



## Research of Implementation of Right to education for Free and Compulsory Education

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### Abstract:

*Present investigation research has tried to explore the status of the implementation, awareness and understanding of the provisions of RTE amongst teachers, parents and children of Gujarat. Four years have already passed since implementation of the RTE Act in Gujarat 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 for an urgent intervention by the government to strengthen the operational aspect of the Act in the state.*

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**Keywords:** *Right to education, Age and infrastructure*

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### 1. Introduction

***“In our national perception, education is essentially for all ... Education has an acculturating role.”***

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.

The Act also has a provision for every child, who is above six years of age and has not yet been admitted to any school or could not complete his/ her elementary education due to any reason, to be admitted in a class appropriate to his or her age. The child admitted under age appropriate admission has a right to receive special training or additional instruction in order to be at par with other children of the class.

Current research was taken up to find out the status of implementation of various provisions of RTE Act 2009 in Gujarat state children are also concerns and problems of state to implement the Act. The research has explored the steps taken by state for implementation of RTE Act, 2009 so far and their difficulties in proper implementation of the Act.

## 2. Genesis of the Right to Education Act 2009

Period	Key Milestone	Phase
1910 -1947	<p><b>1910:</b> Resolution moved by Gopal Krishna Gokhale in the Imperial Legislative Council seeking free and compulsory primary education.</p> <p><b>1937:</b> Mahatma Gandhi makes a plea for universalization of education.</p> <p><b>1944 :</b> Sargent Plan to achieve universal elementary education by 1984</p>	Approval of importance of elementary education
1947 – 1986	<p><b>1947:</b> Constituent Assembly explores avenues to achieve universal elementary Education.</p> <p><b>1950:</b> Directive Principle of State Policy under Article (45), directs the States to ensure provision of Free and Compulsory Education (FCE) to all children till the age of 14 years within a period of 10 years.</p> <p><b>1968:</b> Due to insignificant achievement, National Policy on Education urges serious efforts towards provision of FCE.</p> <p><b>1986:</b> National Policy on Education resolves to provide FCE to all children till the age of 14 years by 1995.</p>	Significant Planning but insignificant achievements
1986 – 2009	<p><b>1992:</b> India becomes signatory to the UN Convention on Rights of the Child which requires States to recognize the rights of the child to education.</p> <p><b>1993:</b> Supreme Court in the case” J.P. Unnikrishnan and others v/s the State of Andhra Pradesh and others asks the States to honour the command of the Article 45 of the Constitution.</p> <p><b>2002:</b> Public pressure generated after Unnikrishnan case spurs successive Governments to make education a fundamental right. The 86 Amendment 2002 makes elementary education a fundamental right.</p> <p><b>2003-2004:</b> The Free and Compulsory Education for Children Bill.</p> <p><b>2005:</b> The Right to Education Bill.</p> <p><b>2006:</b> Central Legislation discarded. States to advise to make their own Bills based on the Model Right to Education Bill 2006.</p> <p><b>2008-2009:</b> The Central Legislation gets revised. President gave her assent on 26 August 2009. The Right of children to free and compulsory Education Act-2009 comes into force from 1 April 2010. This Act is referred as toRTE-2009.</p>	Public pressure and political will results in passing the RTE Act.

## 3. Main Features of the RTE Act 2009

The following are the main features of the RTE Act 2009.

1. Free and compulsory education to all children of India in the 6 to 14 age group.

2. No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.
3. If a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age; provided that where a child is directly admitted in a class appropriate to his or her age., then, he or she shall, in order to be at par with others, have a right to receive special training.
4. Proof of age for admission: For the purposes of admission to elementary education. The age of a child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1856 or on the basis of such other documents as may be prescribed. No child shall be denied admission in a school for lack of age proof.
5. A child who completes elementary education shall be awarded a certificate.
6. Norms fixed for student-teacher ratio; 2 teachers for 60 students; > 150 students -5 teachers and 1 Head master.
7. Provides for 25 percent reservation for economically disadvantaged communities in admission to Class I in all private schools.
8. Mandates improvement in quality of education.
9. School teachers will need adequate professional degree within five years or else will lose job.
10. School infrastructure (where there is problem) to be improved in three years, else recognition cancelled.
11. Financial burden will be shared between the State and Central government.
12. Formation of School Management Committee to plan the educational activities of the schools and monitor the educational affairs of the schools.
13. The Act will apply to all of India except Jammu and Kashmir.

#### 4. Objectives of the research

To find out the status of implementation of various provisions of RTE Act 2009 in Gujarat State; steps taken for age appropriate admission of out of school disadvantaged children; preparation of teaching learning material for them; assess the awareness level of stakeholders in the Gujarat state to implement RTE Act 2009; concerns and challenges of the Gujarat state for effective implementation of RTE Act 2009 for disadvantaged children; strategic plans of action prepared by Gujarat state for providing free and compulsory Elementary Education to implement RTE to children of SCs/STs/Weaker sections, and children with various disabilities; specific steps taken by Gujarat state to inspire parents and community to admit these children into schools; and arrangements being made for providing free Pre-School Education to these children below 6 year of age.

#### 5. Tools/Instruments

The following are the main tool for the present investigation.

