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Factors that weakened the availability of quality education for weaker section of the society: In context of SRWS in the RTE Act

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Abstract

Right to Education (RTE) is considered an important step for providing quality education to the children belong to weaker section of the society by providing 25 per cent seat reservation of the total seats for these children in private schools. After the completion of more than ten years of the execution of the Act it is relevant to review the executions of the Act in the context of present scenario. Several studies are available about the execution of the Act. Some unique aspects of poor implementation have been discussed here. Several provisions have been revised in National Education Policy, 2020 in view of the problems of the execution of the Act.

Keywords: RTE, weaker section, CCE, NEP 2020, mid-day meal

Introduction

Schooling in India is being provided by the government sector as well as by the non-government sector. Currently, the part of the non-government sector in schooling is greater than the government sector in terms of total enrolment. The role of the non-government sector in access and quality education is increasing continuously (Mehta, 2011) [8]. Studies indicate that the non-government sector in schooling is spreading from the low cost schools to the high cost elite schools. Non-government schooling facilities are available across the country. These schools are available in urban areas as well as in rural areas. Studies show that the private sector is providing education at low cost. Private sector is more efficient in terms of cost than that of the government ones. Families pay for education in the case of private schooling. This is why the access to these schools for the children belonging to deprived sections of the society is low. To increase the access of these children in private schools the Right to Education in 2009 was enacted. This Act came into force in April 2010. In this Act the provision was made that in private schools 25 percent seats will be reserved for the children belonging to the deprived sections of the society. Several reasons such as problems related to the execution of the Act, making rules related to the implementation of the Act, avoidance of the Act by private schools, inability of the deprived section related to take benefit of the Act, and other malpractices related to implementation adversely affected the access of deprived section to private schools particularly the pricy ones. This Act has been in operation for more than 12 years. In this article the reasons that put hurdles in the very spirit of this Act have been discussed. The National Education Policy, 2020, it has been provisioned that the provisions of the Act will be extended up to Class 12. It will be relevant to discuss these issues in the present scenario.

The most debated provision of the Act is the reservation of 25 percent seats for children belonging to weaker section in non-government schools and reimbursement of their fees by the government. One explanation for the increasing share of enrolment and increasing number of non-government school in India is given that these schools are providing quality education and government schools are nearly dysfunctional. Many of the government schools are suffering from teacher absenteeism, lack of human and physical infrastructure and poor governance. The attraction of non-government schools is increasing day after day. Generally, in government schools poor quality of education and high dropout rate can be seen.

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Parents choose any schools on the basis of their level of education, their awareness about education, importance of education in their view, their economic condition and quality of education in the school.

The reasons for better quality of education in these non-government schools may be their accountability to parents, the autonomy in governance and in the selection of teaching staff, finance, etc. Non-government schools are generally equipped with better facilities, admissions are restricted to the better candidates and have better examination results. (Gautama 1997; Kingdon 1998; Surya 2007) ^[3, 2, 13]

Murlidharan and Kremer (2008) ^[1] argues that in then on-government schools the student attendance is found higher and student achieve higher test scores in examination. Chudgar and Quin (2012) ^[9] find that parents of the children in non-government schools belong to high income class, better educated and well informed than the parents of the children in government schools. Maitra *et al.* (2011) ^[10] find that parents of the children in non-government schools belong to higher socio-economic status than the parents of the children in government schools. The reach of male child is higher than female child in non-government schools. It can be infer that the in non-government schools, the quality of education is found better but, enrolment of weaker sections is found lower than government ones. The provision of mandatory admissions of weaker section in non-government schools is a step toward equality and inclusion.

