

RIGHT TO EDUCATION ACT 2009 : A DREAM IN THE SUNLIGHT OR A DIVINE.

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INTRODUCTION

It is very difficult to comment about the exact age of Education. But the roots of education were always been there in the passage of the progress of human civilization. We can say that their co-existence is as true as the essentiality of breathing for the life. Education has progressed simultaneously with the achievement of the new landmarks by the human civilization. The world has witnessed multi-dimensional forms of education. In the different ages different countries have pronounced the new definitions of education with different parameters but the objectives remained the same and that is to provide the knowledge of their surroundings to the mankind.

India has contributed a lot in the field of education from the beginning of the civilizations. Vedas and Upanishads are the live examples of this fact that we were leading the man kind at that time even when people were living in the caves.

Success of a democratic set up may be identified by two parameters and these two are

- (i) By what degree the citizens of the country are aware about their rights and duties and
- (ii) the rate of literacy in the country.

Recently Indian Parliament has passed an act named as RTE means Right To Education Act 2009 which has been in forced by the law in the country from 1st April 2010. Therefore we can say that we have spent sufficient time to see the progress of this Act which has really some meaning and by understanding it we can see some grass root changes in our educational set up. These changes may bring our country among the front runners with the developed countries as like as our gloomy past when the man was residing in the caves like a beast and Indian civilization was shining with full of its flame in the period of Vedas.

INTRODUCTION AND STATEMENT OF THE PROBLEM

Right to Education Act 2009 is a sincere effort (and sufficient in nature) made by the Government of India in order to improve and extend the quality and quantity of the education in the country. It is not the first time in the country that the efforts are been made to extend the education for each and every child of the country. But the results are intending that either there are some

misconceptions in understanding the problem or otherwise the efforts to resolve the existing problem were not with the true heart.

In my opinion it is very important to know the causes that despite the efforts are been made to achieve the magical score of 100 percent literacy, still we are dreaming about it. We are waiting the day when we will be able to see this as a fact like any other reality.

Whether Right to education Act 2009 is a right tool to increase the rate of literacy significantly in our country or otherwise what extra efforts and care will be required to achieve this aim.

STUDY OF RELATED LITERATURE

A Concept paper was prepared for the **Eighth and Ninth Meetings of the Joint Expert Group UNESCO (CR)/ECOSOC (CESCR)** on the Monitoring of the Right to Education – 2008 which was Published at Paris in 2008 by the **Educational, Scientific and Cultural Organization of United Nations**.

I would like to quote the introduction of this paper as follows:

“The right to education is at the heart of the Education For All (EFA) programme as UNESCO’s priority. It responds to the constitutional mandate of the Organization

- ensuring Full and equal opportunities for education for all. The Dakar Framework for Action, adopted at the World Education Forum (2000) at which the right to education was reaffirmed, and the EFA goals were set, expresses the political commitment of the whole international community to:

– expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children;

– ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to, and complete free and compulsory, primary education of good quality;

– achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults;

– eliminating gender disparities in primary and secondary education by 2005, and achieving gender equality in education by 2015, with a focus on ensuring girls’ full and equal access to and achievement in basic education of good quality.

According to **Parth J Shah** and **Shreya Agarwal** –Right to education act has been criticized by various experts and institutions, but the Ministry of Human Resource and Development was perhaps

keen to achieve this legislation in the first 100 days of the second term of the UPA, and therefore, chose to ignore many important difficulties of the Act.

According to **Sangeeta S Godbole** the Salient Features of the RTE Act are as follows:

1. School and social mapping;
2. Catching those out of school;
3. Re-deployment of teachers;
4. Filling vacancies;
5. Grievance redressal;
6. The funding. Inevitably, this will take care of the 'threefold educational object'. It would also result in bridging the access and enrolment gaps, to a large extent.

In 2007 **S Verma** has mentioned about the idea of Four A's which was first given by the former UN Special Rapporteur on the Right to Education, Katarina Tomasevski, and it is one of the best ways to implement the act in order to achieve the aim. The 4 A's can be summarized as follows:

Availability – Education must be free and it must be government-funded and that there should be adequate infrastructure and trained teachers available to support the right process of education.

Accessibility– No discrimination should be there hence it must be easily accessible to all, and positive steps should be taken to include the most marginalized sections of the society.

Acceptability– In order to increase the acceptability of the education the content of education must be relevant, non-discriminatory and best suited to the local culture. Safety and security of the students and teachers must be guaranteed and the teachers must be professional.

