

## **Right to Education Act in India:Case Study of A Private School in Kanpur**

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### **Introduction**

Right to Education Act in India was introduced with the aim of making education free and compulsory upto the age of fourteen. Introduced under Article 21A of the Indian Constitution India became one of 135 countries to make education a fundamental right for every child when the Act came into force on April 1, 2010. When the Constitution was adopted, the Right to Education was adopted in Article 45 of Directive Principles of State Policy which are non-justiciable (Juneja, 2015). However a 1993 judgement of the Supreme Court converted this right to a justiciable fundamental right and an amendment to the Constitution in 2002 made elementary education a fundamental right for all children in the age group of 6-14 years (*ibid*). This paper studies the various aspects of this Act, its drawbacks, its learning outcomes and whether it has achieved what it aimed to do and set out to attain.

### **Right to Education Act: its history**

The early years after independence saw debates on Gandhi's notion of 'basic education', or the prevailing system of formal, academic education and the appropriate age to start the schooling of children and even their preprimary education. As regards the intention of the founding fathers of the Indian Constitution, AcharyaRamamurti Committee Report (GOI, 1990, Para 5.1.2) asserted that:

The founding fathers of the Constitution clearly intended to ensure that every child, irrespective of [the] social and economic status of his/her parents received care and education from birth upto the age of fourteen years.

However the ZakirHussain Committee in 1938 stated that due to the costs involved, it did not propose the introduction of any sort of preschool education. Similarly Second Wardha Committee appointed by CIBE under the chairmanship of Shri B.G. Kher, Premier of Bombay, in 1938, along with the first one formed the basis of the Sargent Committee which planned for a 'universal compulsory and free system of basic education for boys and girls between age six and fourteen ( CIBE, 1944).

Hence we see that a confusion continued between the words 'primary' and elementary' until the last day of the drafting of the Constitution. When the Constitution came into force in January 1950, Article 45 read as follows:

The State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years (Constitution of India, Article 45).

The matter was discussed in detail by the first Minister of Education, MaulanaAbulKalam Azad who under the Sargent Plan continued to provide free and compulsory education in the Constitution by the government.

The Right to Education Act 2010 has introduced a number of innovative provisions to slowly move towards the aim of fulfilling Universal Elementary Education (UEE). The Act was drafted many times to address the various concerns which were raised. The final resultant was expected to lay down clearly the road ahead for implementing the Act. However ambiguity looms large over a number of provisions of the Act (Sultana, 2014).

### **Limitations of this Act**

In Unnikrishnanjudgement education was to be free for all children till the age of 14 years, but with this act the right was limited to children between the age of 6 to 14 years. This excluded children of 0-6 years age group from compulsory education.

While the shift of burden of funding from states to centre may be a welcome move, the Act continues to be ambiguous about the financial responsibility. The SarvaShikshaAbhiyan suffers from funding problems. There is a need to see to it that those problems are not present in the RTE. The scope of this Act is based to a great extent on the degree of precision and details of its implementation. The centre will have to pay more for this Act. But at the same time the demand of several states for more funding needs to be cross checked as all the states are not at par with each other.

The RTE to ensure Universal Elementary Education needs to make schools equally accessible to all. But a look at the provisions points to certain gaps. The present school system is not geared up to provide education to all the children of 6-14 years age group. Historically education system in India has been hierarchical. Lower castes, women were systemically excluded by denying them the right to education. Post independence with the presence of private schools, students continue to have different kind of education. The starting point continues to be different for people belonging to a privileged class. Education as opposed to right continues to be a privilege of the few.

Schools have to form School Management Committees to oversee the working of schools. Parents of students and specially mothers are to be part of this Committee. The SMCs are empowered to ensure that government grants to schools are utilized in a proper way. They have to hold social audits and keep the school staff accountable. While the SMC is an innovative way to ensure participation, studies showed that in many cases the SMCs have not delivered. In schools in interior villages where children are first generation learner, parents who are daily wage earners will most probably not turn up for SMC meetings. There has to be different ways of engaging them.