Right to Free and Compulsory Education Act

Article 35 in part four (directive principles to state) of Indian constitution it said that the state will provide free and compulsory education to all children under the age of 14, within the ten years of the date from implementation of constitution. The Supreme Court of the country in its verdicts included right to education under the right to life. Under the 86th amendment of the constitution a new article 21A was inserted that declares right to education as a fundamental right (Nawani, 2017) ^[12]. In the same line, Right to Free and Compulsory Education Act, 2009 came in to force from 2010. In this Act it has been provisioned that 25 percent of seats in private schools will be reserved for the children belonging to weaker sections of the society and the government will pay for that to these schools. The reservation of 25 percent seats in admission for the children belong to weaker and deprived sections of the society in private schools is an important and rhetoric provision of the Act.

In the Act, it has been provisioned that schools will give admission to all children those are not enrolled at all, and below the age 14 years, according to their age appropriate class. For a better evaluation and make the system free from rote learning a system of Comprehensive and Continuous Evaluation (CCE) has been promulgated and it has been assured that schools will provide all the facilitates (Physical as well as human infrastructure) as stated in the Act, within a given time limit. The appropriate government instructed to make their own execution rules according to the spirit of the law. All the private schools have to implement the Act, whatever may be fee of the school, they have to follow the provision of 25 per cent reservation.

Problems in Execution

Law and Initial Execution: Since the inception of promulgation of the Act, private schools took it as an interference in their working domain and filed a petition to the Supreme Court, but the Supreme Court was not agreed with this plea and thus, the Act remained into force. In initial years, private schools created many hurdles to execute the Act in its true spirit. Several schools have conducted entrance examinations although; there is no provision of entrance examination in the Act. In the Act, duty of defining the neighbourhood was given to appropriate governments, the appropriate governments clearly defined the neighbourhood in accordance with the true spirit of the Act but, several times it was seen that private schools were reluctant to follow the definition and denied for admission to the eligible children.

When it became clear that there must not be the entrance examination for the admission under RTE and admission must be given on the basis of 'first come first serve' then schools hide the information about the admission.

Information related to admission under 25 per cent quota seats was not displayed on the notice board of schools, and in some cases even misleading information was displayed. Seeing the malpractices in execution of the Act, the state governments made rules to bring transparency and smooth functioning of the Act. In a few schools a higher level of discrimination against the children belonging to weaker and deprived sections of the society those who were given admission under 25 per cent quota, was seen such as they were sent to separate classrooms, provision of different teachers and uniform were made. In a few elite-class-schools those have air conditioned classrooms for the students. In some of these schools these 25 per cent quota students were kept away from air conditioned rooms, and send them to sit in garage or room without a fan. In some schools it was found that lower paid and less qualified teachers were hired for the students admitted under the 25 per cent quota. A single teacher was hired for all these students for whole day. In some cases it was also seen that the study-material for these weaker section children was different. These students (admitted under 25 per cent quota) were kept away from other students in co-curricular and extracurricular activities even school canteen was not access to these students.

Actually, these schools were meant for the children belongs to the elite only, those who could pay the higher fees, but these schools have to give admission due to the bindings of the Act, to these 25 per cent quota students.

This was the false vanity of these elite schools that the admission of weaker section children will taint the social prestige and status of their so called elite image (Engage-EPW, 2015). They assume that these 25 per cent quota students will affect adversely examination result. Due to these practices, even today, seats of 25 per cent quota students belonging to weaker sections of the society can be found vacant deliberately. Many children belong to weaker section tends to drop out from these schools due to the absence of cooperation, help and above mentioned ill-treatment by these schools, as a result some parents of these children feel incapable themselves to continue the education of their wards in these schools. Although, provisions for remedial teaching and providing necessary study materials by school to these children are made in the Act and schools

are paid for this by the government, many of these schools do not following the provisions according to the spirit of the Act.

