

# Working of Rural Educational Institutions in India Under Right to Education Act, 2009: A Critique

Dr. Amandeep Kaur<sup>1</sup>, Ms. Kawalpreet Kaur Bajwa<sup>2</sup>

<sup>1</sup>Assistant Professor, Department of Laws, Guru Nanak Dev University Regional Campus, Gurdaspur, Punjab-143521.

<sup>2</sup>Assistant Professor, Surjeet Memorial College of Education, Malwal, Ferozpur, Punjab-152001.

## Abstract:

Education has always been considered as a backbone of any society. India is not an exception to it. In order to strengthen the backbone Indian government has made Right to Education a fundamental right through 86th amendment Act. The new article 21 A has been incorporated in part third of the Constitution and for giving effective implementation to it Right to Education Act, 2009 was also passed. In this research paper the researcher intends to probe into the provisions of the Act of 2009 and to carve out its lacunas with reference to functioning of rural educational institutions. The researcher further has analyzed the challenges in the way of rural education and has suggested certain possible solutions to plug the said problems.

**Keywords:** Education, Rural Education, Right to Education, Constitution

## INTRODUCTION

Education is the mirror to the society and is the seed as well as flower of the socio economic development. It transforms human beings from ignorance to enlightenment, from shades of social backwardness to light of social amelioration and a nation from underdevelopment to faster social and economic development. The general conference of UNSCEO in 1964 recognized that “illiteracy is a grave obstacle to social and economic development and hence the extension of literacy is a pre-requisite for the successful implementation of national plans for economic and social development.”<sup>1</sup>

India has the distinction of having one of the largest elementary education systems in the World. With more than 15 crore children enrolled and more than 30 lakh teachers, the elementary education is expanding in the country in a significant scale. In reiterating its stand for universalization of primary education in the country, the 86th amendment to the constitution of India has made free and compulsory education to the children of 6-14 age groups a fundamental right.

The government of India has launched several programmes after independence to uplift literacy in the country. In order to achieve inclusive education it has provided incentives to the children belonging to the Scheduled Castes and Scheduled Tribes and also to the girls. The government of India has launched in 2001 Sarva Shikhya Abhiyan(SSA) a flagship programme in partnership with the state government to

<sup>1</sup> B.K. Pattnaik and Madan Mohan Singh, “Sarva Shikhya Abhiyan and Inclusive Education”, *Kurukshetra : A journal on Rural Development*, Vol. 59, No. 7, May 2011, p-16.

cover the entire country and address the needs of 192 million children in 1.1 million habitations.<sup>2</sup> The SSA programme aims at:

- Strengthening school infrastructure by constructing new building and upgrading the existing building.
- Providing teachers and also building their capacities through training.
- Seeks to provide quality education including life skills.
- Promoting community participation in primary education by formulating Village Education Committees.
- It aims at bridging social, regional and gender gaps in literacy and primary education.
- It focuses on girl education and children with special needs
- It seeks to provide computer education to bridge the digital divide.

Despite the growing concern in India about the quality of education, there is no consensus regarding a definition of this. Most people will view the ‘quality of education’ as the extent to which the student has acquired the curricular learning as measured by scores in tests. A quality education output can be achieved only if quality is ensured at each level of the educational process from setting standards, establishing the learning environment, preparation of teachers, through the teaching-learning process, assessment of learning, evaluation, and monitoring.<sup>3</sup>

### **EDUCATION POLICY- A HISTORICAL PERSPECTIVE**

Education in India has a history stretching back to the ancient urban centers of learning at Taxila and Nalanda. Western education became ingrained into Indian society with the establishment of the British Raj. Since independence, the education policies of successive governments have built on the substantial legacies of the Nehruvian Period, with a focus on excellence in higher education, and inclusiveness at all levels. In the early 1900s, the Indian National Congress called for national education, placing emphasis on technical and vocational training. In 1937 Gandhiji raised his voice in favor of universal education. So after independence, school curriculum were thus imbued with the twin themes of inclusiveness and national pride, placing emphasis on the fact that India’s different communities could exist peacefully side by side as one nation.<sup>4</sup>