Similarly about Public-Private Partnership. . While Foreign Direct Investment is slowly making its way into education, government is shying away from its fundamental duty of providing schools to all. The Act makes way for private sector to step in a large way. While there is a reservation of 25% seats for poorer section at the entry level, there is no mechanism to safeguard

these children against further discrimination. Private sector may help expand infrastructure but there is no guarantee of equal access. Education is also a commodity which is to be paid for. The quality control of education is yet another problem being faced in the implementation of RTE.

**Future of Right to Education Act**

Optimism for the eventual demolition of socio economically segregated schooling comes, as this paper has pointed out from the awareness, involvement and support of a large number of stakeholders and advocates. Change, and potential for creation of a new inclusive culture has been awakened by the new discourse that “has imposed a debate on issues of social integration and equity in education that private actors have by and large escaped from” (Sarin& Gupta, 2013), and which may yet serve to “drive home the fact that an educational institution has a social obligation to fulfill,” (Mallica, 2005).

The word ‘quality’ itself occurs only in sections 8(g) and 9 (h) in relation to ‘standards and norms specified in the schedule to the Act. These clauses require the appropriate authority/ local authority to ‘provide good quality elementary education according to standards and norms specified in the schedule’ (Juneja, 2013).

Section 29 (2) was unmistakably inspired by clauses from the Convention, (especially Article 29 of the CRC, which begins with the statement “States Parties agree that the education of the child shall be directed to:”

<b>Subsections of RTE Section 29 (2)</b>	<b>Clause in Conventions on Rights of Child</b>
Conformity with values enshrined in the Constitution	CRC: Article 29 (b)- The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
All-round development of the child	CRC: Article 29 (a)- The development of child’s personality, talents and mental and physical abilities to their fullest potential
Building up the child’s knowledge potentiality and talent	
Development of child’s mental and physical abilities to the fullest	
Learning through activities, discovery and exploration in a child-friendly and child-centric manner	CRC: Article 31- States parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in culture and arts
Medium of instruction shall as far as practicable be in the child’s mother tongue	CRC: Article 29 (c)- the development of respect for the child’s parents, his or her own cultural identity, language and values, for the

	national values of the country in which the child is living, the country from which he or she may originate, and from civilizations different from his or her own
Making the child free of fear, trauma, anxiety and helping the child to express views freely	‘Freedom from Fear’ in Universal Declaration of Human Rights 1948 CRC: Article 12- States parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weightage in accordance with the age and maturity of the child
Comprehensive and continuous evaluation of the child’s understanding of knowledge and his or her ability to apply the same	This clause is not inspired by the CRC. Elsewhere in the RTE Act detention is prohibited (and by implication end of year exams on which the detention decision was based), this clause supports the existing NCF 2005 conforming, alternative.

Source: Juneja, 2013

Juneja (2013) says that the concept of Minimum Levels of Learning (MLL) came up from this and ‘quality of education’ was often discussed to be included in RTE Act.

Quoting Kumar, (1992), Sheshagiri (2013) points out that perhaps the saddest limitation of the MLLs was that ‘information’ or ‘received knowledge’ came to be equated with education.

Another school of thought that emerged later in the 1970s in psychology, built on the findings of Jean Piaget that children ‘construct knowledge’ in the course of their developmental experiences. This school differs with the earlier behaviourist school of thought in that it gave primary importance to the child’s initiative, and the notion of learning from the perspective of this school, was one that required the agency and mental inter-connections made by each child.

The National Curriculum Framework, 2005 is inclined towards the more recent notion of education as ‘constructed knowledge’ and thereby rejects the Behaviourist view, and the even more constricted and reductionist view of education as represented by the MLLs. The NCF 2005, while supporting learning acquisition of knowledge as constructed by the child stands in conceptual opposition to the ‘reducing’ of learning or of the schooling experience mainly to certain cognitive aspects that are measurable, and which alone are then measured.

When we think of education in India or of quality of education, we rarely include in the debate the disparity of education that is accessible to all children. Even an act as bold as the RTE Act, was unable for various reasons to mandate equality of educational facilities for all children, and even we that the schools that children in different circumstances have access to represent a vast and disparate range (Juneja, 2010). Thus at the stage of the conceptualization of quality, let alone the achievement, we are limited in terms of the discourse itself and “the significant difference

between policy discourses in India as compared to developed countries is that “in Indian education today, the discourse is about the education that is being provided to children of the poor” (Sarangapani, 2010).

