated on January 26, 1950. The Article 45 under Directive Principles of State Policy revealed the vision of Gokhale, which directed all states “to provide free and compulsory education to all children until the age of 14 within 10 years” (Srivastava and Noronha, 2014, p. 52) but the Indian government could not meet this ambitious end. In this direction Kothari Commission (1964 – 1966) suggested to promote “common School system along with a phased increase in public spending for education to 6% of gross domestic product (GDP) by 1985” (ibid). This idea also could not materialise.

In the last decade of 20th century, the discontentment of numerous scholars grew over not to expand public expenditure on education and the crumbling condition of common school system. They highlighted the lack of political will and insensibility at highest level to implement the idea of universal education system. They also referred the recommendations of Ramamurti Committee 1990, which offered “the invigoration of Common School System, considerations about quality development, and measures to address equity in schooling” (ibid). But, these innovative steps were rejected by the policy framers in the National Policy of Education 1992. Consequently, the wide discussion and deliberation produced fruitful results

and government agreed to change their education policy and launched first District Primary education programme (DPEP) in 1994 with the financial support of World Bank (Singal, 2006). Other side for achieving the Millennium Development Goals (MDGS) of education, government projected an ambitious mission called Sarva Shiksha Abhiyan (SSA) in 2001 (Bhatty, 2014). In this right direction, a mile stone step was taken next year by adopting the 86th constitution amendment. According to that, the Article (21) A enshrined in the constitution and the elementary education became the Fundamental Right of all children similarly the right of life. For serving this noble purpose the positive outcome in a concrete form of legislation came in 2009 with the passing of “The Right to Free and Compulsory Education Act” by Indian Parliament. Now this time the challenge to this much awaited RTE Act came from private school lobby. Finally, Supreme Court’s judgement upholds the validity of Article (21) A and RTE in 2012 (Kumar and Das, 2014). Thus, with this historical success, various new challenges forced policy makers to pay attention.

Vision and Provisions of RTE:

The 38 sections of RTE Act provide the clear guideline for implementing the universal elementary education system for all children between the age of 6 to 14 years. Sections 1 to 5 lay the outline of provisions for guiding the central government, state government or government of union territory, local authority and parents about the rules from the admission till the completion of education and even about transfer of admission of child, if child requires. Sections 6 to 11 focus on the duties of appropriate government, local authority and parents. The management of economic resources for expenditure on education declares the responsibility of central government and state role would be subservient. The appropriate government also make responsible to ensure the availability of neighbourhood schools, discrimination free environment, appropriate infrastructure facilities, training facilities and good quality education. Sections 12 to 28 contain principles related to the role of schools and teachers. For extending the role of schools, the act guided to maintain at least 25% of the strength of children belonging to weaker section and the disadvantage groups in the school and government take responsibility of expenditure with the provision that “annual recurring aid and grants so received bears to its annual recurring expenses, subject to a minimum of twenty-five per cent”

(GOI, 2009).

Along with this the collection of capitation fee and process of screening are declared as punishable act and the provisions of not to assign non-educational duties maintains the dignity of teaching profession. Sections 29 and 30 specifically prescribe the provisions for curriculum and evaluation procedure. The objective of such provisions are the all round development of children, building up of their knowledge, potentiality and talent and to make children free of fear, trauma and anxiety for expressing their views (ibid). Sections 31 to 34 provide the principles, structure and measures for the effective implementation of right to education and sections 35 to 38 give direction about the procedural sanction, authority and rule making procedure. The RTE Act also consists of a schedule of norms and standards for schools in order to fulfil the goal of introducing universal elementary education system. But, at present the implementation of all rules and norms of RTE is a big challenge and various statistical surveys noted this problem. Some associated issues with this problem discussed as follows.

Controversy, Contestation and RTE:

As the provisions of RTE act reveal that it was brought with the vision to increase accessibility, equity and inclusion in elementary education system, but at present numerous criticisms attracted the attention towards the loopholes in the implementation of policy. Focal point in this direction is the functionality of RTE because government could not give as much it promised. Nowadays, the deteriorating condition of public education system (PES) is a major problem, however the act was designed to improve this system. Absence of teachers accountability, low level of student learning, insufficient funding and lack of infrastructure and technical facilities in public schools are some factors responsible for the situation. Most crucial issue in this context is the quality education because in the highly competitive knowledge society of twenty-first century without attaining good quality education, no one can make progress and acquire good employment opportunities. For this purpose the strong foundation is desirable at elementary level and this essential requirement can be fulfilled by developing and encouraging the potential and talent of children from the beginning. But, public schools failed to serve this objective, as the Annual Status of Education Report (ASER) 2014 suggested that in the public schools, the half of all children in fifth standard have not yet the skill

to read the text book of second standard. And moreover “close to half of all children will finish 8 years of schooling but still not have learned basic skills in arithmetic” (ASER, 2015).