Several variety among private schools can be found as in the case of government schools. A range of private school from very costly air conditioned elite schools in some metro and big cities to middle level to low cost or budget schools in every nook and corner can be seen. In rural areas private schools are mostly budget schools. There are large numbers of these schools and these are recognized schools. These are recognised schools so they are required to reserve 25 percent seats under RTE for the children belonging to weaker sections. The problems of these schools related to admission under RTE are different. In these schools admission under RTE can be seen but these students do not come to school. These students do not participate in study. These schools maintained a 25 per cent enrolment record of these students to get payment from the government but these students do not attend the schools. In these schools vacant seats for weaker section children under RTE can be seen and the discrimination for these students can be seen here. It seems that the target of these schools is to keep record of these students and to get payment from government not to give education to these students. It was also seen that the children belong to most poor families generally failed to get admission under RTE provisions. Actually the student that given admission under RTE were belong to upper section in the weaker section of the society. These schools are still today away from the reach of children belong to the most poor families under the weaker section of the society. These rural schools did not improve in the basic infrastructure according to the provisions of the Act and failed to provide quality education to the children belonging to the weaker section of the society.

Family Limitation

For not giving the admission on the 25 per cent SRWS of the society under RTE to the poorest families under weaker sections of the society there can be two types of reasons for that. First types of reasons are related to families of weaker section and second types are related to the working of unaided private schools. The reasons related to families can be due to ignorance to importance of education, due to insufficient effort for child admission under RTE, due to inability to help the child during study, due to not able to bear the expenditure to the study of the child, due to think better to remain in status quo and remained failure after taking the efforts for admission. The causes behind the failure of a family's effort can be their weak economic and social conditions. Among the reasons related to schools may be due to giving more importance in admission to children belonging to relatively better income families among weaker sections of the society and relatively better effort of these families for the admission of children.

In several cases it was also seen the these schools were not paid at time by state government for the student belong to weaker section studying under RTE. Due to this, schools get delayed in admission for these category and the students belonging to these categories take admission in government schools and the seats for these students (belonging to weaker sections) in private schools remain vacant. These vacant seats adversely affect the execution of the RTE Act. It is supposed from the state government to make rules of execution for the proper implementation of the Act and a

certain time frame was given for that. State government needed to define local areas, to make payment to schools for the education of children belonging to weaker sections under RTE and to arrange physical and human infrastructure according to norms specified in the Act but several state governments failed to do so. A time limit was given for the framing of rules for the execution of the Act to state governments, but several state government did not follow this so the time limit was extended several times. Even rules were not made in concurrence of experience the execution of the Act; this created administrative problems and created several difficulties for the families. Some state governments made rules from retrospective effect. Due to all these private unaided schools, which were not happy with the Act, got benefit and avoided giving admission to the children belonging to weaker sections of the society according to the spirit of the Act. Several time repeatedly refused to give admission under the Act. Due the poor performance of state government in making law related to execution of RTE, created confusion among parents and were not able to get due benefits from the execution of the Act. It is also seen that the execution performance of the Act was different in different states. This performance was different in the sense of making rules related to execution of the Act and percentage of children belonging to weaker sections of the society given admission under RTE. The availability of physical as well as human infrastructure was not according to the norms set in the RTE Act either in the case of government schools or in the case of private schools. This insufficiency of infrastructure adversely affected the performance of the Act. In the New Education Policy it is stated that due to the lack teacher and proper quality of teachers adversely affected the implementation of CCE and the desired results of comprehensive and continuous evaluation (CCE) were not fulfilled.

Midday meal

Midday Meal is provided to students studying in government schools. The availability of midday meals in government school increased enrolment in these schools, increased the retention of students in schools and enhanced the nutritional level of these students and due to all these it increased the quality of education among students. To provides supplementary food to students belong to lower income group is also an objective of midday meal. In private unaided schools midday meal (or supplementary food) facility is not available to the students especially belong to weaker sections of the society. Due to lack of supplementary food, the nutrition level of these students remains at low level and in turn this adversely affects learning capacity of these students. The facility of providing supplementary food or the free access of these students should be there in school's canteen so that the nutrition level of these can be maintained.

Minority Schools

In India a large number of private unaided schools are run by minorities. In RTE Act these educational institutions are kept away from the provision of 25 per cent seat reservation for the children belong to weaker section of the society. It means that in these minorities run schools free education for children belong to weaker section of the society is not available. This provision of the Act keeps away a big part of unaided private schools from out of reach of the children

belong to weaker sections of the society. It is also true that among these minorities there are also the weaker sections of the society. The probable space for the children belongs to weaker section of the society in these minorities run schools are limited by this provision of the Act.