Drawing on Nehru’s vision, the Kothari Commission was set up to formulate a coherent education policy for India. According to the commission, education was intended to increase productivity, develop social and national unity, consolidate democracy modernize the country and develop social, moral and spiritual values. The commission also emphasized development and prioritization of scientific education and research and the need to eradicate illiteracy and provide adult education.<sup>5</sup>

### **NATIONAL POLICY ON EDUCATION**

After Kothari Commission’s (1964) recommendations the introduction of National Education Policy 1986, Rajiv Gandhi announced a new education policy. The National Policy on Education (NPE) was

<sup>2</sup> Anupam Hazra, “The Challenge of Educating Rural India”, *Kurukshetra : A journal on Rural Development*, Vol. 59, No. 7, May 2011, p-3.

<sup>3</sup> Retrieved from [https://moam.info/rural-education-michael-ward-dise\\_59cd68821723dd7595bf43ef.html](https://moam.info/rural-education-michael-ward-dise_59cd68821723dd7595bf43ef.html) visited on 27-09-2022.

<sup>4</sup> Anil Kumar Biswas, “Universalization of Education”, *Kurukshetra : A journal on Rural Development*, Vol. 59, No. 7, May 2011, p-9.

<sup>5</sup> Id.

intended to prepare India for the 21st century. According to the new policy, the 1968 policy goals had largely been achieved. The 1986 policy was reviewed by a committee constituted in 1990 under the chairmanship of Acharya Ramamurti. On the basis of the recommendations of this committee, certain provisions of the 1986 policy were modified in 1992. Apart from the above mentioned three important national policies, following **initiatives** have been taken:

1. Operation Blackboard (1987) aimed to improve the human and Physical resources available in primary school.
2. Restructuring and reorganization of Teacher Education (1987) created a resource for the continuous upgrading of teacher's knowledge and competence.
3. National Programme for Nutritional Support to Primary Education (1995) provided a cooked meal every day for children in class I-V of all govt., govt.-aided, and local body schools.
4. District Primary Education Programme (DPEP) (1993) emphasized decentralized planning and management, improved teaching and learning materials, and school effectiveness.
5. Sarve Shiksha Abhiyan (SSA) (2001), aimed at universalizing elementary education of satisfactory quality in the country.
6. The Rashtriya Madhyamik Shiksha Abhiyan (RMSA) on the liner of SSA, is expected to bring in the desired investments in Secondary Education and facilitate the process of universalizing secondary education in the country.

### **NATIONAL EDUCATION POLICY-2020 (NEP-2020)**

The policy calls for changes in education at every level, from elementary school to higher education. It aspires to emphasise on improving teacher preparation, changing the current test system, early childhood care, and reorganising the educational regulatory environment. NEP deprioritises English and gives importance to imparting education in native languages.<sup>6</sup>

Main features<sup>7</sup> of NEP-2020 are as under:-

- Ensuring universal access at all levels of school education
- Infrastructure support
- Tracking the progress of students and their learning levels
- Facilitating different modes of learning, including both formal and in-formal education modes
- Introduction of counselors and well-trained social workers into the schooling system.
- Open and Distance Learning (ODL) programmes for classes 3, 5 and 8 through the National Institute of Open Schooling (NIOS) and State Open Schools.
- Secondary education programmes equivalent to classes 10 and 12.
- Vocational education courses/programmes from preschool to Grade 12; promotion of adult literacy and life-enrichment programmes.

