



## Implementing Right to Education: Issues and challenges

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### Abstract

*'Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. (Article 26 of the 1948 Universal Declaration of Human Rights). This UN recommendation has been reinforced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act (2009), which came into effect in India on 1 April 2010, enshrining in law for the first time the rights of all Indian children aged between six and 14 years to free and compulsory elementary education regardless of caste, class, gender, etc. The RTE Act, though deserves due credit for laying down in fairly specific terms state's responsibility towards education, it would be appropriate to examine the status and awareness on the part of schools and concern authority to provide free elementary education to the children aging between six to fourteen years of old. Present research study has tried to explore the status of the implementation, awareness and understanding of the provisions of RTE amongst teachers, parents and children in some rural schools of Haryana. Two years have already passed since implementation of the RTE Act in Haryana but so far there has been some progress only in terms of enrollment/basic infrastructure but towards guaranteeing quality education in terms of student learning the state has not achieved much. Same is the case with regard to its awareness and understanding among its various stakeholders. By providing some recommendations and further scope of research the paper calls for an urgent intervention by the government to strengthen the operational aspect of the Act in the state.*

**Keywords:** Right to education, age appropriate classrooms, no detention policy.

### Introduction

Till the nineteenth century, education in India was an exclusive right available only to a small section of society<sup>1</sup>. Under British rule, in spite of compulsory education laws, not much progress was made in this direction<sup>2</sup>. Post-independence, Article 45 of the newly framed Constitution stated that "the State shall endeavor to provide within a period of 10 years from the commencement of the Constitution, free and compulsory education to all children until they complete the age of 14 years"<sup>3</sup>. But nothing much happened towards universalisation of elementary education. National Policy on Education, 1968<sup>4</sup> was the first official document which attested Indian Government's commitment towards elementary education. This was further emphasized in the National Policy on Education, 1986<sup>5</sup>.

In the review of the policy in 1990<sup>1</sup>, it was recommended to include Right to Education as a fundamental right in the constitution, on the basis of which National policy on Education 1992 was formulated. In the meantime India signed the UN Convention on the Rights of the Child (CRC), in 1992 and initiated the process of adopting legislation to make education a fundamental right of the child. Inroads in this direction were already made in 1976 through amendment to the Constitution to enable the Government at the centre to also make legislation for school education, the power for which until then, had solely been in the hands of the state governments<sup>2</sup>. In 1992 itself, in the case of Mohini Jain Vs State of Karnataka, the Supreme

Court of India held that 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<sup>1</sup>. Subsequently, in the case of Unnikrishnana, J.P. Vs State of Andhra Pradesh, the Supreme Court held that "though right to education is not stated expressly as a fundamental right, it is implicit in and flow 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/she completes the age of fourteen years and (b) after a child / citizen completes 14 years, his/her right to education is circumscribed by the limits of the economic capacity of the State and its development"<sup>1</sup>. Finally, in 2002, the amendment of the Constitution of India made education a fundamental right, but qualified it by adding that the manner of this right would be as determined by a follow up consequential legislation. This follow up legislation referred to in the 2002 Amendment of the Constitution of India (the Constitution 86th Amendment)<sup>6</sup> is the 'The Right of Children to Free and Compulsory Education Act 2009',<sup>7</sup> passed by parliament in August 2009, and notified into force in April 2010. Based on this Act, a subordinate legislation, the Model Rules, was framed by the centre to provide guidelines to states for implementing the Act<sup>8</sup>.

**The Haryana Right of Children to Free and Compulsory Education Rule, 2010<sup>9</sup>:** Exercising the power granted by

section 38 of the Right of Children to Free and Compulsory Education Act, 2009, the Government of Haryana formulated and implemented "The Right of Children to Free and Compulsory Education Rule, 2010". It came into force in Haryana on 1 November, 2010. The rule consists of eight parts.

Part. I of the rule is preliminary and defines various terms used in the said rule. Part II of the rules discusses about Right of Children to Free and Compulsory Education. Part III mentions duties and responsibilities of government, local authority etc. Part IV tells about responsibilities of schools and teachers. Part V deals with school management committee. Part VI tells about teachers' qualification and related issues. Part VII discusses about curriculum and completion of elementary education. Part VIII deals with protection of right of children. In fact, the spirit of the Government of Haryana rule as regards to free elementary education is same like that of the Right to Education Act, 2009. It includes issues in relation to implementation of rules in local conditions.

