

Status of RTE Act Implementation in Haryana

Abstract

The 21 Century India has made visible efforts to introduce educational innovation in school education by enacting Right to Education Act to perfectly come in force upto 31 March, 2013. But an enormous programme may obviously have enormous problems at implementation level. So the author decided to analyze the status of RTE Act implementation in the State of Haryana by surveying through various news papers, survey reports of NGOs and reports of the experts in the field as well as legal interventions. The implementation of RTE Act was found fourable in Haryana on the level of prompt policy formation but certain discrepancies were noted at implementation level e.g. the problems of hoards of unrecognized schools; private schools not giving concession to economically poor students as provided in RTE Act; lack of infrastructural facilities in government schools. But the State Govt. has been found seriously seized of these issues to find losing solutions. The State Govt. needs to pay special attention to quality-dwindle in school education by recruiting quality teachers.

Keywords: RTE Act, 2002; Implementation; Infrastructure.



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Introduction

The Parliament of India inserted Article 21-A in the Constitution of India through The Constitution (Eighty-sixth Amendment_ Act, 2002 which provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right to Education Act, 2009, is the resultant legislation envisaged under Article 21-A. It holds that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards. This law took effect on April1, 2010 and provides for:

- (i) Right of children to free and compulsory education till completion of elementary education in a neighborhood school.
- (ii) It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- (iii) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- (iv) It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- (v) It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school0working days, teacher-working hours.
- (vi) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than decennial census, elections to local authority, state legislatures and parliament, and disaster relief.
- (vii) It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
- (viii) It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d)

private tuition by teachers and (e) running of schools without recognition.

- (ix) It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.

The Amendment Act of 2002 further substituted the following Article in The Constitution for Article 45: "45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years" Also, the following sub-clause (k) was added to Article 51-A: "(k) who is a parent or guardian to provide opportunities for education to his child, or as the case may be, ward between the age of six and fourteen years".

National Council for Teacher Education (NCTE) has been appointed as Academic Authority U/S 23 of the RTE Act and NCERT as the Academic Authority U/S 29 of the RTE Act vide notification dated 31st March, 2010. A National Advisory Council (NAC) has been constituted u/s 33 (i) of the RTE Act. Discussion:

National Scenario:

The National University of Educational Planning and Administration (NUEPA) in its survey, reported in Timers of India,¹ found that there has been during 2011-13, a marginal fall in the primary school enrolment from 13.7 crore in 2011-12 to 13.4 crore in 2012-13, and a 4.8% rise in upper primary enrolment from 6.19 crore to 6.49 crore during the same period. These figures have emerged from most comprehensive school education report based on District. Information of School Education Data. The study further reports that retention rate at primary level has increased from 75.9% to 78.65 %. Girls' enrolment has increased in both primary and upper primary levels. The data also shows that 92.14 lakh children in the 6-14 age group are still out of school. An average 16 days were spent by teachers doing non-teaching jobs in 2012-13 despite the government's instructions not to deploy teachers for non-teaching assignments. According to this survey, RTE Act's stress on Student Classroom Ratio (S C R) has started yielding positive results. SCR has come down to 1.29 from 1:30. There were 218 Districts in the country with adverse SCR in 2011-12 which dipped to 203 Districts in 2012-13. The number of Districts with adverse Pupil-Teacher Ratio (P T R) has also decreased from 225 in 2011-12 to 175 in 2012-13. Another positive signal of the survey conducted by NUEPA is the increase in percentage of schools with girls'-toilets from 72.16% in 2011-12 to 88.32% in 2012-13. Percentage of schools with computers has increased from 40% in 2011-12 to 42% in 2012-13.

