

Inclusion and Right to Education Act-2009(RtE Act-2009)

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Abstract

The Right to Education Act-2009 (RtE Act-2009) which came into being in action on 1st April 2010 was a landmark in the Indian elementary education history. It promises free and compulsory education to any child in the age-group of 6-14 years will have the right to quality elementary education. The RtE 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 Weaker 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. Fifty per cent of these have to be women. RtE Act provides a ripe platform to reach the marginalized group of children like child laborers, migrant children, children from slums, or those who have a disadvantage, owing to social, cultural, economic, linguistic, gender or such other factors. For the first time in the history of India, children will be guaranteed their right to eight years elementary education by the state with the help of families and communities.

KEYWORDS: Inclusive education, RtE Act-2009, Economically Weaker Sections (EWS) and marginalized group

Introduction:

Education means to uplift or to bring up. In other words education is the harmonious development of all the human faculties. Therefore, it is a natural right, intrinsic right and inevitable right of individual. Then why do we talk about right to education? It is because; this thought is confused among well educated people and those, who in need, found to be deprived off. Another strong reason behind this discussion is the narrow thinking of caretakers of the society. A well educated lot could be bright future of any society or nation but same time they become conscious of their rights and often become hurdles in the way of narrow thinking group. Rules and regulations are framed in ideal state but are hardly implemented to the expectation level. According to 'Right to Education Act' enforced from 01 April 2010, every child in the age group of 6 to 14 years will be provided 8 years of elementary education.

It is seen that the traditional education in India is getting outdated. The number of students dropping out of school is getting higher, especially in poverty stricken areas; students are forced to leave schools due to their parents' poor economic condition and to work to help their parents make both ends meet. This leads to growing number of child laborers. The majority of children living in remote areas are unable to enjoy schooling as the curricula are not designed on the basis of flexibility and tend to be content heavy. Research shows that many children who experience learning difficulties become

frustrated when they are not effectively supported in a classroom and eventually drop out. With respect to the rights of children, whatever prevents children from education is teachers' social and professional responsibility. Efforts should be made by every teacher to reach out to all children in the community as part of their responsibility as adults and citizens. Teaching has to be made more interesting, appealing and motivating to attract drop outs. Thus there is a desperate need to create a strategy and make a breakthrough in implementing RTE the goal of which is to promote weaker section of society with differences being respected and valued. Reports show that children attend school at the primary level but soon drop out or are pushed out due to uninteresting teaching methodology and an assessment system that labels them as poor achievers. When the 'education for all' movement talks about 'all children' this means being cognizant of the needs of all children in the classroom- not only those who seem to adjust themselves to the usual tradition of teaching and learning. To ensure that all children irrespective of their class, caste, religion or gender have access to quality education, it is important to implement child friendly education.

The child centered education will be able to attract more learners and teach students effectively. It focuses on the whole child and emphasizes both cognitive and emotional development of the young learners. Child centered education under RTE is an approach to education focusing on the needs of the special students, rather than those of others involved in the educational process, such as teachers and administrators.

In a child friendly classroom the teacher acts as a facilitator rather than an instructor. A teacher who knows what children want to achieve and how children get there, is more important than a teacher who is an all 'knowing sage.' The teacher while daily interacting with the children should keep in mind that he is supporting all children in their growth and development covering all domains is it social, emotional, physical, linguistic and intellectual. The teacher must realize that every child is unique and special individual. So their ideas, preferences, learning styles and interests should be kept in mind while implementing instructional practices. The children should be actively involved in the teaching learning process. The skillful educator will develop a keen awareness of each child's learning needs and choose appropriate, relevant and purposeful teaching methods to support learning. By having a child centered approach in the classroom, enables the children to stay focused and reach their goals. It develops their confidence and improves their self esteem. Above all child centered pedagogy is now part of educational legislation. In this way millions of children will benefit from the RTE Act ensuring quality education with equity. It is estimated that there are about 8.1 million dropout children in India. The challenge now is to ensure that each one of these 8.1 million children is not only enrolled in elementary schools but completes at least eight years of child centered education. RTE Act would be considered a success if mainstream schools develop a positive attitude towards the educational needs of economically disadvantaged group of children and increase access through

simple adaptations. Studies have shown that child centered education produces significant social and emotional developments. The RTE Act 2009 legislates that academic authority while laying down curriculum and evaluation procedure shall take into consideration "learning through activities, discovery and exploration in a child friendly and child centered manner." The curriculum should be framed such that it nurtures children's original thinking, connects the learning of literature to children's

individual needs and gives children diverse experiences. The child friendly curriculum should focus on children's inner lives by focusing on developing their problem solving skills and stimulating their intellect and imagination.

Objectives of RTE Act:

1. The development of human personality and individual talent, a sense of dignity and self – worth, the mental and physical ability.
2. To instill a respect for human rights and fundamental freedoms.
3. To enable people to participate effectively in a free society.
4. To promote understanding, tolerance, friendship among all groups and maintains peace.
5. To promote gender equality and respect for the environment.

