



TOPIC: ISSUES AND CHALLENGES IN THE IMPLEMENTATION OF RIGHT TO
EDUCATION ACT 2009

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Abstract: The Right of Children to Free and Compulsory Education Act (RTE Act) 2009 marks a historic moment for the children of India. Every child ages between 6 to 14 years has the right to free and compulsory education. One of the vital objectives of the Act is to bring excellence in education through the medium of reaching unreached section of the society. India became one of the 135 countries in the world to make education as fundamental right of each and every child. Since RTE Act is a new initiative, it is important to develop comprehensive understanding about it from the time it was implemented. The objective of this review article is to map studies across states of India and across the Departments in Universities. The second objective was to analyze the aspects that have been focused in the studies. All the Ph.D. thesis published on the RTE Act 2009 on the Shodhganga were accessed. The literature review indicated that most of the studies have been conducted under Department of Education. The major aspects covered under the studies were: awareness about the Act, perception of stakeholders about the Act, assessment of the Act, socio-legal aspects of the Act, infrastructure facilities under the Act, quality intervention of the Act and social inclusion through the Act. It being the initial years of the implementation of the Act, most of the studies have been about awareness and facilities. With the completion of ten years of implementation of Act, feedback from researches on case studies, longitudinal studies and comparative studies across States of India would prove to be significant. Across all the departments of universities, it had been found that most of the department seems to be focused in input level of the Act. The RTE Act has met with success in achieving some of the goals with which it started in the year 2010. Many of the states have been successful in ensuring effective implementation of RTE. Besides the success of RTE Act, the present study has found gaps in doctoral studies conducted on elementary education after its implementation.

Keywords: RTE Act 2009, Free and Compulsory education, awareness and facilities, fundamental right.

Introduction: The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE), enacted by the Parliament of India on 4th August 2009, describes ‘education’ as a fundamental right of every child between the ages of 6 and 14 years and specifies minimum norms in elementary schools¹. Through Section 12 (1) (c) of the Act, it requires all private schools to reserve 25% of seats to children of weaker and disadvantaged group².

Many efforts have been made in India to make elementary education a fundamental right of every child³. Not only in India, but in every part of the world various efforts have been made to achieve the goal of universal education⁴. Internationally, the Millennium Development Goals (MDG) have emphasized on Universal Primary Education. It targets that all children should complete a full course of primary schooling by 2015⁵. The enactment of Right to Education Act, 2009 is a timely policy initiative which aims to facilitate achievement of goal of universal primary education in India and thereby also adhere to the MDG⁶.

India has made significant progress in universalizing primary education, and is moderately on track to achieve this Millennium Development Goal⁷. The new sets of United Nation Sustainable Development goals (UN SDGs) 2015

2030 to which India has committed universalization of education up to secondary level needs extension of RTE to secondary level.⁸

Several national legal systems across the world have attempted to give effect to the rights of primary education through constitutional arrangements as well as through legislative enactments⁹. The period for providing free primary education varies from 9 years to a maximum of 14 years. The age cohorts of children who can avail of this free education usually are 6-14 or 7-16 and on very odd occasions extend up to 18 years¹⁰. In India, ‘compulsory education’ casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. 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 as enshrined in the Article 21A of the Constitution, in accordance with the provisions of the RTE Act 2009¹¹. Though the Act was passed by



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Parliament in 2010, it was implemented in different states and Union Territories in different years. After a little more than a decade of implementation of RTE Act, it is important to have a comprehensive understanding of various aspects of implementation of RTE Act. The present review is conducted to understand what aspects of RTE Act and its implementation have been studied. Though many organizations and independent researchers may have conducted research on RTE Act, the present review considers only doctoral studies conducted under auspice of a University. A university is a multidisciplinary academic institution which might have led to researchers from different domains of discipline to conduct research on RTE Act. Such multidisciplinary understanding would strengthen and broaden understanding about RTE Act and its implementation.

State wise analysis of doctoral studies conducted on RTE Act 2009, All the states are responsible to enforce the RTE Act 2009. The dates of implementation of RTE Act in each state varies as indicated in Table 1. The implementation of RTE Act can be strengthened if it is supported with feedback from researches. To proceed further with the analysis from the number of doctoral studies, the below Table 2 indicates number of doctoral researches in different States.

