



STATUS OF IMPLEMENTATION OF THE RTE ACT 2009 AND CHALLENGES IN THE SCHOOLS OF RAJASTHAN

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ABSTRACT

“Education is the transformation of life” –Will Durant

The Right to Education is a universal entitlement to education, a right that is recognized as a human right. The Right of children to Free and Compulsory Education Act came into force from April 1, 2010. This was a historic day for the people of India as from this day the right to education will be accorded the same legal status as the right to life as provided by Article 21A of the Indian Constitution. Every child in the age group of 6-14 years will be provided 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood. It has been more than three years that the Act has been notified and implemented. Rajasthan government also notified this Act on March 29, 2011 (21(9) e-1/P.E/2009). Rajasthan has also constituted a State Commission for Protection of Child Rights which is a monitoring body for proper implementation of child rights. The Act provides for a special organization, the National Commission for the protection of Child Rights, an autonomous body setup 2007 to monitor the implementation of the act, together with Commissions to be set up by the States. The present paper deals with the Right to Education Act-2009, its Salient Features and Main Challenges of Implementation.

KEYWORDS: Right to Education Act-2009, School Management Committees (SMC), Elementary Education, Economically Weak Section (EWS), SSA.

INTRODUCTION

The Right of children to Free and Compulsory Education Act came into effect in the whole of India except the Jammu and Kashmir State from 1st April, 2010. This Act ensures that all children between 6-14 years have access to free and quality elementary education. The Act says that schools should be within a radius of 1-3 km from where the child lives. All government-aided schools have to reserve 25% of their seats for students from economically weak sections (EWS). Private schools that are not government-aided also have to reserve 25% of their seats in Class 1 for EWS students; the government will compensate them. All government schools will have school management committees, 75% of whose members will be parents or guardians of the children. 50% of these have to be women. State child rights commissions will monitor implementation of the RTE Act in their respective states. All states have to set up state education advisory bodies. School management committees will maintain the records of all children in the age-group 6-14 years and ensure that they are in school.

RTE is the first legislation in the world that puts the responsibility of ensuring enrollment, attendance and completion on the government. The fulfillment of the right to education can be assessed using 4A's framework which asserts that for education to be a meaningful right it must be available, accessible, acceptable and adaptable.

- 1) Availability: - Funded by government, education is universal free and compulsory.
- 2) Accessibility: - All children should have equal access to school services regardless of gender, race, religion, ethnicity or socio-economic status.
- 3) Acceptability: - The quality of education provided should be free of discrimination, relevant and culturally appropriate for all students.
- 4) Adaptability: - Educational programme should be flexible and able to adjust according to society changes and the needs of the community.

OBJECTIVES

- * To find out the challenge in implementation of various provisions of RTE Act 2009 in Rajasthan.
- * To assess the awareness level of stakeholders to implement RTE Act 2009.
- * To find out strategic plans of action prepared by Rajasthan for providing free and compulsory Elementary Education to implement RTE to children of Economically Weaker sections, and children with various disabilities.
- * To find out specific steps taken by Rajasthan to inspire parents and community to admit these children into schools.

1. Salient features of RTE Act, 2009:-

⇒ On April 1, 2010 India made elementary education a constitutional right for children in the age group of 6-14.
⇒ 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.
⇒ Private school will have to take 25% of their class strength from the weaker section and the disadvantaged groups of the society through a random selection process. Government will fund education of these children.
⇒ No seats in this quota can be left vacant. These children will be treated on par with all the other children in the school and subsidized by the State at the rate of average per learner costs in the government schools (unless the per learner costs in the private school are lower).
⇒ All schools will have to prescribe to norms and standards laid out in the Act and no school that does not fulfill these standards within 3 years will be allowed to function. All private schools will have to apply for recognition, failing which they will be penalized to the tune of Rs 1 lakh and if they still continue to function will be liable to pay Rs 10,000 per day as fine. Norms and standards of teacher qualification and training are also being laid down by an Academic Authority. Teachers in all schools will have to subscribe to these norms within 5 years.
⇒ No donation and capitation fee is allowed.
⇒ No admission test or interview either for child or parents.
⇒ No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
⇒ There is provision for establishment of commissions to supervise the implementation of the act.
⇒ A fixed student and teacher ratio is to be maintained.
⇒ All schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Three years moratorium period has been provided to school to implement all that is required of them.
⇒ Norms for teachers training and qualifications are also clearly mentioned in the act.
⇒ All schools except private unaided schools are to be managed by School management Committees with 75% of parents and guardians as members.