The scenario presented by an NGO, Pratham, in Annual Status of Education Report (Rural) 2011 (ASER-2011 Rural)² is also encouraging in Rural India keeping in view the Right to Education Indicators i.e. availability of two teachers for 60 admitted children in a school; three teachers for 61-90 children; four teachers for 91-120 children and; five teachers plus one Head teacher for 150-200 children. Also the RTE Indicators on infrastructure, teaching – learning equipment and library viz. at least one classroom for every teacher; office-cum-store-cum-head teacher's room; separate toilets for boys and girls; safe drinking water facility; playgrounds; a kitchen for cooking mid-day meals; and fencing or boundary wall to secure the school building were also taken into consideration by ASER-2011 (Rural). Schools with proper boundary walls increased from 50.9% in 2010 to 54.1% in 2011. Schools with no separate toilets for girls decreased from 31.2% in 2010 to 22.6% in 2011 and thus schools with useable girls' toilets increased from 42.2% in 2010 to 49.1% in 2011. 37.5% schools had no library in 2010 which number decreased to 28.6% in 2011 indicating that library facilities were increased in schools. Pupil Teacher Ratio (PTR) norms were met by 38.9% schools in 2010 which increased to 40.7% in 2011.

However, despite increasing enrolment, upgradation of infrastructure and amenities, various studies have noticed that the quality of education has declined. Promotion without examination and falling standards of Teachers-Training, among others, are being viewed as major causes of decline in learning outcomes. The ASER Report 2012-13 indicates that learning has fizzled out in government schools and teacher-learning process stands jeopardized. PTR has fallen in more than 57% schools. While analyzing the status of RTE implementation at national level, Dr. Vishesh Gupta³ presents a disappointing picture citing the findings by ASER Report 2012-13. He says that for better education, parents show a marked trend of sending 'their children to private schools. Despite the existence of RTE Act and mid-day meals scheme, the government primary education is still far behind private primary education. 24 thousand government primary schools in the country do not have concrete buildings and about 1800 schools are being run in the open or under tents. 45% of the schools do not have separate toilets for girls and about one lakh schools do not have potable drinking water facility. There are 13.62 lakh government primary schools in the country but only 41 lakh teachers are working in them out of which 8.6 lakh teachers are untrained. More than 12 lakh eligible teachers are yet to be appointed. Enrolment in private schools is increasing despite the facility of mid-day meals, free school uniforms, free books and cycles in Govt. Schools. It straight way points to the falling standards of teaching-learning in Govt. primary schools. ASER Report has pointed out that, in 2010, 46.3% students of fifth-standard were found unable to even read the lessons meant for second standard. This number increased to 51.8% in 2011 and 53.2% in 2012. The enrolment however increased upto 96 in govt. primary schools. But, we are a knowledge

society and can stand global competition only on the basis of excellence in education which is directly linked to the quality of teacher-training. Ambarish Rai,⁴ National Convener of RTE Forum, holds that there are no proper institutions for training teachers. The huge shortage of teachers, mandated by RTE to remove the gap by 2015, does not seem likely to be met in the given time. Rai opines that teacher-training has almost collapsed. Prof. Krishan Kumar⁴ of the Department of Education, University of Delhi, maintains that National Council for Teacher Education (NCTE), mandated for Teacher Education in the country, could not perform any impressive task in imparting teacher training. He holds, "Teacher Training has become an ill sector. The training institutes are in ICU. It is like a situation of helplessness." There is dire need to regulate and evolve effective and innovative methodology for teacher-training. Dr. Arvind Panagaria,⁵ Professor of Indian Political Economy at Columbia University, calls the RTE as ill-conceived with noble intentions but ignoble outcomes. He holds that RTE Act, 2009, carries the seeds of under mining the very right that it proposes to guarantee. If the letter of this law had been enforced, all unrecognized schools, which on average provide better education than the nearest recognized government school, would have been shut down as of April 1, 2013, turning the "right" of tens of millions of children into a curse, holds Dr. Panagaria. Likewise, majority of the government primary schools do not fulfill the norms prescribed by RTE Act and, hence, must have been closed on April 1, 2013 resulting into more children on to the streets. The automatic promotion upto 8th grade has injected complacency in teachers as well as students. The investigator, however, differs with Dr. Panagaria and holds that, with minor adjustments here and there, the RTE Act would prove a boon for educating the children on a massive scale. There are very likely some abrasions when a long-established system is replaced with a new system. The RTE Act has made children more aware of their rights who have started speaking out against harassment and abuse. Sh. Vinod Kumar Tikoo,⁶ member of the newly-formed National Commission for Protection of Child Rights (NCPCR), believes that the major problems being faced by the minors can, to a large extent, be resolved with each State setting up a commission for protection of child rights.