However, these objectives are undoubtedly the least enforceable: it is much easier to check Whether or not primary education is free and available to all, than to check whether or not education has achieved its objective of the development of a sense of dignity, individual talent or to enable people to participate effectively in a free society.

Historical Perspectives:

At the time of Independence, India inherited an educational system which was not only quantitatively small but was also characterized by striking gender and regional disparities. Only one child out of three had been enrolled in primary school. Thus challenge was to provide elementary education to all its children within a stipulated period of time. Accordingly, universal education for all children in the 6-14 age groups became a constitutional provision by Article 45 of the Constitution. Special care of the economic and educational interests of the under privileged sections of the population also became a constitutional obligation. But these constitutional provisions still remain unfulfilled. Government's commitment to ensure elementary education for all children aged 6-14 years was later seen in its ambitious programme named '*Sarva Shiksha Abhiyan*'.

Free and compulsory elementary education was made a fundamental right under Article 21A of the Constitution in December 2002 by the 86th Amendment. In bringing this into action, the 'Right of Children to Free and Compulsory Education Bill' was drafted in 2005. This was revised and became an Act in August 2009, but was enforced on 1st April 2010.

The Right to Education Act will benefit about one crore out-of- school children and a large number of drop-out children. As per an estimate, out of 22 crore children in the 6-14 years age group in the country, 4.6 percent children have no enrolment in any school.

Tracing the development of the Act:

| Period | Event | Phase |
|---------|---|--|
| 1910-47 | <p>1910: Resolution moved by Gopal Krishna Gokhale in the Imperial Legislative Council seeking Free and Compulsory Primary Education.</p> <p>1937: Mahatma Gandhi makes a plea for Universalization of education.</p> <p>1944: Sergent Plan to achieve universal elementary education by 1984.</p> | Acceptance of importance of elementary education |
| 1947-86 | <p>1947: Constituent assembly explores avenues to</p> | Significant |

| | | |
|-------------------------|---|--|
| | <p>achieve universal elementary education. 1950: Directive Principles of State Policy (Article 45) directs state to endeavor to provide free and compulsory education to all children until 14 years of age within a period of 10 years. 1968: Due to insignificant achievements, National Policy on Education urges serious efforts toward provision of free and compulsory education. 1986: National Policy on Education resolves to provide all children free and compulsory education up to 14 years by 1995.</p> | <p>planning but insignificant achievements</p> |
| <p>1986-2009</p> | <p>1992: India becomes signatory to the UN Convention on Rights of the Child, which requires states to recognize the right of the child to education. 1993: Supreme Court in the case “J.P. Unnikrishnan and others vs State of Andhra Pradesh and others” asks state to honor the command of Article 45 of Constitution. 2002: Public pressure generated after Unnikrishnan case spurs successive governments to make education a fundamental right. 86th Amendment 2002 makes elementary education a fundamental right. 2003: The Free and Compulsory Education For Children Bill, 2003 (NDA government). 2004: The Free and Compulsory Education For Children Bill, 2004 (NDA government). 2005: The Right to Education Bill, 2005 (June) (CABE Bill) (UPA I government). 2005: The Right to Education Bill, 2005 (August) (UPA I government). 2006: Central legislation discarded. States advised to make their own Bills based on The Model Right to Education Bill, 2006 (UPA I government). 2008-09: Central legislation gets revised. President gives assent to The Right of Children to Free and Compulsory Education Act. The act to come in effect from April 2010.</p> | <p>Public pressure and political will yields the game changing Act</p> |

Right to Education Act, 2009:

What is the act about?

- ✓ Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act added Article 21A. The right to education act seeks to give effect to this amendment

- ✓ The government schools shall provide free education to all the children and the schools will be managed by school management committees (SMC).
- ✓ Private schools shall admit at least 25% of the children in their schools without any fee.
- ✓ The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

Salient features of Right to Education Act, 2009:

The salient features of the Right of Children for Free and Compulsory Education act are:

- ✓ Free and compulsory education to all children of India in the six to 14 age group
- ✓ Non child shall be held back, expelled, or required to pass a board examination until completion of elementary education
- ✓ A child above six year 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, in such manner, and within such time-limits, as may be prescribed: Provided further that a child so admitted to elementary education shall be entitled to free education till completion of elementary education even after fourteen years
- ✓ Proof of age for admission: For the Purposes of admission to elementary education. The age of 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 document, as may be prescribed. No child shall be denied admission in a school for lack of age proof
- ✓ A child who completes elementary education shall be awarded a certificate
- ✓ Calls for a fixed student-teacher ratio
- ✓ Will apply to all of India except Jammu and Kashmir
- ✓ Provides for 25 percent reservation for economically disadvantaged communities in admission to Class one in all private schools
- ✓ Mandates improvement in quality of education
- ✓ School teachers will need adequate professional degree within five years or else will lose job. School infrastructure (where there is problem) to be improved in three years, else recognition cancelled
- ✓ Financial burden will be shared between state and central government.

