

Significance of the RtE Act to the Public Education System

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Introduction

The RTE Act 2009 (The Act) is about the ‘right of children in India for free and compulsory elementary education’; it is about children and not about schools, hence the significance of the Act is to all schools. However, the popular perception, accompanied by the undue focus of implementing one minor provision of the Act by the education departments of the various States, coupled with a few judgments from the Supreme Court has led to the belief that the Act has, in fact, nothing to do with the public education system! It is important to clarify this and other myths associated with the Act. Hence, in this article the attempt will not be to detail out the significant aspects of the Act to the public education system, as much as, to detail out the Act in order to bust the myth that the Act is all about reservations in the private schools and hence has nothing to do with the public education system.

The biggest myth to bust is – ‘the RTE Act in India is about privatising education’. Recently at a high level meeting, I was witness to one gentleman going on relentlessly at every given opportunity that the only way to progress on the education front is to abolish the RTE Act! I was not just aghast, but dumbfounded at these remarks within a circle that comprised influential policy makers. To figure out what really is making his stand against the Act so strong and highly critical, I spoke to him on the sidelines, after the meeting and what he shared made me believe further in the reason we have identified for the failure/delay in ensuring compliance with the law’s requirements - which is the failure to effectively disseminate ALL the provisions of the Act. This gentleman, clearly one who believes that private schools are the answers to all the ills plaguing our education system, was of the view that the Act primarily focusses on regulating the private schools by imposing restrictions on admissions while allowing Government run schools to go scot free even on the infrastructure front. The truth cannot be farther than this! And, if this is how someone interested in the progress of education in our country has interpreted the Act, one can

imagine what must be happening with the different stakeholders.

At Rs. 2,04,000 crore over five years, will the legislation cost too much to implement?

2 lakh crore over 5 years to ensure a bright future for our children is by no means ‘too much of money’ it is made out to be! If thousands of crores for each of the many metro systems for the urban population in the country can be justified, how can one not justify a couple of lakh crore for insuring our future with quality education.

The RTE Act 2009 is made up of 38 sections in seven chapters and one schedule for the norms and standards for a school. Each section has many sub-sections and clauses and sub-clauses within. Unfortunately, of all these provisions, for most people around the country, the understanding of RTE is limited to just one! Yes, one – which is 12 (1)(c); that is sub section 1 (c) under section 12 which states: ‘For the purpose of this Act, a school, - specified in sub clauses (iii) and (iv) of clause (n) of section 2 shall admit in class 1, to the extent of at least 25% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion’. This provision therefore is particularly focussed on a certain kind of school, which if read from the Act, would be an ‘unaided school not receiving any kind of grants to meet its expenses from the appropriate Government or local authority’; which in lay terms is our ‘pure’ private school (as against the aided private school).

It is highly unfortunate that, as a nation, we have reduced the Act to this minute level. All of us are complicit in this, be we officials in the Education departments, parents, activists or academics – all of us are guilty of focussing on the 12 (1) (c). As

department officials our entire focus has been on implementing this particular provision, as parents it is either seeking admission to a private school under this provision or wondering what are the 'side-effects' of this provision on our children already in private schools, as activists seeking for fair and transparent measures in implementing this and as academics writing endlessly about the pros and cons of this provision and what it has done to the education system. The damage is so extensive that if you ask around what is the Act about, most replies only contain three words: '25% reservation in private-schools'.

Can the shortage of 12.9 lakh teachers be met?

No education system can progress without investing in its teachers. Uttar Pradesh has the largest shortfall. Having ignored this key aspect of education, we unfortunately do not have any shortcuts but to meet the shortage of teachers by preparing more than a million fresh teachers with the appropriate qualifications. The additional number is designed to make up for the new teacher-student ratio of 1:30. 5.5 lakh teachers' posts are lying vacant. There is a five-year window to ensure all teachers have the proper professional qualifications.

Given that the Act has 37 other sections filled with sub-sections and clauses covering a host of issues related to school education, one only needs to cast a eye beyond 12 (1)(c) to understand the significance of the Act.