Sr. Number	States in which research study on RTE Act had been conducted	Number of doctoral studies
1	Gujarat	08
2	Punjab	08
3	Rajasthan	06
4	Uttar Pradesh	04
5	Andhra Pradesh	03
6	New Delhi	03
7	Odisha	03
8	Tamil Nadu	03
9	Haryana	02
10	Mizoram	02
11	West Bengal	02
12	Assam	01
13	Bihar	01
14	Madhya Pradesh	01
15	Maharashtra	01
16	Jharkhand	01
Total number of studies		49

States in which research study on RTE Act had been conducted and number of doctoral studies in each state. The data in Table 2 indicates that across India, 49 studies have been conducted in 16 states out of 29 states. More studies were conducted in Gujarat, Punjab and Rajasthan. The other studies were spread across 13 other states of India. None of the studies were conducted in five Union Territories except New Delhi where three doctoral studies had been conducted.

Awareness about the RTE Act 2009: Awareness about the RTE Act is one of the most studied aspect of implementation of RTE Act 2009 going by the fact that 18 out of 46 studies are focusing on it¹²⁻³⁰. Most of these studies adopted normative survey method. These studies revealed that awareness of RTE Act 2009 is satisfactory among the teachers but most of the Economically Weaker Sections (EWS) families were not aware about the availability of the EWS Quota under RTE Act 2009. Study by Sharma (2015) revealed that not only the society in general, but principals and teachers also, who have a very significant role to play for the effective implementation of



RTE Act, had lack of awareness about the same. One group of studies: Ranchhod (2018), Vinayak (2017), Mondal (2015) & Nagaraj (2017) focused on measures adopted to create awareness among the stakeholders about the various provision of the Act through the national awareness campaign to drive home the shades of this law, whose provisions vibrate with the aspirations of the poorest. Mondal (2015) & Nagaraj (2017) recommended that for the successful implementation of the Act, all the stakeholders are required to know their responsibilities and the provisions of the Act. And further suggested that the awareness programmes on RTE Act/rules should be taken up for Teachers/Parents/ Guardians for sending their children/wards to schools. Community based NGOs may be involved to take up such programmes. Workshops should be held regularly with various officials and officials at district and block level as well as government and private school officials on rules awareness, implementation and monitoring of the RTE Act. As substantiated in the study by Ghumaan (2016) that the very first challenge to implement any policy or law in our country is awareness⁵⁶.

The group of studies on awareness have indicated that despite a general level of awareness, specific awareness about EWS quota was lacking. This is a significant point as RTE Act is aimed at largely this group of people in society. The foundation of an effective implementation is awareness. Many studies have made recommendation for creating awareness about the Act among stakeholders through awareness programmes on RTE Act. Perception of stakeholders about the RTE Act is other important aspect for the effective implementation of the Act. Therefore, the studies conducted on RTE Act 2009 are presented herein below.

Perception of the stakeholders about the RTE Act 2009: Studies about perceptions of stakeholders namely heads, school management committees, teachers, parents and students etc., in implementing the procedure of RTE Act, 2009 are very few. It is substantiated by the fact that only six out of total 46 studies were conducted on it^{28, 31-35 & 53}. Most of the studies adopted descriptive survey method. These studies explicitly highlighted the opinions of stakeholders on various dimensions in terms of community related issues, curricular issues, evaluation processes, infrastructural facilities, school related issues, School Management Committee (SMC) related issues, student learning aspects, student related issues and teacher related issues towards Status and Implementation of Right to Education Act 2009 at Elementary Level. A step ahead, Kaur (2021) and Zorinsangi (2018) explored that teachers thought that the provision of the Right to Education Act was difficult to fully implement it because education could not be provided completely free of charge as parents had to contribute/spend money on stationery mainly due to the introduction of Continuous Comprehensive Assessment (CCA) and the amount allocated for textbooks and workbooks exercises for each child was less than the actual price of the books. The study further concluded that stakeholders face many issues and challenges.

The group of studies on the perceptions of the stakeholders clearly revealed stakeholders' dissatisfaction with some of the provisions of RTE 2009. Very few studies highlighted issues and challenges stakeholder face. Few studies suggested that the government at both Center as well as the State should value the perception of the stakeholders for having highlighted the positive improvement in the field of education to improve the quality of education.