Haryana Scenario:

Speaking at the 61st meeting of Central Advisory Board (CAB), the Education Minister of Haryana, Mrs. Geeta Bhukal,⁷ claimed rightly that the State Govt. has spent about Rs. 790 crores during preparatory period for effective implementation of RTE Act w.e.f. 01-04-2013, in addition to the grants allotted to Haryana by the Central Govt. for the purpose. The Education Minister also claimed that Admission Festival Programme, inaugurated by the Chief Minister of Haryana at Tohana in Fatehabad district of Haryana, has been introduced w.e.f. the current academic session 2013-14 and presence of children in schools has gone up to 99%. The Directorate of School Education, Govt. of Haryana, has made the School Principals responsible for admitting 100% children and, to encourage

children's' affinity with schools, class Readiness programme (CRP) has been implemented. Activity Modules have been prepared for Grade I to Grade 12 under the "Let's go to class" programme. Such modules shall provide children abundant opportunities for oral and written expression and to develop understanding and cooperation amongst themselves. These modules will also help evaluate the pre-knowledge of students. A State level Teachers' Orientation Programme was successfully organized at Rohtak w.e.f. 15-04-2013 onwards under the chairpersonship of Ms Sureena Rajan,⁸ IAS, Financial Commissioner and Principal Secretary of School Education, Haryana, to educate the teachers to effectively introduce the CRP Module. The State also timely constituted "Haryana State Commission for Protection of Child Rights (HSCPCR) in requirement of the provisions of RTE Act to supervise the implementation of RTE Act in Haryana and for efficient monitoring of childcare institutions in the State. To make Haryana a preferred destination for school education, the State Govt. has decided to set up "Prarambh" a first-of-its kind School for teachers to help them develop their professional skills. The School is envisioned to address the quality issue in elementary and secondary teacher education with motivation for innovation. It shall be established in Jhajjar on sprawling 10 acre campus about 50 kms north of Gurgaon. The School shall be an autonomous institution having collaboration with national and international agencies of repute. Prarambh shall also offer a four year integrated Bachelor of Education Programme which would cover the academic content from degree to postgraduation level. Taking note of the rising drop-out rate of girls, Ms Sureena Rajan,⁹ IAS, announced State Govt. policy in April this year that the government shall meet the transportation charges for taking girls to schools and backhome. The Education Minister Ms Geeta Bhukal,¹⁰ has emphatically stated that the implementation of RTE in the State shall be taken up as a mission and, in addition to the Directorate of School Education, cooperation shall be sought from all public institutions/agencies including all the Ministers, M.L.A.s, City Councillors/District Councillors, employees, Multipurpose health workers and Anganwadi workers. All out efforts shall be made to take every child to school. Talking about the safety of girl child, the Education Minister Ms Geeta Bhukal¹¹ informed that the State Govt. was seriously seized of the matter and several meaningful steps have been taken in this direction. Awareness is being created through supervisory committees and other means Girls are being trained to challenge all types of harassment. Toll free help lines have been introduced, special police-women cells have been created and CCTV cameras are being installed in schools where needed.