Adaptability – The changes occurring in the society should be included in the education by which students will be able to challenge the various man made inequalities, such as gender, caste, language and religious discrimination.

RESEARCH WORK

There is no doubt in accepting this fact that a large number of attempts have been taken by many of the countries in order to increase their literacy rate. Their rate of success is different depending on the zeal and the work spirit of the people working behind the noble cause.

The right to education has been universally recognized by ILO in 1920 and then in 1948 by Universal Declaration of Human Rights give it's a new dimension and since then it has been discussed in various constitutions and development plans.

In order to achieve the objectives of the above said movement UN has organized various conventions on the Rights of the Child and asked the member countries to provide the legislative and legal support through their constitutions. .

In 1990 an important global conference was held in the city of Jometien (Thailand) under the sponsorship of UNESCO where a new statement was pronounced as EFA. EFA means Education for All.

In this regard one more step has been taken by the Parliament of India and that is RTE Act 2009. In this research paper I would like to present the good and bad aspect in terms of implementing this great act which has come again in a different form. Here I would like to provide you an opportunity to amuse with an old proverb:

"The road to hell is paved with good intentions."

Every country has initiated at its own with the true heart to implement the spirit of the right to education by understanding the fundamental right of the child as education. In our country also we have initiated it with different names like the equal opportunity for all. All commissions which were deployed by the Government in order to improve the quality of education had recommended about the free and compulsory education for each and every citizen of India.

The Right of children to Free and Compulsory Education Act 2009 (RTE Act) was approved by the Parliament and asked to implement it by April 1, 2010. What will you expect from it, whether you are thinking that now each and every individual will become literate, and by some days India will be among the countries have a magical figure of 100% literacy.

To study this problem I have chosen seven senior secondary schools of Rajasthan state where **complete infra structure is available** and at the same time the number of teachers and other sub staff is also available in sufficient amount.

These schools are fully funded by the central government. Hence finance is not a problem, therefore we have eliminated the most important factor which can change the whole scenario and which alone can be used as a different topic of research. Here my aim is to study the effect of RTE Act 2009 as a single topic of research under the ideal situations where the impact of the other problems will not affect this study. So I have tried to minimize the effect of intervening variables.

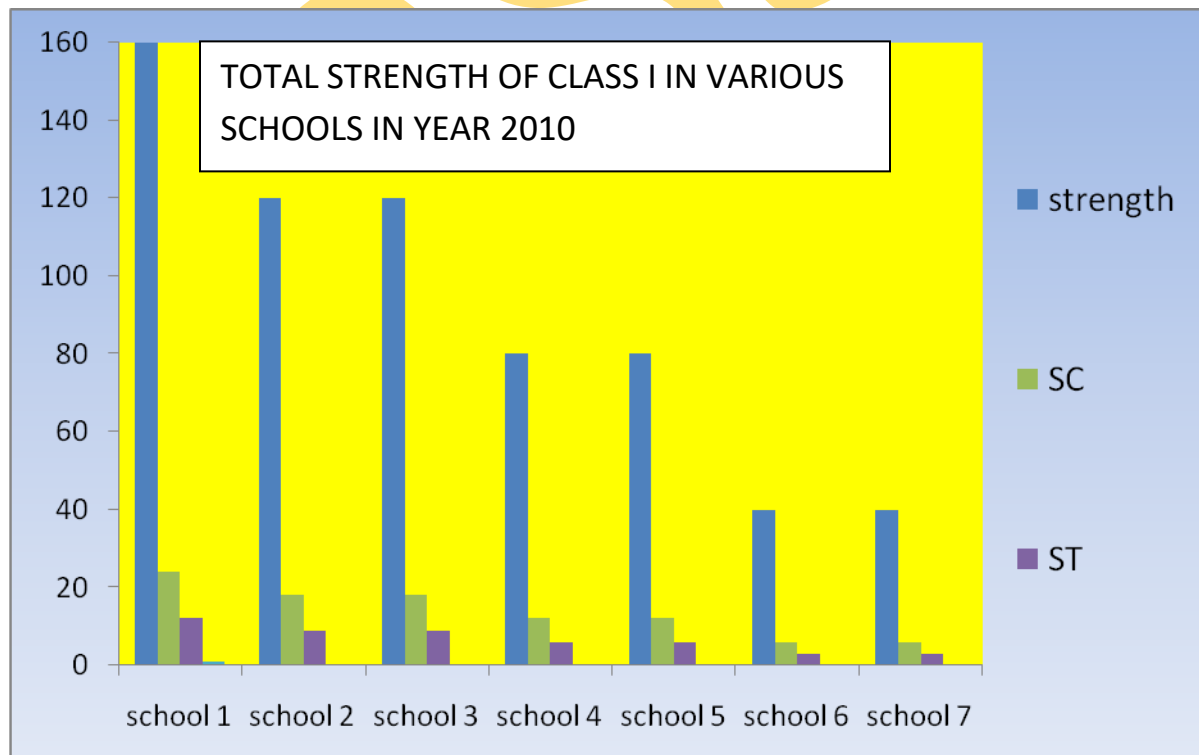
By choosing these seven schools I have considered the schools of **urban areas** where the people are more literate and more concerned about the education. So the aim involved is to study on a sample of more concerned persons. This random selection has finished the debate of rural and urban areas. Choosing of the sample from urban areas is again to minimize the effect of the locality on the study. The institutions of rural areas have their own problems and their own priorities, which are entirely different from the problems and priorities of the urban areas. By selecting this sample we have tried to minimize the effect of one more variable and that is the locality.