Today, despite the recent thrust on elementary education which has increased the number of schools in India to 1.35 million<sup>3</sup> (i.e. more schools than the entire population of Mauritius); and school enrolment to 248 million<sup>4</sup> [i.e. there are more students in schools than the entire population of countries such as Brazil (201 million), Indonesia (237 million)] and the combined populations of Pakistan and Bangladesh, the sad fact remains that by the end of grade 8, more than 40 per cent have dropped out, and by the end of grade 10, we have lost 50 per cent<sup>5</sup> of those who enrolled.

By any standard in the world, it is a reflection on the ‘quality’ of the system when half the children drop out before completing schooling.

Thus in order to reverse the tide of alienated dropouts from schools, and to ensure the learning of each child as her right, quality cannot be thought of as something separate from equality. For this the acceptance of an alternate philosophy, aim and methodology of education was needed and it is this humane and developmental standpoint of education that is reflected in the National Curriculum Framework 200, which in turn is in consonance with the philosophy that the RTE Act embodies.

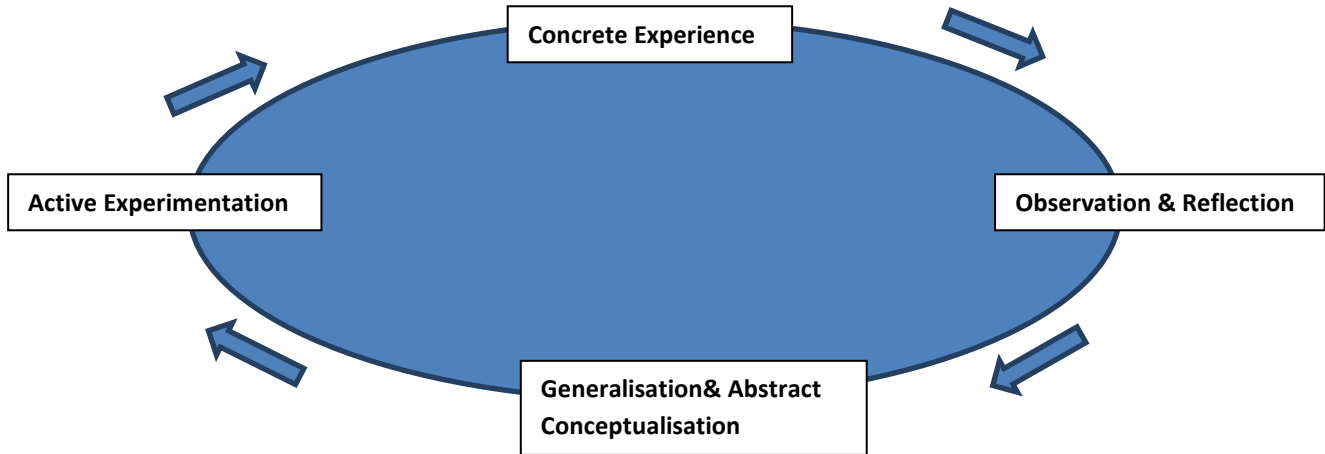
The concept of quality of education refers to a much larger vision – a vision of society, a way of life, and of the role of education as a preparation of our young people to populate that envisaged world. As such the assessment of the quality of education for a future society can only be in terms of the extent to which it prepares children for that social order.

This means RTE Act by itself can be successfully implemented if the quality of education is focused upon and every child has the right to be educated without facing discrimination on grounds of poverty, caste, race, gender or colour. This brings us to the question that how much does the RTE Act seek to achieve in terms of educating the child- does it develop the learning abilities of the child. Hence the theoretical framework of the ‘learning theories of education’ in understanding the RTE Act and its objective.

### **Theoretical Framework**

Learning takes place at various levels- social, cognitive, behavioural and a lot through communication and other activities. Cognitive, emotional, and environmental influences, as well as prior experience, all play a part in how understanding, or a world view, is acquired or changed and knowledge and skills retained (Ileris, 2004). Ileris describes the book to be partly ‘a kind of textbook’, partly an ‘academic treatise’ and partly ‘a discussion book’, in that it presents a core argument and personal viewpoint resulting in a new theoretical construction of learning. By linking back to Piaget, Ileris makes the connection between the schematic-development stages of learning and transformational or level-three learning that leads to the changed self. He looks at the relationship between learning and emotion- the self, rather than what we learn. He focuses on personal development and reflexivity- the development of personal qualities and how the individual evolves a perception of the self through reflexivity.