One way of checking what the Act covers is to glance at the headings of the different chapters. Other than the first one, which is titled 'Preliminary' and focuses on definitions, such as 'child', 'school', 'guardian', 'local authority', and 'capitation fee' and so on, the rest of the chapters are categorised based on the different aspects of Act. For instance, the fourth chapter is about 'Responsibilities of schools and teachers' and the previous one (third chapter) deals with the 'Duties of the Government / Local Authorities as well as the parent'; the fifth talks of the all-important area of 'Curriculum' and the chapter following that speaks about the 'Protection of this right (of children)' and the

measures that ought to be taken in this regard and the designated authority to do so. The Act therefore covers curricular reforms, minimum teacher qualifications, minimum school working days and teacher working hours, appropriate teacher ratio for each of the eight classes in elementary school, creation of school management committees and a host of norms and standards for an institution to be considered as a school such as all-weather buildings and toilets to functioning libraries and play equipment. Along with all these provisions, it also brings in certain rules and regulations to align our progress, while keeping in mind contemporary ideas as for example encouraging classroom-based assessments, not detaining children in the same class, prohibiting corporal punishment, etc. It also prohibits some of the negative practices in our society—capitation fee or 'donations for admissions'

The Hub for Education, Law and Policy (hELP)

The School of Policy and Governance, Azim Premji University, Bangalore works on education policy related matters with a special focus on RTE. After the Act had been passed, it was felt that the key reason for its failure/delay in compliance was its dissemination communicated appropriately to all the stakeholders. hELP felt that the need was a tool to increase awareness at the stakeholder level—school administration, school management committees (SMCs), parents and students; about their rights and obligations under the Act. An RTE Awareness Project was created using a 'rights based framework' so that RTE entitlement could be disseminated more widely. Primers and self-assessment tools were conceptualized as part of this project. Together with partners (such as Akshara Foundation, BOSCO, Save the Children and Yadgir District Institute, Azim Premji Foundation) hELP has initiated RTE awareness projects in nearly 1000 schools across Karnataka.. hELP seeks partners to roll this out across different parts of the country.

which is a common fleecing mechanism across most 'good' schools in the country (both public and private), denial of the TC (transfer certificate) which is a 'brahmasatra' used by the school principal / management to threaten parents and children who do not conform to convoluted and perverted ideas enshrined by certain schools – with the hope that we are one step closer to ridding ourselves of these practices.

If all these significant provisions for education are part of the Act, the other important aspect is that all this applies to all elementary schools, both public and private, across the country except Jammu & Kashmir (which subsequently enacted its own RTE). The Right to Education Act (RtE Act) was enacted by the Indian Parliament in 2009, making education a fundamental right of every child between 6 and 14 years. Given that the Act came into force in April 2010, it was expected that within three years all schools would have complied with it. There were some relaxations extended to some States, which had to put in enormous resources, to meet the pupil-teacher ratio for which nearly a five year time frame was given. Whatever be the provisions, it was to be met by all the schools, irrespective of whether they were public or privately administered and irrespective of which part of the country they were located in.

Hence, coming back once again to the focus of the topic of this piece, there should be no doubt that RTE is highly significant even to our public education system. The Act gives the power to take many steps to reform our public education system, such that it can drive us closer to a common school system. Using the provisions of the Act if we fight for all our children's right to education in a school as envisaged in the Act, why would we need of private schools? There would be excellent public schools, with the requisite infrastructure, human resources and appropriate and modern curriculum, in keeping with the principles of our Constitution, offering free elementary education to which most of us would want to send our children to – just the way it was in our country a few decades ago* – and

just the way it is in most part of the developed world!

However, we all know that a law is only as good as the people / society in which it is enacted. Just by transforming a goal into an act we cannot hope for much. But, nevertheless, the legislation is a landmark, and to see it deliver what we want, we need to take the entire society into confidence. We need to build on the provisions in the bill to create a positive force for it. The Right to Education is interlinked with rights to equality, dignity and freedom. While the Act attempts to secure universal elementary education, it also pays significant attention to ensuring equal and dignified spaces of learning for children. The notion of dignity and equality are not only crucial in education, but they also provide a conceptual framework under which various entitlements of children can be classified.

Rights based approach is alien to us in the country – hence, in order to ensure that our children enjoy their right, a mindset change is required at the societal level; in fact, a paradigm shift is required from the incentive based framework that we operate in to an entitlement based framework even in terms of operationalizing the Act.

The Act provides a framework of rights of a child and the corresponding obligations of the other stakeholders. The state and other actors are legally obliged in their various capacities to perform certain duties to ensure that a child's right to education is properly realised. For instance, a local authority is responsible for ensuring that there is adequate access to schools in a neighbourhood. Similarly, a school must ensure that it complies with the stipulated norms and standards; teachers are obliged to pay attention to the progress of each child with the parent community being responsible for the development of the school. All these features are enhanced when the school in question is a public school – which makes the significance of the RTE Act for the public education system tremendous, to say the least.

**the private a few decades ago were mostly aided and hence practically part of the public education system.*

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