

## Right to Education: How Effective?

India, with 19% of world's children, has the world's largest number of youngsters, which is largely deemed to be beneficial, especially when compared to countries like China, which has an ageing population. The not-so-good news is that India also has one-third of the world's illiterate population. It's not as though literacy levels have not increased, but that rate of the increase has been rapidly slowing. For example, while total literacy growth from 1991 to 2001 was 12.6%, it has declined to 9.21%. To combat this worrisome trend, the Indian government passed the Right to Free and Compulsory Education (RTE) Act, making education a fundamental right of every child in the age group of 6–14. A consequential legislation envisaged under Article 21-A was inserted through the Constitution (Eighty-sixth Amendment) Act, 2002 so that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

While free and compulsory education for all children below the age of 14 has been a constitutional imperative for the government for the last 65 years, it is a matter of fact that we have not achieved this yet. The most concerted effort to bring about a legal framework to ensure free and compulsory education for all was made with the introduction of Article 21A and passage of the RTE. With this, India has moved forward to a rights-based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right in consonance with both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

The RTE Act provides for the:

- Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- It clarifies that 'compulsory education' means 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. 'Free' means that no child shall be liable to pay any kind of fee or charges or

expenses which may prevent him or her from pursuing and completing elementary education.

- It 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 authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating *inter alia* to Pupil-Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.
- It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, thus ensuring that there is no urban-rural imbalance in teacher postings.
- It provides for appointment of appropriately trained teachers, i.e., teachers with the requisite entry and academic qualifications.
- It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- It provides for 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, potential and talent and making the child free of fear, trauma and anxiety through a system of child-friendly and child-centred learning.

The Act encompasses a '4-As' framework which proposes that governments, as the prime duty-bearers, have to respect, protect and fulfill the right to education by making education available, accessible, acceptable and adaptable.

However, though the RTE is a ground breaking piece of legislation, the first in the world that puts the responsibility of ensuring student enrolment, attendance and completion of elementary education on the Government, recent surveys by various agencies including UNICEF show that the state of education has not improved much since 2009, when the act was first proposed. This may be due to a lag to be expected between *de jure* interventions and *de facto* outcomes. It seems to be an unassailable fact that the RTE Act appears, on paper at least, to be an ideal solution to the problems of education in India.

There has, however, been considerable progress in education inputs over the last decade due to efforts like SSA and RTE. While pupil-teacher ratios have fallen over 20 per cent (from 47.4 to 39.8), infrastructural development has also increased manifold. But the Act does not do enough justice to enable marginal improvements in quality and foster creative solutions within the larger system. By making a clear choice for access through the concept of neighbourhood schools, the Act has virtually sealed the door on drawing benefits from economies of scale within schooling systems. Although state education departments and local education authorities are responsible for monitoring the implementation of the Act, this responsibility doesn't seem to have been taken seriously. There are no special audit mechanisms and the accountability mechanism is weak in almost all states.

The “no failure” policy that the Act attempts to implement has also been criticised as indulging in compromise on quality. What the Act attempts to do is implement a Comprehensive Curriculum Evaluation (CCE), to ensure that tests are not the singular measure of a child’s progress during an academic year but through multiple formats- presentations, projects, public performances, etc. But CCE is not understood properly by officials in many schools; children are constantly passed to higher grade levels, regardless of whether or not they are prepared for that higher level of work. Most children glide through the system without achieving any significant learning outcomes.

Further, children from poor families are often pulled out of school by their parents for supplementing family income. The reality is that there is still a long way to go to achieve 100 per cent enrolment and ensure retention within school for at least 8 years of schooling. Poverty must not be a hindrance and the claim by the poor to such education must be recognised and reinforced. A zero-tolerance approach to the practice of child labour can only enable the children to get a chance at education.

There must be preparatory education for those children who are first generation learners. Like learning, effective teaching is necessary for children from disadvantaged backgrounds to benefit from staying in school. It can be achieved by proper pedagogical training of the teachers with the right methodologies. Prior to that, the shortfall of teachers in both primary and upper primary levels across India must be met. The key to ensuring this Act’s success is to make parents, particularly in rural areas, aware of the benefits of education and to encourage them to send their children to school. This too has to start at the community level, requiring a widespread change of an age-old mindset while simultaneously making people at the helm of affairs accountable.

There are still issues of larger proportion for ensuring proper implementation of the RTE Act. Resolving them is necessary, but one cannot wait till all issues are taken care of. Perfecting RTE act can wait; education cannot. However, the Act is a giant leap in the right direction as India becomes one of 135 countries which make education an inclusive fundamental right of every child. To fulfil its vision in letter and spirit, the onus lies on all stakeholders.

### **Salient Points**

- India, with 19% of world’s children, has the world’s largest number of youngsters.
- India also has one-third of the world’s illiterate population.
- Right to Free and Compulsory Education (RTE) Act, made education a fundamental right of every child in the age group of 6 to 14 in 2009.
- RTE specifies duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education.
- The state of education has, however, not improved much since 2009.
- While pupil–teacher ratios have fallen over 20 per cent (from 47.4 to 39.8), infrastructural development has also increased manifold.
- There is still a long way to go to achieve 100 per cent enrolment.
- A zero-tolerance approach to the practice of child labour only can enable the children to get a chance at education.

- There is need for a change of age-old mindset while simultaneously making people at the helm of affairs accountable.

### **Glossary**

**Pupil:** student

**Pedagogy:** method and practice of teaching

**Trauma:** a deeply distressing experience