Assessment of implementation of RTE Act 2009: Assessment of the implementation of RTE Act 2009 is another dimension covered under the implementation of the Act and are studied by 12 out of 48 studies. Studies conducted by Singh (2021), Gurbaksh (2021), Pagaria (2021), Kumar (2018), Arora (2018), Kumar (2018), Ranchhod (2018), Anbarasi (2018), Banerjee (2018), Mehta. (2018), Khan & Khan (2017), Verma (2017), Udayakumar (2017), Sharma (2016) and Pandey (2014) focused on the assessment and evaluation of RTE Act 2009. Most of the studies adopted descriptive study. Most of these studies revealed that the RTE Act was framed to eradicate all the problems related to elementary education system of India^{21,28,36-45}. These studies further added that the provisions of RTE Act cover all the actions necessary for improving the quality standards of the elementary education in India. Mehta (2018) aims to look at the development of school education, literacy and alternative schooling After completion of primary level education 25 percent of the student were not able to read standard I text or standard II text⁵⁴. But, still it is quite depressing to find out that even after six years of the implementation of RTE Act, people lack awareness about it. Thus, it can be said that if the Government and society made their earnest efforts towards the implementation of RTE Act, only then we can achieve the goal of Universalisation of the elementary education.

Most of the studies focused on the assessment and evaluation of RTE Act. These studies indicated general level of problems related to elementary education system of India and specific efforts of government and society towards the implementation of RTE Act. Socio-legal aspect is another aspect studied by and presented below.



Socio-legal aspect of RTE Act 2009: Socio-legal aspect of the RTE Act 2009 is aspect covered by very few studies. Substantiated by the fact that only three out of 46 studies are focusing on socio-legal aspect. These studies explored the constitutional guarantee of Right to Education and role of Ministry of Human Resource Development in India and Centre-State relationship for Allotments of Fund aspect^{31, 52}. Tiwari (2019) focussed on the adjudication and enforcement of socio-economic rights under the Indian Constitution⁴⁶. The Constitution of India as well as international human rights law conferred a host of special rights to minorities. The study explored the major issues such as minority status and its proof, the right to establish and administer educational institutions, the problem of recognition and affiliation, state aid, the medium of instruction, admission, governing bodies and the extent of the state's regulatory power have been comprehensively covered. Udayakumar (2017) revealed that simply using the law as a legal instrument to take action against institutions and/or individuals who are perceived to be responsible for not enforcing the provisions of the law will not really solve the problems of illiteracy and lack of educational opportunities⁴⁴. At best, a coercive approach could bring out-of-school children into the school system.

The analysis of the studies leads that very few studies focused on the judicial intervention in the realm of socio-economic rights which has paved the way for the eventual enactment of the legislations for the realisation of different rights. However, it cannot really address the central problem of the lack of meaningful learning in current forms of schooling across the country.

Infrastructure facilities under RTE Act 2009: Very few studies focused on the availability of infrastructure facilities. Studies by Sahoo (2016) and Kumar (2018) examined its availability and usage^{47, 27}. The Act suggests barrier free entries for all the schools whereas presently, only about 40% of the schools have ramps. The studies further revealed that schools in tribal areas had poor infrastructure, non-availability of appropriate furniture for children with disabilities, non-availability of special aids and appliances, poor quality of aids and appliances for children with locomotor disabilities are major challenges in fulfilment of RTE to these children. The essential amenities like access to drinking water are also missing in numerous schools. The Act stipulates a playground for every school. The studies further highlighted the major challenge will be to establish a balance between Centre and State. Several regulatory measures can only be taken after individual inputs from state governments. There are no clear demarcations between the responsibilities of the centre and state and it would be a challenge to work out the details. All elementary schools must have minimum infrastructure facilities, teachers, teaching learning materials, playground etc. for better teaching learning. These studies reveals that majority of schools do not have minimum facilities which is one of the major cause of poor quality education in elementary school and therefore, the administration must take appropriate step to provide minimum facilities in all elementary schools so that better educational experience can be provided to learners.

The above studies have shown that infrastructure availability is important for the quality dimension of education under RTE Act. Its availability and appropriate usage can be achieved by appropriate involvement of all the stakeholders. Another important aspect highlighted is the quality intervention of the RTE Act.

Quality intervention of RTE Act 2009: Another dimension covered under the implementation of the RTE Act 2009 is the quality intervention of the Act. Very few researches, that is, two out of 46 focused on it. One of the researcher, Ila (2018) monitored the progress of “Quality Interventions of RTE Act – 2009” and studied the factors affecting the effective implementation of RTE Act-2009 at upper primary level in Delhi⁴⁸. The study concluded that the RTE act-2009 was implemented with an excellent intention of providing free and compulsory education to the children of 6-14 years of age and the Government is still putting efforts to make it successful and it can be seen and observed easily in the field but the results show that it still needs a bit more attention and hard work to accomplish its objectives. The schools are found to be in a much better condition than before its implementation. The teachers are found to be more dedicated despite of the fact that they are being overloaded by the work given to them. The teaching learning process has been improved comparatively but one thing which it is actually lacking is the attention given to students with special needs. On the other side Majhi (2022) focussed on the quality with reference to teachers and School Management committee (SMC) in schools⁴⁹. The findings of the study indicated that onsite academic support as and when required by them; training needs of the teachers are identified before organizing training programs for them; teachers transact their curriculum by following activity-based approach with getting the availability of variety of teaching-learning materials used in the classrooms. And for SMC’s capacity building programs are organized for the SMC members with facilitating them to visit the schools for monitoring purpose; parent teacher meetings are organized by the