2. RIGHT TO EDUCATION NORMS

SSA, a centrally-sponsored scheme for the time-bound universalization of elementary education in the first decade of the 2000s, is now conceptualized as the vehicle for implementing the RTE Act. Since 2009-2010 to 2011-2012 the SSA budgets have increased by about 67 % in order to aid the implementation of RTE. While it is positive that the number of schools without specific toilets for girls has decreased from 2010 to 2012, data needs to be collected on schools with specific, functional toilets for girls in Rajasthan

in order to have an accurate assessment of RTE qualifications. It is clear that the percentage of schools with useable toilets is steadily increasing and that more toilets are becoming useable. The RTE Act requires that there is at least one classroom per teacher. This is a disappointing statistic in that the percentage of schools meeting this requirement has decreased in the last year. However, since April 2011 11.5 % of schools have started construction on new classrooms, which is very good but this statistic needs to greatly increase in order to meet RTE requirements.

Schools Meeting Selected RTE Norms				
Per cent of Schools Meeting Following RTE Norms		2010	2011	2012
Pupil-Teacher & Classroom-Teacher	Pupil-Teacher Ratio	46.4	47.4	51.1
	Classroom-Teacher Ratio	82	83.1	80.1
Building	Office/store/office cum store	91.2	89.4	89
	Playground	51.7	57.4	57.7
	Boundary wall/fencing	70.1	72.7	77.3
Drinking Water	No drinking water facility	20.9	21.9	21
	Facility but no water available	11.1	8.5	11.9
	Drinking water available	68	69.5	67.1
Toilet	No toilet facility	3.5	3.3	2.6
	Facility but toilet not useable	31.1	26.9	25.3
	Toilet useable	65.4	69.9	72
Girls Toilet	Schools without specific girls toilets	19.6	9.3	10.9
	Schools with specific girls toilets			
	Toilet locked	13.3	5.5	6.6
	Toilet not useable	16.8	19	17.5
	Toilet useable	50.3	66.3	65.1
Library	No library	36.3	33	23.1
	Library but no books used on day of visit	40.4	35.4	44
	Library books used on day of visit	23.3	31.7	32.9
Mid-Day Meal	Kitchen shed for cooking mid-day meal	83.8	84.7	85.6
	Mid-day meal served on day of visit	94.8	97.1	93.9

Source: ASER 2012

2.1 Pupil-teacher and classroom-teacher

ratio: The pupil-teacher ratio plays a major role in the quality of education children are receiving. The smaller the ratio, the more attention children get, which advances and ensures their learning. While the ratio has been steadily increasing since 2010, more work still needs to be done. Only 51.1 % of schools meet this RTE requirement. On a more positive note, 80.1 % of schools meet the classroom-teacher ratio. However, this could be due to a lack of teachers.

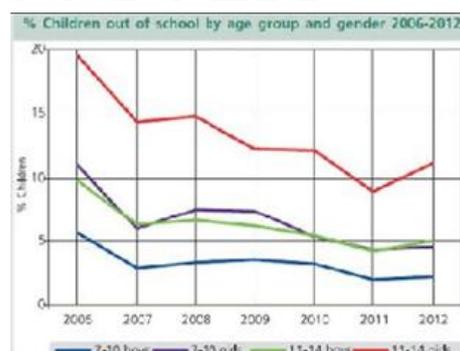
2.2 Drinking water: The drinking water situation at schools is not a good one. Accessibility has been steadily decreasing since 2010 and as of 2012 only 67.1 % of schools have drinking water available to its students.

2.3 Toilets: The number of functional toilets at schools has increased since 2010, but still needs some improvement. In 2010 only 65.4 % of schools had useable toilets. As of 2012 72% had toilets. Unfortunately, there are not statistics on how many schools have separate, useable toilets

for girls. However, the percentage of schools that do not have a separate toilet for girls has decreased.

2.4 Mid-day meal: While the percentage of schools that have cooking sheds for making the mid-day meal has increased from 83.8 % in 2010 to 85.6 % in 2012, the percentage of schools that served a mid-day meal on the day of the visit has decreased. In 2012 only 93.4% of schools served a mid-day meal on the day of their visit opposed to the previous year when 97.1% served a mid-day meal.

