



## RTE Act 2009 : A Boon for the Education of Deprived

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### ABSTRACT

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'Education' is the right of all. In this process the most strengthening step is RTE Act 2009 which ensures the enrollment, retention and completion of primary education of the children of the age group 6-14. The act provides special provisions for the drop-outs, 25% reserved seats in private educational institutions and Neighborhood Schools. The Act also focuses on certain minimum physical resources for a school. But it is not an easy step to take on in the progress of our nation. Some major challenges in this regard are financial challenges, lack of schools and its proper infrastructure, lack of qualified teachers, lack of quality in education, while enforcing 25% quota for deprived section, backwardness of society and many other. Therefore, for the proper execution and successful implementation the efforts of National Commission for Protection of Child's Rights (NCPCR) at central level, State Commission for Protection of Child's Rights (SCPCR) at state level and different civil societies should put together to prove the act a real boon for deprived. Thus, the research paper is an attempt to analyze the major educational provisions, challenges and role of authorities in the successful implementation of RTE Act 2009 with the special focus of educationally deprived.

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**Keywords:** RTE Act 2009, Provisions, Education of deprived, Role of Authority.

For the education of deprived, central and state governments are doing continuous efforts. The most important step was that the article 21-A inserted in the Indian constitution through the 86<sup>th</sup> amendment of constitution act 2002. Its purpose was to make elementary education a fundamental right and its constitutional legislation, the right of children to free and compulsory education (RTE) act 2009, which became operative on 1<sup>st</sup> April 2010. With this effort, India became one of the 135 countries to make education a fundamental right of every child. RTE Act, 2009 ensures the enrollment, retention and completion of primary education of the children of the age group 6-14. Its major educational provisions are:

- (i) Free and compulsory education of the children of age group 6-14 years by state government.

- (ii) At any time of academic year, a child can join the school and demand for his rights.
- (iii) There should be special provisions for the drop-outs.
- (iv) Private educational institutions have to reserve 25% of their seats starting from class- I in 2011 to disadvantaged students.
- (v) Enrollment, retention and completion of primary education shall be ensuring.
- (vi) There should be strict criteria for the qualification of teachers and student-teacher ratio should be 1:30.
- (vii) Government and local bodies shall establish “Neighborhood schools”. It means that Primary schools shall be establish within the walking distance of one Km. of the neighborhood. For the children of class VI to VIII, school shall be within a walking distance of 3 Km. of the neighborhood.
- (viii) Private schools should ensure that deprived children shall not be discriminated with the other children of the class. Their classes shall be run with other students of same place and time.
- (ix) RTE Act also prohibits the unrecognized schools from practice and makes provisions for no donation or capitation fees and no interview of the children and parents for admission.
- (x) No admitted child shall be held back, expelled or required to pass a board examination until the completion of primary education. Physical punishment and mental harassment shall be prohibited.
- (xi) Monitoring of the rights of the children under this act shall be done by the national commission for the protection of child’s rights or the concerned state commission.

The schools need to have certain minimum physical resources as:

- (a) Classrooms for every teacher in school building
- (b) One office
- (c) One multi-purpose hall for Headmaster.
- (d) Store room
- (e) Separate toilets for girls.
- (f) Arrangement of clean drinking water.
- (g) Kitchen for Mid-day meal
- (h) Play ground
- (i) Library
- (j) Teaching learning material and sports materials.

## **Inequality of educational opportunities**

There are two types inequalities in the form of education:

- (i) Inequality in all the levels of education with respect to boys and girls education.
- (ii) Inequality in all the levels of education with respect to higher classes, backward classes, hilly and tribal persons etc.

## **Challenges ahead**

Being a developing country, India is facing different kind of problems. So implementation of RTE Act is definitely very difficult. While this act is implementing all over the country, different kind of challenges are arising with respect to different states. Some major challenges are financial challenges, Lack of Schools and other infrastructure, Lack of qualified and good teachers, Lack of quality in education, Challenge to enforce 25% quota for deprived section, Backwardness of our society. Many states of our country have raised their voice about their inability to mobilize funds and create a dispute with the course. It is a major challenge for the implementation for the RTE act.

Some major challenges are:

1. **Financial challenges:** Many states of our country have raised their voice about their inability to mobilize funds and create a dispute with the course.
2. **Lack of Schools and other infrastructure:** As we know that there is provision of neighborhood schools in RTE act. According to it, schools up to 5<sup>th</sup> class is to be established within one Km. of walking distance from the residence of the children and schools from 6-8 class within three Km. of walking distance from the residence of the students. It is very difficult for hilly and tribal areas. In Himanchal Pradesh, Bihar etc. many primary schools are not within the walking distance. 89% schools of rural areas have not toilets. Our country needs 7 lac schools to fulfill the aim of RTE act, which needs substantial budget.
3. **Lack of qualified and good teachers:** It is one of the serious problems faced in implementing the act. There is shortage of almost five lac teachers in India. Many schools have single teachers only. Most of the teachers are not devoted. So they are unable to do justice to their profession.
4. **Lack of quality in education:** According to RTE act, no student would be dropped failed till the age of 14. So weak students will also be promoted to next standard. Thus with the mix of such students in the class, suitable efforts would be required to maintain and impart quality education. It is the responsibility of the teachers to encourage harmony amongst the varying strata of students.