**Purpose of the Study:** The Indian elementary education system has been successful to some extent in achieving higher levels of funding, access, enrollment and infrastructure. However, high drop-out rates, low attendance, universal, equitable and quality elementary education for all continue to be a challenge<sup>10</sup>. The RTE Act is a path breaking Act in the history of Indian Education towards providing quality elementary education to all, it is not without loopholes. The purpose of this research study is to reveal the status of implementation of RTE in rural government schools in Haryana and to examine awareness and understanding of the provisions of RTE amongst teachers, parents and children. The investigator was attached to a government school in rural Haryana as a part of NCERT's field experience programme for a period of three months. The present study findings are based on the field experience of the investigator in the school and observation/interaction with the teachers, parents and children in nearby government schools. The observations and opinions of the teachers, parents and children on various provisions of RTE Act helped in examining the awareness and understanding of the provisions of RTE.

**Significance of the study:** This study is very significant as this provides an insight into the status of implementation of RTE in rural schools, awareness and understanding of the provisions of RTE amongst teachers and parents of children studying in government schools in and around the study area. The issues and challenges raised in the study will help all the stakeholders to become aware of their rights, take an active role in the enforcement of these rights and implement this Act more effectively and fruitfully to have a better quality education for the students for whom this act is meant.

**Limitations of the Research:** Present study covers very small sample of government schools from rural Haryana. Various tools could not be extensively used due to the limited time span of three months.

## Research Methodology

This study, which is designed to investigate the status of the implementation of the RTE Act and its awareness among teachers, parents and children, is a descriptive study. The data in this study was collected through participant observation method, which is a data gathering technique based on observation and recording of things, a qualitative measurement. Formal structured and informal interactions with headmaster, two to three teachers, parents and children were carried out. Since investigator was present in the field during study, observation method was used to collect the data coupled with unstructured questionnaire and interview schedule. The investigator observed implementation of various RTE norms in these schools and maintained a daily diary for recording notes. These notes were later analyzed and observations were finalized. Besides observing and recording, questionnaires i.e. one each for head masters, teachers and parents were prepared on the basis of some important provisions as provided in the Act. Questionnaires contained both close ended and open-ended questions. The participants of the study were mainly parents, teachers and students of rural government schools with whom the investigator had chance to interact and observe.

## Results and Discussion

**Physical infrastructure and other resources:** The Act<sup>8</sup> says that school building should be an 'all weather' structure, and should include an office cum store for the head teacher, separate toilets for boys and for girls, a kitchen for cooking the free mid day meal that children are provided, have access to safe drinking water, a library, a playground, and barrier free access.

The investigator observed that most of the schools have 'all weather' buildings, and have office cum store for the head teacher, separate toilets for boys and for girls, a kitchen for cooking the free mid day meal, a playground, and barrier free access. Two schools reported that earlier when mid day meal was cooked in the school they did not have kitchen in the school and therefore were cooking in the school premises itself. The Head teachers shared that some days back they got instruction from their education office to get kitchen constructed in their respective schools. The kitchens were not required now in the schools because mid day meal is been provided in these government schools nowadays by a private agency ISKON but they were forced to get the kitchen constructed as it was required as per norm. As per the RTE Act<sup>8</sup>, even though every school need to have access to safe drinking water and a library the investigator found that most of the schools have no access to safe drinking water and library. Research<sup>11</sup> shows that availability of physical facilities like safe drinking water, electricity, toilets, furniture, playgrounds, and libraries do affect the performance of the students and their achievement in a positive way.

The investigator observed that one newspaper used to come in the school but students were not allowed to read this and were seldom read by teachers. When investigator asked about the facility of library, the head teacher shared that their 'school receives some books from the government but lending these books to students are not done because students do not use them properly'. On the other hand almost all students shared that they really like reading books and some of them said that there is a private library in the neighbourhood where one needs to register and can go there to read books, newspapers or get it issued for 15 days and nothing is charged from the students. Many students were found to be registered in this library. There is enough evidence to show that students who have access to good library resources that interest and challenge them, will acquire a profound love of reading and learning<sup>12</sup>. As reported by various studies<sup>13, 14, 15</sup> there is a strong correlation between the presence and the use of library resources by students and teachers with better student performance. Arko-Cobbah<sup>16</sup> described that 'the library in rural schools plays a significant role in the school curriculum'. School library resources play an important role in informing, educating, entertaining, and enriching students. When students are able to explore meaningful information they want, they learn faster and their literacy skills also grow rapidly; they learn how to learn<sup>17</sup>.

**Age appropriate classrooms:** Act<sup>8</sup> provides children above six years, who have never been admitted to any school or, having been admitted have not completed elementary education and have dropped out, the right to be admitted to a school in a class appropriate to his/her age for completing elementary education. The Act facilitates a child admitted to an age appropriate class to be given Special Training to enable him/her to be at par with other children. The RTE Rules also states that children admitted after six months of the beginning of the academic session may be provided Special Training as determined by the Head Teacher of the school to enable him/her to complete studies.