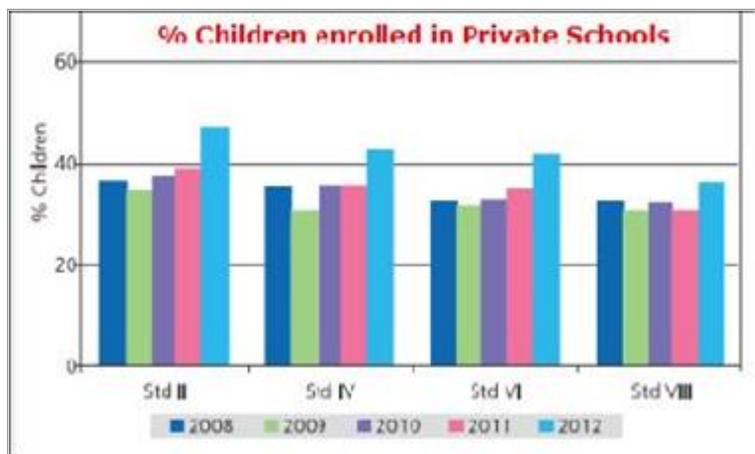
2.5 Out of School Children



While overall there is a declining trend of out of school children, the slight rise in 11-14 year girl's percentage should be looked into. It might be

indicative of girls dropping after Std V to stay at home or to work with parents.

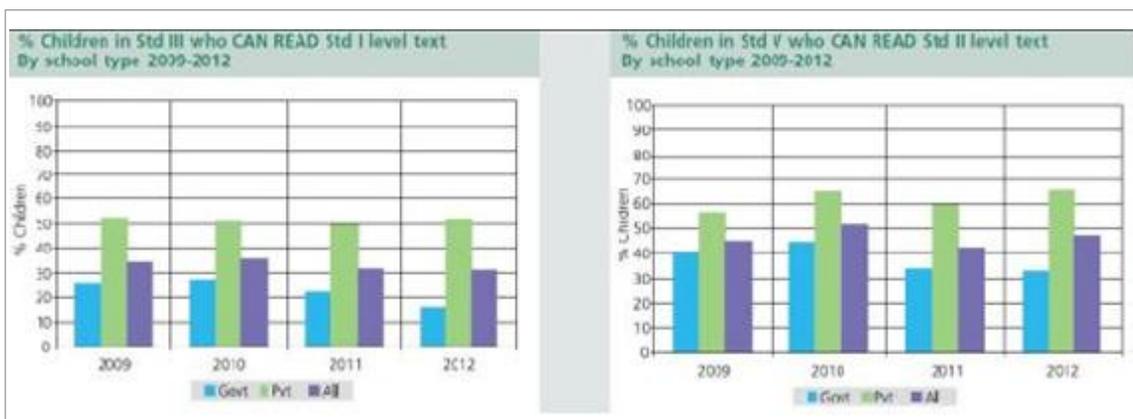
2.6 Enrolment in Private Schools



As at national level, in Rajasthan, also there is clear trend of children going for private schools where parents can afford it. This shift also

underscores the poor quality of education in the state run schools.

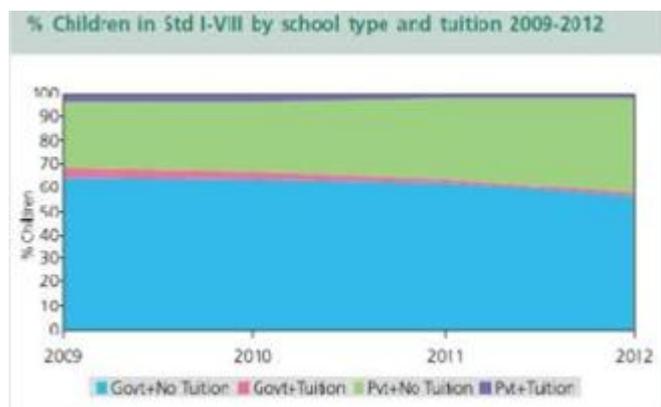
2.7 Reading Skills



At standard III, students from private school outperform those in government schools by almost 3 times and even at Vth Std they perform better by 2 times. Consistently, private school children do better than government school students. However, the

difference in quality of education is widening. The government school children's performance is declining over the years and that of private schools is either steady or rising.

2.8 Private Education



3. PROBLEMS AND

IMPLEMENTATION OF RTE

3.1 School Management Committee:

There are problems in the constitution and functioning of school management committees. Some elementary school teachers desired to improve the selection process of school management committees in the rural area. They want that there should be provision of an observer appointed by the government to conduct the election of school management committees in schools. The school management committee has to play its constructive role in functioning of the school to impart quality and equitable education to children.