He also discusses Jarvis a prominent learning theorist where he explores what happens when intended learning does not occur through rejection, phobia, distortion or prejudice. In addition to this a number of studies indicated that Kolb's Learning Cycle could be useful as a pedagogical tool relevant to social work field education. For example, Kolb's Learning Styles Inventory has been used to measure similarities and differences in student, classroom faculty and field instructor learning styles (Van Soest&Kruzich, 1994).**Figure 1:**



**Source: Newstead, 1992**

In this, Kolb diagrammatically represented four major elements of experiential learning into a learning cycle that explicates the processes adults use to integrate new information. The Learning Cycle (see Figure 1) includes: (1) concrete experience—learning from feelings related to a specific experience; (2) reflective observation—learning by watching and listening; (3) abstract conceptualization—learning by thinking; and (4) active experimentation—learning by doing. Kolb believes that learning proceeds sequentially from concrete experience around the cycle to active experimentation; i.e. the concrete experience is engaged in, then it is observed and reflected upon, the experience is then abstracted and generalized and tested in a new situation to see how well the generalization holds (Newstead, 1992).

In summation the author found that the models offered by Kolb and Jarvis each have relevance for social work although key elements of the field learning process are not represented in either. What remains missing, that is important to learning in field education, is "relationship" and given Jarvis's recognition that "different approaches to knowledge might produce different learning processes" (1987), a model of the learning process in field must include the element of relationship.

This Learning Cycle provides a framework for future such models. Mowrer (1960) in his paper states that around the turn of the century a kind of revolution occurred in American psychology which soon shifted the accent from the study and description of 'consciousness, as such' to the reflex-arc concept. Pavlov and his school expanded this concept to incorporate the phenomenon of conditioning (sign-learning), while Thorndike, Hull and others using equally objective approaches, identified and extensively studied trial-and-error (solution learning).

..says regarding educational learning theories that cognitive research, employing units at the level of knowledge structures, has brought to light many problems of students' strategies and understandings- not only problems of how students approach learning but also problems of substance, such as scientific misconceptions (Eylon& Linn, 1988). 1988). But research that would solve these problems may need to be conceived at a higher level of analysis that captures more of the properties of human thought and action. That would seem to be the distinctive requirement of an educational learning theory-to explicate the students' role as intelligent agents in the learning process, to take account of the variety of resources that may come into use in achieving difficult learning objectives, and to embed explanations of particular learning processes within larger descriptions of the cognitive structures by which people adapt to various contexts so that they can achieve personal goals within them (*ibid*).

It is important, however, that an educational learning theory not lose contact with the level of analysis that has brought about the recent advances in understanding human cognition (*ibid*).

Keeping such things in mind the following research questions were prepared:

### **Research questions**

- Has Indian government succeeded in providing education to children between 6 and 14?
- Have schools achieved in making children well-educated at elementary level?
- How well is the infrastructure developed to cater to children's needs?
- How well-equipped is the staff and faculty to deal with children's problems?
- Are children intelligent enough in learning and absorbing the basic concepts and theories?

### **Research Methodology**

The research method to be adopted is in-depth interviews of teachers and principal in one such private school in Kanpur. Teachers, staff and principal were questioned and data reproduced.

### **Case Study of a Private School in Kanpur**

The case in study here was SumanVidyaNiketan, a private school located in a colony of Kanpur city. This was privately funded by a local businessman who started this school under a Trust. The school was run by the principal Mrs. SunitaPathak. On interviewing her it was found that her answers to various questions related to the Right to Education Act were unsatisfactory as they reflected unhappiness with the current way in which the Act is implemented. The responses to questions were as follows:

The principal was aware of the Right to Education Act and she felt that the Act was made with the objective of improving the education system in India. There is no form of reservation in the school and 90% of the students belong to Other Backward Classes and are from Scheduled Castes and Scheduled Tribes. She feels the children from Backward Classes must be encouraged to go to school as due to the limited income of their families they are unable to do so. However, keeping that in mind, the fees of such schoolchildren in SumanVidyaNiketan is merely Rs. 140/- per month.