The Head teacher of the investigated school was not aware of what this special training is and what constitutes this training. The investigator visited this school during November and February so by this time the students were already into their second semester. Some 4-5 children joined school during this time but the investigator did not observe any mechanism there to check whether a new student needs a special training or not, they were simply admitted to a class appropriate to their age. This is more or less true of other nearby schools also. In such a situation when they are not even aware of the special training, expecting them to know who will impart the training, where and how will be needless.

**Access to education:** In order to provide access to education, the RTE 2009<sup>8</sup> mandates year round admission, no screening and documents, no capitation fees, easy transfer certificate. As per the RTE Act no school can deny admission or transfer certificate to any child. The investigator found that in one of the school some students wanted to go to some other government

school but they said neither the school where they were studying was ready to give them transfer certificate nor the school where they wanted admission was willing to admit them. They all directed them to study in the nearest school.

**Quality of Teachers:** Quality is an integral aspect of the RTE Act. Part V of the RTE Act<sup>8</sup> clearly specifies those terms, under which the quality of elementary education is to be ensured, which include a comfortable teacher-student ratio, curriculum reform and improvement in evaluation methods. But the success of these measures largely depends on teachers, and that is where the system is facing problem. The teacher student ratio in these schools follows RTE norms. But with regard to the curriculum reform and improvement in evaluation there is little awareness. The investigator observed teachers still following the traditional pattern of making students read chapters and then write some questions from the textbook or the guidebook. Students in all schools use guidebooks suggested by their teachers. Guidebooks have turned out to be reference books for students. Though teachers did not admit of suggesting students to use these guidebooks but in informal talks they submitted that the guidebooks are quite detailed so students are able to understand the topic from these guidebooks better than the textbook. Haryana has developed workbooks in different social science subjects. These books have all sorts of questions-small, long, map work, multiple choice as well as questions on pictures but students were hardly observed using this workbook. This workbook is meant to be done in the classroom but as children shared with the investigator their teachers told them to do it at home. With regard to the evaluation methods the investigator found out that schools were following CCE as they understood it. The methods adopted for the continuous evaluation were monthly unit tests, half-yearly examination and annual examination etc. No school has made it mandatory to pass any examination for going to the next higher class. Not all, but some schools have got profile books for every student where a teacher can record things about the individual student. In these profile books several things are mentioned covering different subjects and areas which are required for assessment. There are so many things to record in the book that teachers are really reluctant to make entry in these books. Because of these recording works they complained that CCE should be scrapped which is adversely affecting their actual teaching-learning. The investigator observed that there is a wide gap between policy interventions<sup>5, 18, 19, 20, 21</sup> and how it is actually perceived and implemented in the field. The actual motive behind CCE as a way to assess child's understanding of knowledge and or her ability to apply the same has been taken over by some mechanical activities of doing some projects by copying and pasting things from the textbook and entering it in the profile books of children.

**Teacher training:** The Act<sup>8</sup> demands for qualified teachers and also makes way for teachers to receive in service training to enable them to acquire the requisite certifications within a period of 5 years. Research<sup>22, 23</sup> shows that teacher qualification,

preparation of teaching and learning, content knowledge, and experience, are important factors contributing towards teacher effectiveness. The in service teacher training helps the teachers to be more systematic and logical in their teaching style<sup>24</sup>. The investigator observed that though, most of these government schools had qualified teachers, they had little information about advances in different subjects and they were not equipped to take corrective action as the law prescribes regarding CCE.

The RTE<sup>8</sup> requires each State to identify an academic authority which will determine and improve curriculum, evaluation and training. Most States including Haryana have notified<sup>9</sup> their State Council of Educational Research and Training (SCERT) as the mandated academic authority. The investigator observed that teachers in these schools though got some training in the past but still there is no mechanism in place to impart regular training to the teachers and because of this they do not have any platform where they can raise their concerns and doubts. There is a need to not only revisit the minimum qualifications required for teachers but also to reexamine and rejuvenate both pre-service and in-service programmes in consonance with both the National Curriculum Framework for Teacher Education (NCFTE), 2005 and the objectives of RTE Act<sup>25</sup>.