Lack of Positive Intervention

According to the Act state governments are required to make supplementary rules for the execution the Act. The supplementary rules were made by state governments related to the Act, these supplementary rules were insufficient and delayed. To ensure the reach of the benefits of the Act to the target groups it was required to do some positive interventions. The provisions for 25 percent seat reservation for the children of weaker section of the society is a deprived section of the society, it is necessary to adopt some positive interventions to make the reach out of this Act to this class. Education among this class is poor and this class does not know the importance of education. Positive interventions such as counselling to the parents, help in documentations, aware to these people about the provisions of the Act, must be there to ensure the reach of benefits of the Act to this class in a better way, but state government's limited interest that was only up to making supplementary laws and payments to schools for the enrolled students of weaker section of the society in these private schools was seen. Corruption was also seen in the execution of the Act. The news/reports related to corruption generally can be seen in newspapers. If the medium of education is in mother-tongue the learning of the students remains better and fast. In this Act provisions related to language of teaching and medium of instructions are supposed to given in mother-tongue (As far as possible). But, most of non-aided schools do not provide education in mother-tongue. In most of cases study materials are available in English language. This English medium teaching by schools has limited the role of family in helping the students in learning. If the medium of teaching is in English families are not able to help the students in learning because textbooks are in English language and families are not able to teach in English language. This situation becomes worse if the students belong to the weaker sections of the society. So, even after the presence of provisions that primary education should be in mother tongue, no efforts were made either by the government or by schools. This situation also adversely affected the reach of quality education.

School Related Factors

Quality of education is positively related to the quality of teachers. Provisions related to teachers training and quality teachings trainings were made. To increase the quality of teachers eligibility tests are conducted. The results of these teachers training tests indicates that quality of teachers is poor (Less than 4 percent trained teachers passed the central teacher eligibility test). Such a large number of teachers involved in training and with such a poor quality of teaching indicates the misuse of resources. Studies show that the salary of a teacher working in private non-aided schools is much lower than the teacher working in government schools. Availability of quality teachers remains low at lower salaries. Passing the teacher eligibility test is not compulsory for the teacher to work in non-aided non-government schools. It can be seen that teachers working in non-government schools are not qualified for the teacher's

eligibility test. Generally educated youth have low priority for working as a teacher. The youths that are failed to get other jobs generally adapt to work as a teacher. Generally, efforts were made by the government to attract more qualified and intelligent people to join teaching as a job. In India the salary of teachers working in the government sector is much higher than the salary of teachers working in other countries (Salary payment with proportion of per capita income). The quality of teachers training is still a challenge to increase the availability of quality teachers in schools. Without increasing the quality of teachers training it is not possible to increase the quality of education. This is why in New Education Policy the requirement for making teacher training more better has been stated and provisions related to this has been stipulated.

For quality education and holistic development of children the facility better human (Physical teacher, librarian, computer teacher and supporting staff etc.) and physical infrastructure (Sufficient number of classrooms, playground, separate toilet, drinking water facility and tree cover etc.) in schools is prerequisite. Except some schools for the elite class in urban area, non-government schools having average fee, government schools such as Kendriya Vidhyalaya and Navodaya Vidyalaya most of the schools are facing serious scarcity of qualitative physical and human infrastructure. Schools have separate toilets but are not functional. Studies show the lack of separate toilet affect adversely the girl's enrolment and stay time in schools. Schools concern only about the academic performance of the students. In evaluation of schools by parents that have the concern only related to academic achievements and ignore the other co-curricular and extra-curricular Activities, this behaviour of parents is aggravating the problem of providing the importance to other non-academic Activities in schools. Schools have no pressure to provide and increase these types of Activities. It is well established that these co-curricular and extracurricular Activities contribute equally to the development of the children. Absence of these Activities and lack of human and physical infrastructure in schools is deteriorating the quality of education and balanced development of the children. The provisions related to human and physical infrastructure in RTE Act was not fulfilled. In NEP it has been emphasised that for children development all types of Activities (Academic, co-curricular and extra-curricular) are equally important and the assessment of the student would be based on all types of Activities and all types of Activities would be considered equally.