schools to discuss the academic issues. It further added that the schools can organize campaigns with the help of School Management Committee showing various benefits of the policy. Provisions for Students with Special Needs (SWSN) are not getting enough attention by the schools. It is also observed by the researcher that “there were no Braille books, no assistive devices, no educational materials and no fulltime special teachers in so many schools, which is making it extremely difficult to ensure that Right to Education (RTE ACT-2009) is helpful to children with various types of impairments to adjust and study in the classrooms.

It is concluded by the above mentioned study that the Right to Education Act has already been implemented, but what it needs is a continued action at all levels of society. The above mentioned studies focused on the status of implementation of Quality Interventions of RTE Act-2009 and also the factors affecting the implementation of the RTE Act-2009. There is a need to explore the status of implementation of the Act with the help of the Quality interventions undertaken in the study and also would suggest improvements to address them. The researcher would discuss the supporting mechanisms, administrative imperatives and implementation challenges that need to be addressed.

Studies focusing on social inclusion through RTE Act 2009 and its impact on these students: There are only three doctoral studies conducted on social inclusion through RTE Act 2009 and its impact on the lives of children living on the street, children belonging to weaker and disadvantaged section and girl child. These studies were descriptive survey. Gulgani (2020) aimed to bring issues one of street children, a hidden invisible vulnerable population⁵⁰. It had been found that the medium of instruction in the school is English, these children face problem in understanding the content taught. As there is no one to help them with their work at home and the parents are also clueless about the curriculum, these children are not motivated to study. It was also pointed out that these children are not able to cope up with the home assignments given which restricts their understanding and participation in the class. Another study conducted by Devi (2014) focussed that students of many classes are studying in the same over-crowded classroom⁵¹. There can be many reasons and consequences for this. One reason is that there is a huge shortage of teachers along with the classroom, and the result is that children do not get qualitative education properly. Due to the large number of children and the number of children belonging to many classes in the same class room, it was found to be run outside the classroom, which adversely affects the way of teaching and learning. Lack of sports arrangements and lack of sports equipment were seen in almost all schools. There is very less emphasis on learning outputs. Some teachers believe that parents get their children admitted to school, but most of the children never come to school, even they do not give the exam, they have to pass without examination. This makes the literacy rate increase quantitatively but not qualitatively. If there is a qualitative increase in the resources and education of schools, then the number and attendance of children can also be increased. The study by Banerjee (2018) focussed on the implementation of the RTE Act with special reference to girl child. It states that the RTE Act 2009 categorically aims at the ‘Compulsory’ education of children aged 6 to 14 years⁴¹. Yet, the issue of children dropping out or remaining absent from schools for the reasons of accompanying their parents who migrate for work is nothing new in India. This process of migration has severe implications for the aim of universalization of elementary education. Girls fall the victim of migration and are compelled to discontinue education either to work along with their parents or to look after younger siblings while their parents are migrating. The empirical research revealed that migrating children are not treated as ‘Drop-out’ children.

Conclusion: The above analysis of the studies leads that very few studies were conducted on the weaker section; the findings indicate that this is an important area which will help in effective implementation of the RTE Act. More researches in this area will provide appropriate understanding and input to policy makers and implementers. Most of the studies on RTE Act, 2009 are concerned with implementation status, awareness about the RTE Act and impact of RTE Act. A point for deliberation here is, has the RTE Act been implemented effectively? What are the factors which facilitate the implementation of this Act? What are challenges and problems faced by stakeholders (parents, school management committees, teachers, principals/Headmasters, local bodies etc.).

As far as studies on Right of Children to Free and Compulsory Education Act 2009 are concerned, there have been numerous studies that have discussed the extent to which the Act has reached the masses. In India, RTE Act 2009 is implemented in all the states and union territories. The researches based on RTE ACT 2009 have indicated an inclination towards implementation and assessment. The attention to processes and the output are the areas which need attention as a decade has passed by after the enactment of the Act. Based on the present



review further studies can be planned.

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