In maintaining the quality of education, the role of teachers is very important, but in public schools alternative absence of teachers affects the whole system and on the other side the low teachers and students ratio leads to this crisis. For addressing this controversial problem government took initiatives to provide advance training to teachers, promote Education Guarantee Centres (EGCS) and appoint Para-teachers (Shiksha Karmi) but, due to limited resources and fund these measures could not improve the situation and even “Para-teachers being under qualified and underpaid had neither the capacity nor the incentive to perform the very challenging task of teaching children – many of them first generation learners” (Bhatty, 2014, p. 103) this led to the decay of quality and further diminish the status of public schools. At present infrastructure and technical facilities are also necessary for the inclusion of disadvantage groups and the accessibility of new knowledge. But, in this direction government also could not do much and contestation over financial matters remained a challenge for whole system, for example “Indias total public expenditure as a percentage of the GDP is about 3.5%, well short of the 6% recommended by the Kothari Education Commission in 1966 and reiterated by the Central Advisory Board of Education (CABE) committee 2006” (Nagarajan, 2015). As a result of quality deterioration in public schools, capable parents started to desert public schools and seek other options which gave a good chance to private schools. Thus, in this wretched condition the need is to maintain the quality of education in public schools by allocating more economic and material resources.

Other side the public schools were supposed to consider as the backbone for providing education to poor and marginalised sections of society, this view was completely supported by the RTE act. But recent reports highlighted that, numerous public schools are going to shutting down; for example, there were merely 97,000 government schools in India, in (2014 – 2015) and out of them 23,900 such tiny government schools were closed down in the Rajasthan, Maharashtra and Chhattisgarh, during (2014 – 2015), due to inefficient and unviable salary bill (Kingdone, 2016). Similarly, District information System for Education (DISE) data between (2010 – 2014) also highlighted the decline in number of

government schools in urban Lucknow 407 to 289 (ibid). In this situation the question crops up, what is the alternate system for the education of disadvantage groups and weaker sections? Here Geeta Gandhi may support to facilitate “the low-fee private schools which produce higher learning outcomes among children at less than 20 per cent of the per-pupil cost of government schools” (ibid).

But, renowned scholar Rohit Dhankar asserted that, there is no such reliable data on which bases it could be proved that low-fee private schools do better and measuring education by “per unit cost of learning outcome” is “spurious”. However, in his view it can be justify that “students in private schools are less likely to belong to low caste groups” (Dhankar, 2016). His argument was backed by the view that, first the cost of private education often accepted equal with the school fee per child, whereas the charges on school uniform, books and stationery, transport and private tuition are not counted in monthly school fee. Second, in the profit oriented market economy of twenty first century, low fee-private schools used to hire inefficient teachers and pay them “minimum unskilled labour wages legislated by various state governments” (ibid). These teachers are not able to impart quality education and low wages damaged the status of teachers in the society. Thus, it may argue that, in reality, the low fee-private schools are easily neither affordable nor provide quality education even to affluent classes. Therefore, these schools cannot be accepted as an only option and it is the need of hour to protect, promote, maintain and strengthen public schools for educating weaker sections.

In this context the role of private schools are also needed to analyse because RTE Act led the provision of 25% reservation of seats for weaker sections in private schools (GOI, 2009) and ASSER 2014 suggested that enrolment of children in private schools has “increased from 18.7 per cent in 2006 to 30.8 per cent in 2014” (ASER, 2015). Does it refer to the inclusion of weaker sections and disadvantage groups in the private education system? At this level it may argue that to some extent not completely because an average house hold had to pay annual fee in private schools 5 times more than public schools. Only a higher income groups can afford it. Other side, the report of National University of Educational Planning and Administration (2011 – 2012) focused that “only about 16 per cent students from SCS and STS attend private schools” (Sangai, 2016). Therefore on the basis

of this little participation of weaker sections, it can be assumed that the private schools ignore the principle of inclusion and hitherto such schools could not achieve success in creating an environment friendly for dalit, disable, minority and tribal people. Someone, who tried to define the positive outcome of private education system in terms of quality, number of choice for schools, availability of alternative curricula and additional subjects and Infrastructure facilities, they must think how many people are getting the benefit of these facilities, what is the cost of these facilities? and can a poor man bear this cost? As the profit making is in the DNA of private schools and often they do by violating the rules of RTE. A recent report exhibited that, the Hyderabad schools parents Association filed a petition to bring in the notice of court that, certain private schools were collecting the capitation fee and donation with innovative name (Times of India, April 5, 2016).

Conclusion:

It would be very early to pass a judgement about the success and failure of the Right to Education Act (2009), but some comments are expected at this stage to make policy more fruitful. The provisions of the act reflected the vision of a novel destiny, while some reports indicated the problem in its implementation. Therefore, the pro-active role of bureaucracy, public schools teachers and civil society are required in its effective implementation. It is also desirable to create awareness among people about education as a right and attract affluent classes towards public schools. The privatisation of education is also a hindrance and for achieving the aim of accessibility, equality, and inclusion of all so that the need is to protect, promote, maintain and strengthen public schools, their quality and infrastructure facilities by allocating sufficient amount of budget and material resources. Thus, in the coming days, the success of RTE Act would depend on “how it socialises the private and provides a vision for an equitable quality education” (Sangai, 2016).

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