**No detention policy:** Section 16 of RTE Act<sup>8</sup> prohibits holding back and expulsion of a child from school till the accomplishment of elementary education. The 'no detention' provision in the RTE Act does not mean that children's learning will not be assessed. The RTE Act makes provision of continuous and comprehensive evaluation (CCE) procedure which will enable the teacher to assess the child's learning and performance in a more constructive way. Several states including Haryana have taken steps to implement some form of CCE as they understand it. But as the investigator observed, in the name of CCE these schools are conducting activities which are very mechanical in nature and only aim at keeping children busy without learning anything substantial. Children come to these schools, get a free meal and it bothers to no one whether they are making any progress at all. The Annual Status for Education Report (ASER) – Rural, 2012<sup>26</sup> also states that enrollment levels have been 96% or more but 58.3% of children enrolled in Class V (government schools across rural India) cannot even read Class 2 text. The investigator observed teachers saying that *'whether students learn anything or not, they are going to be promoted to the next class as per the RTE Act. So nothing is in our hands'*. Teachers perceive passing of examination as a criteria for being promoted to the next higher class. Teachers should be made appraised that 'pass' 'fail' options are not a necessary requirement for learning. A child would not acquire any special resource to handle the same syllabus for yet another year by just repeating a class. There is no evidence that suggests that the quality of the learning of the child improves if the child is failed<sup>27</sup>.

**School Management Committees:** To encourage parent and broader community participation in school monitoring and

decision-making the ACT makes provision<sup>8</sup> for schools to form a School Management Committee (SMC) with at least 75% of parents of children in the school of which fifty percent are to be mothers. SMC's are empowered to monitor the performance of schools and the use of government grants, to prepare school development plans and to fulfill other functions prescribed by state governments. During three months study the investigator did not find any parent teacher meeting or meeting of SMC members. The Head teacher and other school teachers in their informal talks shared that *'parents are not interested in coming to school because for them coming to school simply means losing a day's salary'*. So provision of SMC does not have any meaning for these schools where children are first generation learners and where parents are daily wage manual labourers. On the other hand, studies show<sup>28</sup> that communities can have a positive impact on school effectiveness. Whatever research is available on community engagement show that communities active role in school improvement often leads to many positive outcomes including improved student achievement. When schools involve families in positive ways, rather than labeling them as problems, such schools can easily be transformed from places where only some students flourish to one where all children do well.

**Recognition Process for State Schools:** Section 19<sup>8</sup> states that Government schools must fulfill the minimum requirements of the schedule but the Act does not say anything on the action that will be taken against those schools which are not been able to fulfill minimum requirements for quality mentioned in the schedule. There is no library for children in school and safe drinking water facility.

**Exercise of rights:** The rights of pupils to education include right in education and in the classroom. This Act<sup>8</sup> not only bans the corporal punishment of children but has also made it an offence to subject them to mental harassment. The Act makes provision of the establishment of the National/ State Commissions for Protection of Child Rights. NCPDR/SCPCR is also made responsible for monitoring out-of-school children to facilitate their access and participation in the schooling system. This would include children who have never enrolled or have dropped out, children who are temporarily absent, and children who are permanent migrants, who migrate seasonally with their parents. In Haryana, Right to Education Protection Authority<sup>13</sup> has been set up as an interim measure. One of the most important observations is that physical punishment or mental harassment is not a practice in any of the school. But the investigator did not observe any designated authority at the habitation level where violations of the Act can be registered, investigated and responded within a definite time frame.

**Perception of Parents:** All parents are aware of free elementary education in the government school. Majority parents shared that classrooms and schools are not cleaned regularly; classes are not regularly held. When further explored to find out the reasons for the irregular classes, they said

irregularity of the teachers; some teachers come to the school on alternate days. Most of the parents are not satisfied with the teaching methods adopted in the schools. They feel effective teaching methods should be used like use of visual aids, regular class tests, continuous feedback to the parents, sufficient lab equipments, computer classes, regular classes, special coaching to the students, field visits, quizzes and vocational work for the students. Parents feel that teachers just teach and do not interact with the students, no homework is given to the students and teachers give less importance to the academic work. Most of the parents say that their children are not satisfied with the school. The reasons cited by them are, schools have no proper infrastructure, no electricity, no regular teaching, no co-curricular activities etc. When asked whether principals and teachers motivate the non-enrolled children to take admission in the schools, most of the parents said no.