<sup>6</sup>Retrieved from [https://www.smilefoundationindia.org/blog/nep-2020-education-access-in-rural-india-by-localisedlearning/#:~:text=The%20NEP%202020%20offers%20promise,disadvantaged%20groups%E2%80%9D%20\(SEDG s\)](https://www.smilefoundationindia.org/blog/nep-2020-education-access-in-rural-india-by-localisedlearning/#:~:text=The%20NEP%202020%20offers%20promise,disadvantaged%20groups%E2%80%9D%20(SEDG s).). Visited on 2-3-2023.

<sup>7</sup> Retrieved from <https://leadschool.in/blog/salient-features-of-nep-2020-key-highlights-at-a-glance/visited> on 2-3-2023.

## CONSTITUTIONAL PROVISIONS FOR EDUCATION

Under the Constitution of India, education is a concurrent subject, with a sharing of responsibilities (including legislation) between the Centre (Ministry of Human Resource Development) and States (Departments of Education).<sup>8</sup> The constitution did not enact education a fundamental right, but made the **Article 45** of the Directive Principles, calling on the state to ‘**Endeavour to provide free and compulsory education to all children up to the age 14**’ the only time bound article, directing the state to accomplish the task in 10 years, that is by 1960.

The 42nd Amendment (1976) was held to make education a ‘Concurrent’ subject for expansion of Primary Education facilities, particularly in backward areas, to make education easy to all, free and compulsory education, prioritization to universalization of primary education.

The new **Article 21A**, which was inserted as part of the 86<sup>th</sup> Amendment says that “the state shall provide free and compulsory education to all children between the ages 6 and 14 through a law that it may determine”.

**Article 28(1)** Prohibits religious instruction in any educational wholly maintained out of the state funds.

**Article 29** states that the minorities shall have the right to preserve their distinct language, script or culture.

**Article 29(2)** declares that “no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state fund on grounds any of religion, race, caste, language, or any of them”.

**Article 30** gives protection to religious and linguistic minorities. They have the right to establish and administer institutions of their choice.

**Article 30(2)** prohibits state from discriminating in granting aid to educational institutions managed by the religions and linguistic minorities.

**Article 46** deals education of the socially & educationally backward classes of citizen.

**Article 350A** deals the facilities for instruction in mother tongue at Primary Stage.

## RIGHT TO EDUCATION ACT (2009)

The year 2009 is a land mark year in the development history of elementary education, when the government finally managed to pass the 86th Amendment to the Constitution that made Right to Education (RTE).

### The main features of Right to Education Act are –

1. Free and compulsory education to all children of India who are falling in 6 to 14 years age group.
2. No child shall be held back, expelled or required to pass a board examination until completion of elementary education.
3. A child who completes elementary education (up to from class VIII) shall be awarded a certificate.
4. Calls for a fixed student-teacher ratio.
5. Will apply to all of India except Jammu and Kashmir.
6. Provides for 25% reservation for economically disadvantaged communities in admission to class I in all private schools.<sup>9</sup>

<sup>8</sup> Id.

<sup>9</sup> Sujata Hira, “Challenges to free and Compulsory Education”, *Kurukshetra : A journal on Rural Development*, Vol. 59, No. 7, May 2011, p-15.

7. Mandates improvement in quality of education.
8. School teachers will need adequate professional degree within five years or else will lose job.
9. School infrastructure to be improved in three years, else recognition cancelled.
10. Financial burden will be shared between state and central government.
11. No child shall be subjected to physical punishment or mental harassment.
12. Screening Procedure shall be punishable with fine.
13. To constitute a school management committee consisting of the elected representatives of the local authority, the local authority, parents or guardians of children.
14. No teacher shall be deployed for any non educational purposes.
15. No teacher shall engage himself or herself in private tuition.

Right to Education Act (2009) is a landmark initiative of the government to strengthen the education system in India. Under this Act it is mandatory to complete elementary education of all children, who reside in Indian Territory.

