

RTE Access to Poor Students: Challenges Faced by the States

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RTE Act—Inputs vs Outcomes

The access to basic education for all children has been a much-discussed subject for more than a century now. The nationalist liberal leader Gopal Krishna Gokhale was the first person in 1910 to envision universal access to free and compulsory primary education for all children. Since then, given the vast diversity of states in India, each has taken varied measures to provide access to primary education according to its disposable resources on priority basis, but still much need to be done. Most of the states, perhaps except Kerala, did not achieve the goal till 2009.

The Right of Children to Free and Compulsory Education Act or Right to Education Act (RTE) was enacted on August 4, 2009 by the Indian Parliament to provide universal access to free education for children aged 6–14 years. By enacting the RTE law, India also joined the league of 135 countries to have primary education as Fundamental Rights in the constitutional provision under Article 21A as amended in 2002. RTE came into effect on April 1, 2010 with stipulations to states to have all the necessary resources in place by 2013 to achieve access to free and compulsory primary education for all children aged 6–14 years. Unlike other countries where parents are solely responsible for children’s education, India became the first country with the government being responsible for the enrolment, attendance and completion of primary education of children.

It has been a decade now since the RTE came into force and it has created enormous awareness among citizens to have compulsory primary education for their children. But on several other aspects, the RTE provisions were premised to fix the input problems rather than fixing the problems with learning outcomes. While input approach aims to fix the infrastructure issues, outcome approach considers the learning outcomes of children, their competence and acquiring subject knowledge and skills. During the process of RTE formulation, the popular sentiments were mainly focused on rights-based approach to fix the input challenges rather than focusing on outcomes-based approach, even after seeing that different countries achieved prosperity by building on the solid foundations for quality primary education based on outcomes of learning and competence of their children.

One of the most important aspects of the RTE Act is the Section 12(1)(c) and (2) of the Act, which mandates private and unaided schools, except minority and boarding schools, to admit at least 25 per cent of the students from Scheduled Caste (SC), Scheduled Tribes (ST), Below Poverty Line (BPL), low income and other disadvantaged or weaker sections of the society to

give them access to primary education. The government would reimburse the cost of education of these children admitted in private and unaided schools. The rationale for introducing 25 per cent of reservation under the RTE Act is yet to be fully grasped even after a decade of its enforcement. The government's intention might have been to provide access to quality primary education to economically poor children aged between 6–14 years as it did not have adequate infrastructure facilities for accommodating all children in government schools. This provision also undermines the capacity of the governments to provide good quality education to all children using its own resources.

The government claims that after the implementation of the RTE Act, primary schools have achieved close to 100 per cent enrolment of school-going children between 6–14 years. Most of the states and Union Territories (UTs), except few states/UTs, have by and large achieved this goal by 2019.

An analysis of the status of the 25 per cent reservation section during the last decade shows shocking results and reminds that there is a long way to go in achieving the original vision of the RTE Act. The practical enforcement of the RTE in letter and spirit was faced with numerous challenges across the states and UTs.

RTE—the Decade Experience

According to a study brought out in 2017 by the RTE Resource Centre at the Indian Institute of Management-Ahmadabad, Central Square Foundation, Accountability Initiative and Vidhi Centre for Legal Policy for the assessment of 5 years of RTE implementation reveals that out of 36 states and UTs in India, only 11 states and 1 UT had initiated action by seeking funds from the Union Government for the implementation of the RTE mandate. These states include Chhattisgarh, Delhi, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Uttarakhand and Uttar Pradesh. Despite more than 5 years after the RTE coming into force, more than half of the states/UTs did not implement the 25 per cent reservation section. This was the status of first half of the decade on RTE.

As of October 2019, a total of 33 states/UTs have notified the RTE Act including the 25 per cent reservation provision. However, even after a decade, there are 5 states and UTs yet to notify this provision. Only 17 states/UTs were notified per child cost to receive the funds from the Union Government under the RTE Act.

According to a new report titled “The Bright Spots: Status of Social inclusion through RTE Section 12(1)(c)” by Indus Action, October 2019, 41 lakh students are admitted/studying in private schools in the country through the provision of 25 per cent reservation; 68 per cent of the children admitted under this provision belonged to 4 states—Madhya Pradesh, Rajasthan, Karnataka and Tamil Nadu. The report also highlighted that about 13 states/UTs were not having readily available information about the 25 per cent reservation of children under the RTE Act, which means that these states/UTs were clueless about the children admitted in private

and unaided schools and lethargic in implementing the RTE Act. Also, it appears that many states were not effectively implementing the RTE Act's 25 per cent reservation of seats in private and unaided schools in letter and spirit. In other words, some of the states/UTs did not have enough capacity to implement the RTE Act and also failed to prioritise the needs of primary education of children belonging to economically weaker sections of the society as mandated in the constitutional provision.

Further, as per the 2017 CAG report on implementation of the RTE Act and various states/UTs reports reveal that during the period from 2010–11 to 2018–19 the total number of government elementary schools closed was 2,185 and enrolment of students in government schools declined by a little over one million (10,31,026) or 21 percent from 48,13,748 to 37,82,722. Thus, the number of out-of-school children was increased by 43 per cent from 39,841 to 69,740. In contrast, the number of classrooms increased by 21,660 or 49 per cent from 22,184 to 43,844 and the total number of vacancies for teachers in elementary schools increased by 57 per cent from 13,032 to 30,185. Moreover, the data shows that 43 per cent schools have no playground and no ramps to facilitate access to children with disabilities. About 70 per cent of schools have no library and 20 per cent of schools have no compound wall which undermines the safety of the children.

Thus, it shows that the governments failed to gauge the importance of quality primary school education to poor children even after 10 years of the implementation of RTE. Therefore, there is a compelling need to explore alternative ways to ensure universal access to quality primary education to poor children by empowering the parents who were marginalised in the RTE Act.

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