I have taken these seven educational institutions of the same state in the identical situations like that the governing body, the work culture , the variety of teachers, students and climatic conditions.

Again the random selection is been justified in order to minimize the effect of the intervening variables.

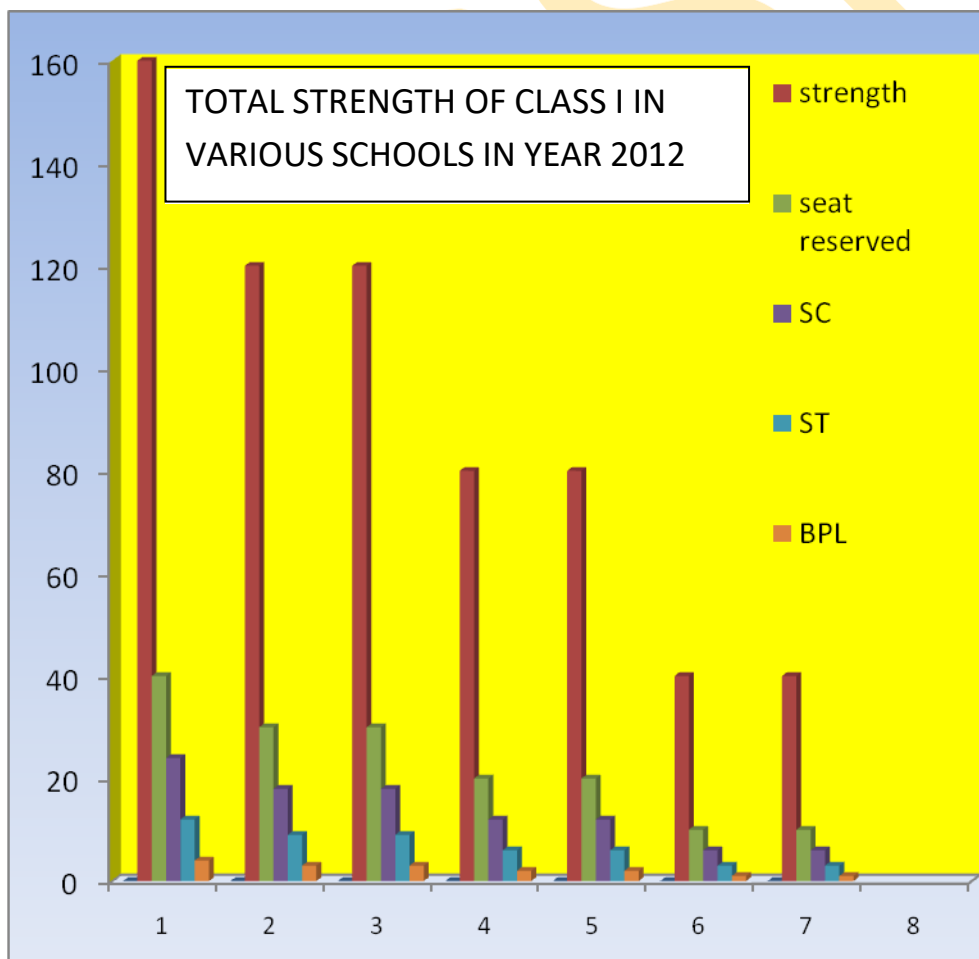
TOTAL STRENGTH OF CLASS I IN VARIOUS SCHOOLS IN YEAR 2010

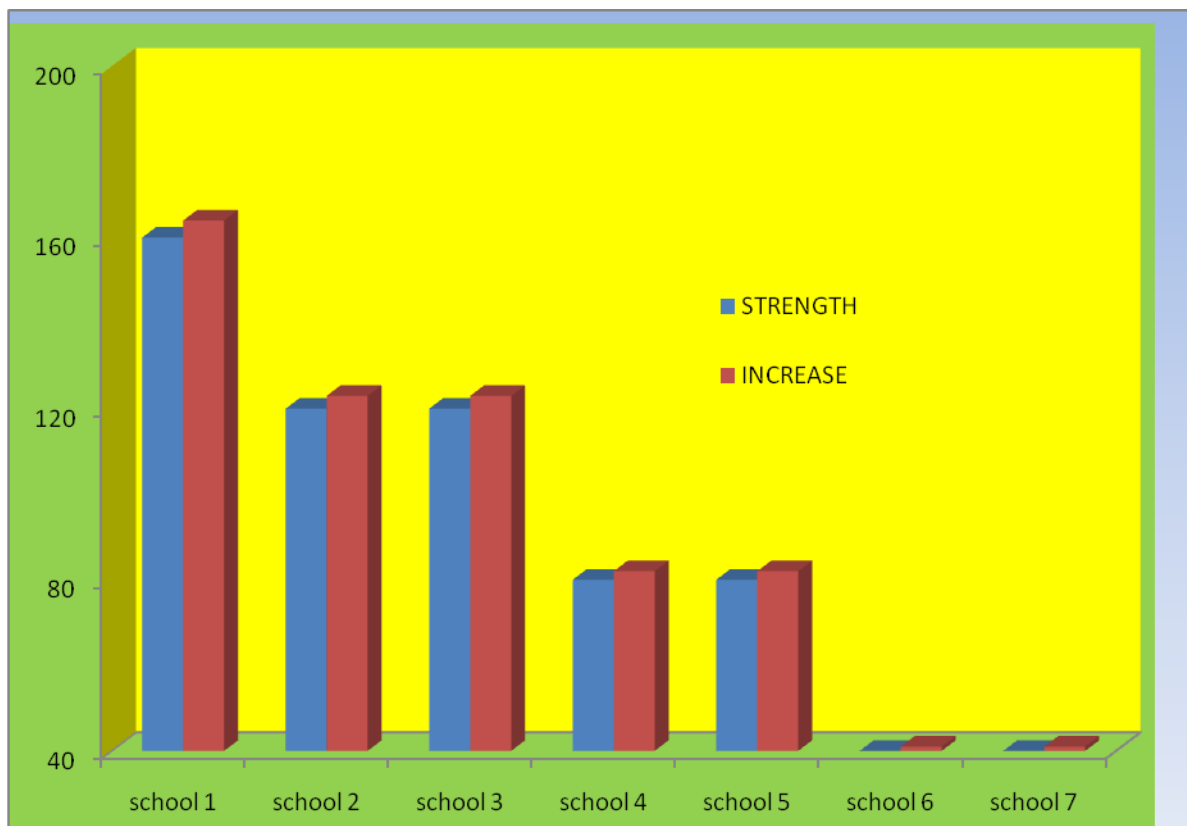
school	strength	seat reserved	SC	ST	Total strength
school 1	160	36	24	12	160
school 2	120	27	18	9	120
school 3	120	27	18	9	120
school 4	80	18	12	6	80
school 5	80	18	12	6	80
school 6	40	9	6	3	40
school 7	40	9	6	3	40



TOTAL STRENGTH OF CLASS I IN VARIOUS SCHOOLS IN YEAR 2012

school	strength	seat reserved	SC	ST	BPL	Total strength
school 1	160	36	24	12	4	160
school 2	120	27	18	9	3	120
school 3	120	27	18	9	3	120
school 4	80	18	12	6	2	80
school 5	80	18	12	6	2	80
school 6	40	9	6	3	1	40
school 7	40	9	6	3	1	40





By the study of these seven educational institutions our aim is to compare the situations of March 2012 with the situations of March 2010. Here we can assume that the effect of RTE act 2009 has not any significance in March 2010 since it was too early to notice any impact. And we find ourselves quite justified to compare with the enrolment position of the academic year beginning in April 2011 and April 2012. Complete 2 years were given to the Government and non-Government organizations with local, state and central authorities to implement the RTE Act 2009.