Provisions for School according to RTE Act:

- ✓ No capitation fees
- ✓ No screening for admission
- ✓ No school without recognition
- ✓ Social equity:
 - 25% of admission in private schools from children of disadvantaged/weaker section.
 - Free education to at least 25% children in Aided schools.

Present scenario in elementary Education:

Table 2: All India (Rural): School Meeting Selected RTE Norms 2010-2014

| % School Meeting the following RTE Norms | | 2010 | 2011 | 2012 | 2013 | 2014 |
|--|----------------------------------|------|------|------|------|------|
| PTR | & Pupil-teacher ratio | 38.9 | 40.8 | 42.8 | 45.3 | 49.3 |

| | | | | | | |
|-----------------------|---|------|------|------|------|------|
| CTR | Classroom teacher ratio | 76.2 | 74.3 | 73.7 | 73.8 | 72.8 |
| Building | Office/Store/Office cum store | 74.1 | 74.1 | 73.5 | 76.3 | 76.7 |
| | Playground | 62.0 | 62.8 | 61.1 | 62.4 | 65.3 |
| | Boundary wall/fencing | 51.0 | 53.9 | 54.7 | 56.3 | 58.5 |
| Drinking Water | No facility for drinking water | 17.0 | 16.7 | 16.6 | 15.2 | 13.9 |
| | Facility but no drinking water available | 10.3 | 9.9 | 10.4 | 11.1 | 10.5 |
| | Drinking water available | 72.7 | 73.5 | 73.0 | 73.8 | 75.6 |
| Toilet | No toilet facility | 11.0 | 12.2 | 8.4 | 8.5 | 6.3 |
| | Facility but no toilet useable | 41.8 | 38.9 | 35.1 | 35.2 | 28.5 |
| | Toilet usable | 47.2 | 49.0 | 56.5 | 56.4 | 65.2 |
| Girls Toilet | % School with no separate provisions for girls toilets | 31.2 | 22.7 | 21.3 | 21.4 | 18.8 |
| | Toilet locked | 18.7 | 15.0 | 14.1 | 14.2 | 12.9 |
| | Toilet not useable | 17.2 | 18.7 | 16.4 | 16.4 | 12.6 |
| | Toilet useable | 32.9 | 43.7 | 48.2 | 48.1 | 55.7 |
| Library | No library | 37.4 | 28.7 | 23.9 | 24.1 | 21.9 |
| | Library but no books being used by children on day of visit | 24.7 | 29.1 | 32.2 | 32.2 | 37.4 |
| | Library books being used by children on day of visit | 37.9 | 42.2 | 43.9 | 43.8 | 40.7 |
| Mid Day Meal | Kitchen shed for cooking mid day meal | 82.1 | 83.7 | 84.4 | 84.3 | 88.1 |
| | Mid day meal served in school on day of visit | 84.6 | 87.5 | 87.1 | 87.0 | 85.1 |

Source: ASER Report 2010 to 2014

What the authors have seen during their observation of various schools is that even after passing of more than three years after the enforcement of the Act still:

- ✓ Poor presence of students in the school.
- ✓ Ignorance among teachers and guardians about the provisions of the Act.
- ✓ Pathetic condition of training regarding RTE.
- ✓ Acute shortage of teachers.
- ✓ Malaise of absence of teachers from the schools.
- ✓ No atmosphere of quality teaching and meaningful teaching-learning process.
- ✓ Callousness of concerned authorities.
- ✓ Negative attitude of teachers.
- ✓ Bad effect of no detention policy.
- ✓ Absence of even basic amenities.
- ✓ Improper distribution of books, uniforms and other things.
- ✓ Bad condition of mid-day meal scheme.
- ✓ Absence of mechanism and facilities regarding children with disabilities.

Conclusion:

Free and compulsory elementary education for all children in the age group of 6-14 has at long last become a legal reality with the Right of Children to Free and Compulsory Education Act, 2009 (RTE), being made enforceable from April, 2010. What could have been easily done 60 years ago with massive support from a newly liberated nation and a

brand new Constitution has been enacted with much fanfare but little preparation. For implementation, the RTE depends predominantly on the States, many of which are not in a comfortable position, financially and administratively. Anyway better late than never. The Act is expected immediately to benefit about 9-2 million children in the age group of 6-14 who have never been to school or have dropped out for various reasons. The Statement of objects and reasons of the Act explains: "The crucial role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of our Republic. The Directive Principles of State Policy enumerated in our Constitution has laid down that the State shall provide free and compulsory education to all children up to the age of 14 years. Over the years there has been significant spatial and numerical expansion of elementary schools in the country, yet the goal of universal elementary education continues to elude us. The number of children, particularly children from disadvantage groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory even in the case of children, who complete elementary education". Finally they need school of joy, not hate.

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