3.2 Prerequisite of Professionally Qualified Teachers:

Teacher development can be defined as a systematized, continuous and coherent process of professional development of teachers in accordance with professional competency standards and framework. There is a need to shift 'training' to professional preparedness of teachers.

3.3 Enrolment of Children of Economically Weaker Sections:

As per the RTE provisions, the unaided private schools are required to reserve 25% seats for children from economically weaker sections of society. No method, however, is prescribed for selection of 25% poor children for admission in unaided private schools. They can choose the children in the way that would benefit them. In spite of this, the private schools have been expressing one or the other excuse for not admitting such children.

3.4 Pupil Teacher Ratio:

Pupil teacher ratio is one of the maintaining the required PTR because for this country as whole has to recruit more than 13 lakh teachers within a time frame.

3.5 Dropouts:

The national dropout rate is about 7%. Kasturi (2012) pointed out that major reasons of dropout in India are poverty and child labour, lack of toilet for girls in schools, lack of drinking water facility, lack of playgrounds, lack of teachers, caste and gender discrimination, lack of pre schooling and inadequate learning tools. The high dropout rate pushes us to think about inadequate infrastructure, social biases and gender difference as main causes for it.

3.6 Children with Special Needs:

RTE has a provision for providing children friendly environment in schools. On analysis of data it was found that more than 50% schools didn't have disabled friendly in the country. This may lead to dropout of disabled children in schools. This problem is more serious in the schools located in the rural and remote areas of the country.

3.7 Single Teacher School:

As per the latest data 9% of the elementary schools are still being managed by a single teacher. There are schools in the remote area without any teacher. In some schools the teachers do not come regularly. There is no monitoring of such teachers by bodies such as the government or school management committees. In such a circumstance how right to education can be ensured right to education.

3.8 Quality Concerns:

Children are entitled not only for education but also for quality education. Quality in elementary education is one of the vital issues. After implementation of RTE Act, every stakeholder is concerned about quality education. The major challenge is to ensure the availability of professionally qualified and committed teachers in sufficient number to impart child-centered education. Absenteeism of teachers, single teacher school, proxy teachers, etc., is some challenges which need to be addressed seriously to ensure high quality elementary education in the country.

4. SO WHAT IS THE NEED OF THE DAY?

For quality education to truly reach every child in the country, it is necessary that the following steps are taken:

- ◆ Each state should prepare a set of model rules for implementation of the right to education, with the participation of the community and other stakeholders.
- ◆ Although the RTE Act puts the applicable age-group at 6-14, it has been left to the states to decide whether they want to widen this group, say from 0-18 as Kerala has done. States should think about including more children under the Act's ambit.
- ◆ With the Act coming into effect, it has been found that there is a shortage of 12-13 lakh teachers in schools. The states must take steps to employ more teachers and not rely on Para-teachers to provide children with quality education.

- ◆ The government should ensure that all government schools are well-equipped to take in students, so that they are not left with the sole choice of going to private schools.
- ◆ School management committees should take it upon themselves to spread awareness about the Act at the community level, in panchayats, so that people are encouraged to send their children to school.
- ◆ School management committees should be provided the necessary financial and other support by the state to go about their duties.
- ◆ For effective implementation of the RTE Act, states should give some sort of judicial power to the education department.
- ◆ The public private partnership (PPP) model in primary education should be avoided at all costs so that there is no commercialization of education.
- ◆ There is a conflict between the child labour law and the Right to Education Act, although both deal with related issues and promote the overall development of children. It is important to bring them in step, to avoid confusion.
- ◆ To effectively implement the RTE Act, the Human Resource Development Ministry, Labour Ministry, Women and Child Development Ministry, Panchayati Raj Ministry and Rural Development Ministry have to work together. There should be an umbrella body that brings all these agencies together to work towards a common goal.

CONCLUSION

In the light of above facts and discussion thereon it is evident that RTE, 2009 is a unique document as far provisions and norms are concerned. It can bring drastic changes in the state of elementary education in our country. But poor implementation, slackness on the part of several governments and their departments, as well as discontent of few fractions of our society are hampering proper progress on the implementation of the RTE, 2009. Similarly, there is an urgent need of taking appropriate steps for inclusive education of children with disabilities by providing teaching-learning materials, aids and appliances in accordance with nature and needs of each disability, suitable

infrastructural modifications and training of regular teachers and school-based appointment of special teacher. There is also a need for organizing programmes for community awareness and attitude change in order to make school for all children. If these hindrances are embarked upon immediately; RTE, 2009 can bring unimaginable results and be an exceptional instrument in making India a knowledge superpower by 2020.

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