As a whole there were 16 sections of Class I in seven different schools where total seats allocated were 640. Out of these 640 seats 96 seats (15%) were reserved for Scheduled Castes 48 seats (7.5%) were reserved for Scheduled Tribes 19 seats (3%) were reserved horizontally for physically and mentally disabled students. Rest 75% seats were allocated for general section of the society. The whole allotted seats were fulfilled by the school authorities with full honesty after waiting the suitable candidates of reserved categories till 31st July of the concern year. I would like to appreciate the authorities to wait for a sufficient time and thereafter allot the seats to the other needy students in order to increase the rate of literacy.

In the March 2012 the admission procedure is still under progress but the first phase is over and for the entire process we have to wait till the July 2012. But at the same time we have to see the allocation of the seats to the various sections of the society. Now as compare to the year 2010 they have 16 sections of Class I in seven schools where total seats allocated were 656. Out of these 656

seats 16 seats are above any allocation. One seat per 40 seats in class I of every school is reserved for BPL (Below Poverty Line means economically backward section). Out of 640 seats 160 seats (25%) were reserved under RTE Act 2009. Under which 112 seats (15%) are reserved for Scheduled Castes 48 seats (7.5%) were reserved for Scheduled Tribes 19 seats (3%) were reserved horizontally for physically and mentally disabled students. Rest 75% seats are going to be allocated for the general section of the society.

The difference in the enrolment position of the two years is not to be considered as a significant increase. At the same time we can observe the following flaws:

(i) No consideration of the minority community:

There is no doubt about it that the situation of the minorities in India is the most miserable specially in the field of education. But no step was taken in this regard. In my opinion without getting a proper score in the minority zone we are unable to achieve the target.

(ii) Inadequate consideration of the economically backward section:

Although 2.5 % seats are kept reserved for the economically backward section of the general section of the community which is a really an appreciable step but it is not sufficient. It may be considered a well beginning but it cannot be considered as the enough. Again with this percentage we are not in a position to get the target.

(iii) Inadequate increase of the seats:

Simply there is an increase of 2.5 % as a whole. It is not a sufficient amount of increase in the seats. This increase of 2.5% is just considered as a drop in ocean. It may be considered as an oasis in the desert but it cannot be considered as a lush green garden which can attract each one of us in order to accept this as a step forward in the direction of achieving the target.

(iv) Lack of proper monitoring:

The above two lapses are indicating the lack of proper monitoring without which we cannot hope for any good result. Improper monitoring will sometime create horrible situations.

(v) Lack of zeal to implement:

The prevailing incidents are indicating towards the lack of zeal on our part to implement the RTE Act properly. As you are aware about the villain of the story _The Hare and the tortoise‘ who was capable enough to win the race but at the same time he was unable to show the zeal to win the race. The same situation is with us we want to win the race but at the same time we are unable to perform at the desired pace.

LIMITATIONS OF STUDY

My research paper is limited only with the Indian circumstances, and my intentions are very clear and my aim is to find the effectiveness of the Right to Education Act 2009 and to search the new ideas to increase the literacy rate in our beloved country. Also my intentions are to know the factors which has affected the efforts made in this regard in the past. By knowing these reasons we may take the precautions in further implementation of this Act in order to get the positive results.

The area of the research that we have chosen to study is the entire India, but at the same time I have restricted myself to the prescribed existing limits of the western Rajasthan.

Presently we have an observation period of last two years as the Right to education Act 2009 is in force by the 1st April 2010.

CONCLUSION

As a result of this study I think that this miracle is not going to happen as it was stated in the Article 45 of the Indian constitution which was framed just after the independence.

_It states that the Government is committed to provide free and compulsory education to all children until they complete the age of 14 years in the next ten years‘.

Independent India has reached the age of Sixty five and we are standing at a place to make a new Act to achieve the same target. The reasons are very simple and that is a tendency to avoid the ground realities.

The biggest reality about the beloved India is that its spirit lies in its villages, a major portion of its population is weaker and backward section. Its minorities are still away from the education and without making them literate our rate of literacy does not have any real meaning.

One more important segment is the disabled Children, physically and mentally challenged children which are really talented in some fields rather than the normal people but having one or more physical or mental abnormality. This segment is the either isolated or otherwise they are considered as a character of mercy. In both of the cases they are not considered in the main stream of the society.

One more important aspect regarding the implementation of RTE Act is the proper distribution of the amount of responsibility and financial liabilities between the state and the central government. Without this we may not achieve the target mentioned in this act.

As a conclusion we have to redress these flaws in order to reach the real aims decided at the time of making this Act, otherwise after some more years our next generation will frame one more such type of resolution in their Parliament as a result of not achieving a real system of free and

compulsory education for their children. In my opinion RTE is a very sincere thought but requires a proper and a scientific way of implementation with a complete consideration in all dimensions.

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