She said that the school does not get any funding or amount from the government under RTE. She feels that lack of funds is the biggest impediment in the successful running of the RTE Act. Also teachers should take classes more regularly. Right to Education can be a very potent tool to promote standards of good education in the country but it should be implemented in the right way. The establishment of the State Commission was a positive step towards promoting quality education. In order to warn the teachers when they are absent, several warnings are given to them. The students in the private school are not offered midday meals. This school has about 150 students in all classes combined. After admission, only 10% of students take leave and stop coming to school permanently. They encourage having many teachers for a decent teacher-student ratio and so that each and every student gets proper attention from each teacher. Most of the students live close to the school so their attendance is usually not a problem.

In case students are absent and stop coming to school after taking admission they are contacted on their mobile phones. If students still don't turn up, the parents are called and contacted, they are given a warning that if students don't come their names will be scrapped from the school. Finally such students who don't come leave the school. There is a School Management Committee which looks into the daily administration and working of the school. The principal strongly feels that the Act is an important step in promoting 100% literacy among the masses. It does away with social discrimination as all students- those of upper and lower classes of society- all of them come in uniforms. Uniform assists in doing away with the discrimination that exists in the society.

### **Findings and discussion**

It was found through the case study that Right to Education Act is a good Act by itself that has noble aims and objectives that must be fulfilled but in government schools the Act is not implemented fully due to its inefficacy and corruption.

It is criticized on grounds that on one hand it provides for basic education for children between age groups 6 and 14, what about kids below the age of six. It should provide good education even upto the age of six.

Therefore the Act leaves out the provision for elementary and basic education for all till the age of six which makes education for all a distant dream. The quality of education provided by the government school system is not good. While it remains the largest provider of elementary education in the country, forming 80% of all recognised schools, it suffers from shortage of teachers and infrastructural gaps. Several habitations lack schools altogether. There are also frequent allegations of government schools being riddled with absenteeism and mismanagement and of appointments made on political convenience. Despite the allure of free lunch in the government schools, many parents send their children to private schools. Average schoolteacher salaries in private rural schools in some States (about Rs. 4,000 per month) are considerably lower than those in government schools. As a result, the proponents of low-cost private schools critique the government schools as being poor value for money.



PPP or Public-Private Partnership provided for good grounding towards promoting education for the underprivileged in private schools but this is not possible due to a lot of problems.

Children attending the private schools are seen to be at an advantage, forming a discrimination against the weakest sections who are forced to go to government schools. Furthermore, the system has been criticised as catering to the rural elites who are able to afford school fees in a country where a large number of families live in absolute poverty. The act has been criticised as discriminatory for not addressing these issues.

In May 2016, the Chetpet-based CBSE school Maharishi VidyaMandir became embroiled in a scandal over its circumvention of the 25% quota rule. During its admissions cycle, the school told economically weaker parents "the RTE does not exist," and, "we do not take these [government RTE] applications." The senior principal also informed the Tamil Nadu Regional Director of the CBSE that he intended to "reject applicants without an email address," thereby excluding technically illiterate parents from seeking admissions. In addition, school officials falsified the distance figures of several poorer candidates in attempts to disqualify them from availing of the scheme.

Such cases in private schools discourages one from the implementation of RTE which has set out to bridge distance between economically backward and well-to-do children. It needs to be implemented in its entirety.

## Conclusion

It is noticed that Right to Education Act is a noble Act that set out to achieve basic and free education for all but is mired in controversy and lack of good infrastructure and effective implementation in order to achieve the aim it set out to accomplish.

For effective implementation of the Act, there must be full cooperation between parents, teachers and school authorities. It is only when there is good coordination between school staff and government authorities that schoolchildren will benefit and education will reach out to all. One major hindrance in this is that orphans have a problem in getting enrolled in such schools.

The Act provides for admission of children without any certification. However, several states have continued pre-existing procedures insisting that children produce income and caste certificates, BPL cards and birth certificates. Orphan children are often unable to produce such documents, even though they are willing to do so. As a result, schools are not admitting them, as they require the documents as a condition to admission.

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