**Perception of Children:** The investigator observed that most of the children are not aware of the benefits of the RTE Act. It is important to note that majority students are dissatisfied with the cleanliness of the schools; boring teaching methods followed in the schools; attention given by the teachers to the children; regularity of classes. They also shared that principals and teachers do not motivate children in the schools. In one of the schools while talking to students about their aspirations the investigator found one girl with tears in her eyes saying, '*ye log hausla nahi dete*' (they do not give us any motivation). This reminds the investigator of famous lines, '*manzil na de chirag na de hausla to de*' (do not show light or take us to our destination but at least give us some motivation). In schools of Haryana students use NCERT textbooks published by their state and in these NCERT books there are many activities and questions which promote critical thinking. But the investigator observed that many such questions and activities were not done with students and when the investigator discussed the content of these textbooks, raised questions, conducted quiz, role play and other such action oriented exercises, students found the subject to be very interesting. Workbook activities were done by students regularly during the study period and for all this a few words of appreciation-motivation was required. As teachers, we know that if our students are motivated to learn, our work becomes a pleasure<sup>29</sup>.

**Recommendations:** As per the Act, existing schools were required to make basic infrastructures available within three years of enforcement of the Act. Two years have already been passed after enforcement of the Act but still most of the schools in Haryana are lacking requisite infrastructures. Government should immediately take action to ensure all the basic facilities in the school like safe drinking water, library etc.

It is observed that head masters are not very clear about the procedures for admission laid down in the Act, such as, how to give admission to a child who is above six years and so far not enrolled in the school; how to give special training to such students etc. Thus, an orientation programme should be

organized for the head masters and the senior teachers who are in charge of admission or usually are given charge in the absence of a head master.

As stated by most of the parents and children, teaching should be activity oriented and students should be given basic knowledge of computers.

Most of the students in these schools come from lower economic group, at times it becomes difficult to make them understand the subject. So pre-nursery or classes before Class 1 should be arranged for these children by the government. This will help them to grasp the teaching easily.

As observed SMCs do not play their required roles in these schools. The head teacher and other teachers shared their difficulty in dealing with uneducated parents of most of the children who are not bothered about their children's education. So something should be done to orient parents also so that they become aware of their roles and responsibilities. Government should instruct head masters to strengthen activities of school management committee. It should be actively involved in the preparation of school development plan and monitoring of working of the schools. The head masters and teachers should be involved in motivating the non-enrolled children to join in the schools.

Classes should be held regularly and teaching should be made interactive and interesting with the use of visual aids, globes etc. Co curricular activities, excursions, games, dance, fine arts, quizzes should be made part of the teaching methodology. Such methodology will attract the students to the schools and help them in their personality development.

There is a serious need to assess the academic capacity of the existing training institutions. For any quality improvement the content and methodologies of the present pre and in service training of teachers should be reviewed, modified and changed wherever needed. Formation of a special organization as per the need would greatly contribute towards professionalizing teaching and there should be a mechanism to train teachers on regular intervals so as to enable them to keep pace with new advances in their subjects.

Community members should be made aware about important provisions made in the Act as regards to students, classes and functioning of the schools etc. They may be encouraged to approach authorities, if they find any deviation in the functioning of the school or admission etc.

## Conclusion

Government has enacted and implemented the Act in the right spirit towards providing quality elementary education to all. Most of the investigated schools are able to fulfill basic infrastructure except a few but with regard to curriculum,

assessment, teachers training and other related issues they are lagging far behind. The observation and findings from the interview and questionnaire show a wide gap between what was expected and what has so far been done. The findings show that so far there has been some progress only in terms of enrollment/basic infrastructure but towards guaranteeing quality education in terms of student learning the state has to go a long way. Further, from the findings of the study, it can be concluded that most of the parents are aware about the free education provided to the students of elementary schools. But, many of them are not aware of the benefits provided to the children. Similarly students are also not aware of their rights. Therefore, as per the findings parents and children should be made aware about the benefits and provisions provided in the Act.

There is a need to forge partnerships among state, school functionaries, voluntary agencies, parents and other stakeholders. Concerted efforts are required at all levels since isolated efforts do not bring the desired results. Two years have already passed since the implementation of RTE Act in Haryana but the study reveals still there is long road ahead before all stakeholders even become aware of their rights let alone become able to exercise, and finally able to enforce their rights. The potential of the RTE depends a great deal on the advocacy and mobilization campaigns initiated by government, and the ability of parents and children to understand and exercise their new role relationships as far as elementary education is concerned.

**Scope for further research:** The findings do not reflect the status of implementation of Right to Education Act all throughout the state of Haryana. However, the findings do focus on some important issues relating to the functional part of the Act. In future, further researches can be undertaken by enlarging sample size. Few districts from northern, southern, eastern, western and central parts of Haryana can be selected as sample districts to examine status of the implementation of the Act in the whole of the state. Present study can help the future researchers in getting first hand information for further explorations as well as help state officials to seriously look into the implementation of the RTE Act towards providing quality elementary education to all children.

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