- Questionnaire of schools about Implementation of RTE Act, 2009
- Interviews for Functionaries, Head teachers/Teachers and parents
- Observation of Schools

For the data collection above tools and methods are used similarly RTE-2009 The Third Year report Published by MHRD and Status report RTE-2009 published by NCERT are also used.

**6. Status on RTE Act – 2009 The 3<sup>rd</sup> Year Report Publish by Department of School Education and Literacy, MHRD, Government of India:**

Notification of State Rules	Notified
Constitution of SCPCR/REPA	Notified
Notification of academic authority	GCERT
Policy on eight year elementary education	In place
No detention	Notification issued
No corporal punishment	Notification issued
No board examination upto Elementary level	Notification issued
Banning private tuition	Notification issued
Banning screening procedure and capitation Fees	Notification issued
Working days notified	200(P), 220(UP)
Working days reported in DISE	224(P), 228(UP)
Decentralized grievance redressal mechanism	Notified
Local Authority notified	DPEC, NPSS, DPSS
% Schools with SMC constituted	97
25% Admission in private unaided schools at entry level	Notified

Teachers		
Indicator	2009-10	2012-13
Total teachers (Govt.+Aided)	1,93,459	2,10,847
Total teachers (Govt.+Aided) 1	93	459 2
% Primary schools with PTR > 30*	26	16
% Upper primary schools with PTR > 35*	30	26
% Single teacher schools	1	2

Source: DISE, PMIS, Census, NAS NCERT, \*Government Schools The Subject score is on a scale of 500

Demographic Indicators			
Total population	6.03 Cr.	Literacy rate	78.0
% Urban population*	42.6	Female literacy rate	69.7
% SC population*	6.7	Male literacy rate	85.8
% ST population*	14.8	Sex ratio (0-6 yrs.)	886
% Muslim population	9.06		

Enrollment		
Indicator	2009-10	2012-13
Total enrolment primary	22,21,119	25,45,537
Total enrolment upper primary	11,15,634	13,78,800
% Girls to total enrolment primary	47	46
% Girls to total enrolment U. Primary	47	45
Gender parity index (GPI) primary	0.89	0.84
Gender parity index (GPI) U. primary	0.90	0.81
% SC to total enrolment	27	26
% ST to total enrolment	0	0
% Muslim to total enrolment	5	9
CWSN enrolment	13,282	30,578
Annual Average drop-out rate (Primary)	0.2	

School Infrastructure		
Indicator	2009-10	2012-13
No. of elementary schools (Govt.+Aided)	15,565	15,213
Student classroom ratio (SCR)	32	27
% Primary schools with SCR > 30*	50	34
% U. primary schools with SCR > 35*	31	31
% Schools with drinking water facility	99	100
% Schools with girls' toilet facility	87	90
% Schools with ramp	66	64
% Schools with playground	83	77
% Schools with boundary wall	95	97
% Schools with Kitchen shed	18	45

School Infrastructure	
Indicator	2012-13
% Teachers with professional qualification*	98
Having revised curriculum	Revised
Working hours as per RTE	39 hrs
Instructional hours as per RTE	920(P), 1150(UP)
Continuous Comprehensive Evaluation	Universal Coverage

## 7. Method

Based on the objectives of the research and information supplied by Gujarat state in response to the Questionnaire, normative survey followed by in-depth research investigation design was most appropriate. Purposive sampling was used in selection of Gujarat state districts and schools. However, stratified random sampling was used in selection of respondents. Total sample of 30 schools from state 300 respondents from different groups was selected. One District in each region from the Gujarat state were selected.

## 8. Findings

- The Districts of the sample have implemented provisions of RTE Act, 2009 to a great extent.
- There were very few cases of age appropriate admissions of disadvantaged and children with disabilities.
- State, district, block level functionaries and Teachers were aware of provisions of RTE Act, 2009.
- Efforts were being made to implement various provisions of the Act.
- Parents were not aware of various provisions of RTE Act.
- Scholarship scheme is not applicable to SC/ST/BPL children coming from other states to Gujarat.
- All District has taken initiatives in conducting community awareness programmes to bring all children, including children with disabilities, to schools.
- All Districts encourage parents of children to bring them to Anganwadi centres.
- In few schools materials for training of children admitted under age appropriate placement in different classes were not satisfactory.
- Teachers are appointed on probation basis for five year named with Vidhya-Sahayak. After five years they are appointed as permanent teachers.
- Suitable ramps for wheelchair users were available in most of the schools.
- Regular teachers have not been trained in the area of disabilities.
- Children with disabilities, especially visually impaired, have not been provided teaching-learning materials individually.
- Boundary walls and drinking water facilities established in schools.

- BRCs and CRCs were given training for monitoring and feedback, but they were posted back into their respective schools so sometimes results of monitoring and feedback of teachers are not satisfactory.
- Shortage of teachers, pupil-teacher ratio, other official duties assigned to teachers, business in training programmes, duties in block level office and making voter ID Cards etc, no training of regular teachers in education of children with disabilities and non-availability of special teacher support on daily basis are challenges in the implementation of RTE.

## 9. Conclusion

Government has enacted and implemented the Act in the right spirit towards providing quality elementary education to all. The observation and findings from the observation and interview show a gap between what was expected and what has so far been done. The findings show that has been 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 research, 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 partnerships among state, school functionaries, voluntary agencies, parents and other stakeholders. Concerted efforts are required at all levels. 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.

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