Level of Education and RTE

Pre-primary education is equally important for the development of the children. Child development up to the age six is most important. This fact has been accepted in the NEP and it is provisioned that up to this age children would be equipped with basic numeracy and language skills. In our country non-government schools are providing this pre-primary education named (Play group, LKG and UKG) but in government sector this type of education are not available in Aanganwadi centres. Under RTE Act parents were denied to give admission to children in pre-primary education. When parents went for justice in the court, court refused to do so (Decision of Bombay High court, Nagpur Branch). Due to this children belong to weaker section were not given admission in pre-primary education. Under this Act the

provisions for weaker section were made for the age-group six to fourteen. After passing class eight students came out from the provision of RTE. After class eight these students were forced to pay the fee. These students were thrown out of these non-government schools at class nine levels. Most of these students were either took admission in nearby government schools or dropped out. If students take admission in government school at class nine level it is difficult for the student to continue the school because most of the government schools are of Hindi medium and these students took education up to class eight in English medium. In NEP 2020, the RTE admission provision for weaker section has been extended up to senior secondary level (The level of completion of school education).

Learning Outcome

Under this Act (RTE) provisions related to age appropriate learning has been made. According to provisions of the Act students were given admission on age appropriate level but efforts were not done to keep the learning level of the students on age appropriate levels in schools. Provisions of remedial learning for these students were not available for these students. Due to these provisions of age appropriate admission dropout rate reduced but the learning level of these students was not improved. This poor learning of these students was not only could be seen not only in government schools but in private schools also. CCE was implemented according to the provisions of the Act but the provisions of trained teachers were not fulfilled accordingly therefore, CCE was failed. Several studies are available related to the learning level of students in mathematics and language. These studies indicate that quality education is a far reach dream still now.

Covid-19 hampered the education of the children. Weaker section was the worst effected class during this period especially the education of these students of this section of the society. During this period the learning was based on e-learning and the weaker section was not equipped with the facilities and equipment required for e-learning. All schools including non-government schools claimed for providing e-learning to all sections of the society but these claims were not true because the children of weaker section of the society were not equipped with the facility and requirements for e-learning.

An interesting case related to this was recorded in Rajasthan. In Rajasthan non-government schools reported to government that they provided e-learning to the children that were given admission under RTE during covid-19 period. These schools asked for the government for the reimbursement under RTE during Covid-19 period, government asked to these schools to provide the mobile number and email address of these students that were used to impart e-learning to the student under RTE. These schools were failed to provide this information and therefore the payments under RTE is still pending to these schools. This indicates that during Covid-19 period the study of these children was affected more adversely.

Conclusion

The provisions of twenty five per cent SRWS in non-government school the most discussed provision in Right to Education Act. After the completion of more than ten years it is important to discuss the execution of this provision of the RTE Act. This provision facilitated the admission for the

children of weaker section of the society to take admission in non-government schools that was a dream for these students before the Act. This was a step for the inclusive structure of the education. Several problems have been seen during this period in the execution of this provision of the Act. These problems found related to the Act itself, state government, non-government schools and parents. Several research studies and newspaper related stories brought forward these problems. The problems related to the Act such that limited to elementary education has been extended up to school education. Court intervened in several cases and PIL to enforce the Act in accordance with the spirit of the Act. In view of experience of execution there is also required to infuse the transparency in the system. CCE needs to implement for the teaching and evaluation. Minorities run non-government schools that are in large number need to bring under this provision of reservation for weaker section. Positive intervention needs to increase for the help of these children especially belong to first generation learners. Midday meal facility need to provide to these students so that the nutrition level of these students could be maintained

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