### **CHALLENGES IN THE WAY OF BETTER RURAL EDUCATION**

1. The most pressing challenge is to increase access in rural areas to secondary education, particularly for girls, SC, ST, and minorities as well as improve access to technical and vocational education and skills. Every village is not provided with school which means that students have to go to another village to get education. Owing to this parents usually do not send their daughters to school, leading to a failure in achieving rural education in India.
2. Quality and access to education is the major concern in rural schools as there are fewer committed teachers, lack of proper text books and learning material in the schools. Though Government schools exist, but when compared to private schools then quality is a major issue.
3. Poverty is another setback. Government schools are not as good and private schools are expensive. This results in a very low number of students actually clearing their secondary education and taking admission in a college for further studies. So the drop-out-rate at the secondary level is extremely high in villages. Only parents who can afford college education send their kids to secondary schools.
4. Most textbooks are in English and since people in rural areas either speak their native language or Hindi, but not English that defeats the purpose. This results in lack of their interest in studies.
5. Every student is supposed to be promoted to the next class irrespective of marks in their examination. Hence majority of students do not bother to study, which means a decline in their education level. Neither students nor teachers take any interest in studies which is why the level of education is declining in India despite many efforts.
6. Interference by PRIs in the independent working of rural schools as they demand their share from the amount of various grants being provided by the government.
7. Fixation of minimum amount for ration to be consumed by the students on daily basis and further it is the responsibility of the teacher to ensure such consumption.
8. Subject expertise of the teacher is lacking as one teacher is teaching all the subjects.
9. Alluring offers by the private schools are decreasing the number of students in government schools.
10. Teachers of government schools always prefer to send their children in private schools because they themselves lack trust on government school's education.

## CONCLUSION AND SUGGESTIONS

Despite the tremendous efforts made by the government, there is a need to look at the entire set of problems and deal with the issue holistically taking into consideration the specific context of different sections of the society.

There is a difference between city and village student not in terms of brain or development but their initial environment, skills, learning ability, availability of infrastructure, and access to different facilities. All of these must be considered while making the curriculum which should not be different but how it is going to be taught would make the difference. Encourage the genuine rural students who are interested in education and make them competent. There are many examples of success in rural education in India like Jawahar Navodaya schools in villages, the Barefoot College, 8 Day Academy and Gurukul School in Bihar. These are innovative and successful examples of schools running in rural India. It is also absolutely mandatory to evaluate the success of the schools and students at each and every level. Timely assessment will throw light on present problems and achievements.

Some of the suggestions for strengthening inclusive education at the primary level are as follows:

1. Now Education is fundamental Right of every Indian. It is very necessary to involve the Panchayati Raj Institution in rural area for universalizing the elementary education. Right to Education Act (2009) has given ample scope to PRIs in rural area for the universalization of elementary education as a fundamental right. If PRI members are monitoring the enrollment procedure of their Jurisdiction, success will come.
2. The panchayat members can play important role in promoting inclusive education. The village education committee should not be an ad hoc project arrangement and should be a permanent structure of the village panchayat.
3. A frequent parent and teacher interaction will enhance student enrolment and attendance rate.
4. The incentives available to the students must be made at the beginning of the session. Any delay in the availability of books will de-motivate the students.
5. The parents those who are not sending their children to the school particularly women must be employed under Mahatma Gandhi National Rural Employment Guarantee Act. The linkage between MREGA and education must be established.
6. The quality of Mid-day meal needs to be improved, which will attract children of the weaker sections of the society to the school.
7. Village monitoring committees must be formulated so that they will monitor the enrolment and student absenteeism.
8. The overall attitude of the people particularly the socially and economically backwards towards the education of the girl child needs to be changed.
9. The foundation to turn India into a strong nation has to be laid down at primary and rural levels and so the quality of education right from the beginning should be excellent. Education and text books should be made interesting.
10. The reasons behind so many drop-outs in spite of free education should be found out as this is a hurdle on the road to progress. Improvement in the condition of government schools, education quality, committed teachers should be part of development.