5. **Challenge to enforce 25% quota for deprived section:** RTE act to remove discrimination among education, but definition of deprived and weaker section is also a big challenge. Mal practicing may be practiced in this situation. So a monitoring mechanism should be set up to ensure the proper implementation of this clause.
6. **Financial constraints of the parents:** More than 40% of Indian population is living below poverty line. In such families, generally parents send their children to earn money as child labor. Approx. 12 million children are engaged as child labors that are not getting education. So it is a big challenge to bring back these children to school.
7. **Backwardness of our society:** There is lack of awareness about education among parents especially in rural and tribal areas. There is negative thinking about girls education also. So backwardness of then society is also a major challenge for the education of deprived section of the society.

### **Role of Authority and civil society in program implementation**

Central government cannot fulfill the responsibilities of the implementation of the RTE act without the help of state government and local bodies. It is the duty of state government to develop schools very soon where it is not available. Recruitment of enough number of teachers and quality education should be ensured. By the way, enrollment of students in primary schools is increasing very fast, but the quality of government primary schools need to be enhanced. For the proper execution of this act, and for getting successful results, role of authority and different civil society has been determined in this act. These are:

#### **Role of central government**

1. To provide grants for the implementation of this act.
2. To prepare an effective framework for a national curriculum.
3. To provide quality training for the enhancement of the primary education.
4. To provide the technical and research related resources and related help.
5. To monitor different schemes and programs and take appropriate steps for any violation of this act.

Proper monitoring of the implementation of RTE act is the responsibility of National Commission for Protection of Childs' Rights (NCPCR) on central level.

#### **Role of state authority**

1. To ensure the availability of neighborhood schools.

2. To ensure that no any child shall be deprived due economic, social, cultural, language local, gender, physical or any other hurdles.
3. To provide the infrastructural facilities like school building teachers, staff and teaching learning materials.
4. To ensure the admission, retention and completion of primary education of every child.
5. State government will bear those responsibilities of free and compulsory education which are not defined as the responsibilities of central government in section -9.

Proper monitoring of the implementation of RTE act is the responsibility of State Commission for Protection of Childs' Rights (SCPCR) on state level.

### **Responsibilities of civil society**

There have been many private schools and government aided private schools operating for several decades. The involvement of private players and civil society is not new to the Indian education system. There are independent efforts by NGOs corporate foundation and individuals aimed at achieving the objective of providing good quality education. Private school enrollment continues to rise in almost all states and private into children's education and their influence on children's learning outcome is substantial.

The private sector and civil society can be used for providing:

1. Infrastructural facilities like school building, transport facilities, ICT, libraries, laboratories etc.
2. They can operate and manage public schools.
3. They can help in bringing innovations in education, improving pedagogy and teachers' training.
4. NGOs and corporate houses play very important role in mobilizing the community and making education accessible to disadvantaged.
5. Private and corporate sectors have different skill sets and can make important contribution in specific areas of education.
6. According to RTE act, 2009, private schools have to reserve their 25% seats for the deprived and weaker section of the society.
7. It is the responsibility of private schools to provide the relevant information asked by government nominee.
8. No any school will take any kind of capitation fees during the admission.

9. Schools will not expel out any student from the school before the completion of the primary education. Disciplinary action may be taken on the violation of this provision.
10. School management committee will be organized in which members will be the representatives of local government, guardians and teachers.  $\frac{3}{4}$  members will be from guardians. Proper representation will be from the deprived section and women. School management committee will monitor the functioning of school.
11. It is the responsibility of the school management committee to monitor the proper utilization of the grants received by government.
12. It is the responsibility of parents to provide primary education to their children and also encourage others for the same.
13. Responsibilities of teachers are to keep their regular presence in school at time, to complete their course, provide remedial teaching, to organize PTA etc.

## CONCLUSION

RTE Act, 2009 has got a long way to go before it achieves the goals related to the education of deprived. Most of the states have not achieved even half of the 100% target enrollment of students from the under privileged section of the society till now. According to the provision of RTE Act, 25% of the total seat in any private unaided non-minority schools should be reserved for the weaker section of the society, but most of the schools have not contributed even a single seat under the quota. According to the convener of RTE forum, only 5% of the schools are following RTE guidelines. There are problems such as shortage of around 10 lac teachers, untrained teachers, Para-teachers and student-teacher ratio, Infra structural deficiencies for children with disabilities etc. Perhaps some states have plans to increase the scholarship amount for disadvantaged and children with disabilities. The private sector and civil society are not only help to overcome the financial constraints but it also helpful to address the issues of quality. NGOs and corporate houses play very important role in mobilizing the community and making education accessible to disadvantaged. Many states have taken initiatives in conducting community awareness programs to bring children to school.

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