However, ASER-2011 (Haryana Rural) has reported that 60% students of Standard V in government school had no knowledge of division. Hari Bhoomi dated 27-9-2013 has reported that there are 9453 Primary Schools, 2454 Middle Schools, 1618 High Schools and 1525 Schools of 10+2 in Haryana. Sanctioned posts of teachers of all

categories are 104324 and only 80354 teachers are working on permanent basis and 15435 teachers on contract basis 23970 teaching positions are still lying vacant out of which 8248 posts of JBT Teachers, 4499 posts of C & V teachers (Drawing, Hindi & Sanskrit) and 5823 posts of masters (Science, Math & Social Studies) are vacant 6106 JBT Teachers, 1652 C & V Teachers and 4889 masters are working as Guest Teachers. Ms Archana Suhasini,¹² State President of women's wing of HTET pass Union, has stated the Guest Teachers were not eligible to be permanently absorbed in government service. However, Sh. Arun Malik,¹³ State President of Guest Teachers Association, has stated that Guest Teachers were claiming regularization of their services on the basis of their eligibility.

Another conflicting issue is unrecognized schools being run in the State by private players. Going by the RTE indicators, the State Govt in a field survey found that there were 1372 private schools which are being run without proper permission of the Directorate of School Education and without meeting the norms and standards prescribed in the RTE Act. Ms Sureena Rajan,¹⁴ IAS Principal Secretary, Directorate of School Education, informed that a notification would be issued soon for closure of all the unrecognized schools. She further held that only the schools having temporary recognition have been given one year extension to fulfill the norms under school education rules, and not under RTE Act. Ms Geeta Bhukal,¹⁵ Education Minister, has directed the School Education Department, in the event of closure of the 1372 unrecognized schools, to ensure that each and every student of such schools is accommodated in government schools. She further informed¹⁶ that out of 1372 unrecognized schools, 200 schools have applied for recognition and the remaining 1172 are bound to be closed under directions from the Honourable Panjab & Haryana High Court. However, Sh. Satyawan Kundu,¹⁷ President of Haryana State Private Schools' Union, has declared to strongly oppose the closure orders in mid session. He informed¹⁸ that about 14000 teachers would lose jobs and 4 lakh students would be left out of schools. Honourable Sh. Bhupender Singh Hooda,¹⁹ Chief Minister of Haryana, had already granted one year extension to schools running classes upto 10th Standard and 12th Standard.

The second burning issue is the supply of free books in schools, in concurrence with the RTE Act, and other infrastructural facilities. Taking cognizance of the delay in supply of Books, Honourable Sh. Bhupender Singh Hooda²⁰ Chief Minister of Haryana, personally intervened to ensure timely supply of Books and declared zero tolerance for laxity on the part of concerned Officers and/or publishers. Consequently, The Haryana Education Department decided to take stern action against errant publishers as declared by Ms Geeta Bhukal,²¹ Education Minister. She further declared²² that retenders have been issued and books would be arranged soon. Still another bone of contention is the reluctance of observance of the provisions of RTE Act, specially section 12 (i)C of RTE Act by private schools for granting 25% concessional admissions at

entry level. She Satyaveer Singh Hooda,²³ President of 2+5 Jan Andolan, filed Civil Writ Petition no. 7447/2010 on this issue wherein the Honourable High Court passed judgement on 23-4-2012 upholding the application of section 134-A of the Education Rules 2003, govt. of Haryana. The Section 134A stipulates that all private schools shall admit 25% students belonging to economically weaker sections of society. The Honourable High Court, while defining the economically weaker Section, held that all such children, whose parents' income does not exceed Rs. Two Lakh per annum, shall be eligible to seek admission in accordance with the section 134A. But the private schools, with the intention to by pass section 134A, have started charging annual funds from all admitted students. This violates form 6 of section 158(2) of Haryana Education Rules, 2008 which stipulates that private schools cannot charge admission fees every year. They can charge admission fee in first, sixth, ninth and 11th class admissions as well as new admissions. The Punjab and Haryana High Court had constituted a Fee Committee under the Chairpersonship of Honourable Justice (Retd.) Kiran Anand Lal to adjudicate on the fee pattern in private schools of Haryana. The Committee is yet to start actual business because only 70 out of roughly 5500 private schools have responded to the questionnaire supplied to all private schools of Haryana. It may take some time, but the recommendations of the committee would certainly throw light on the ways and means to check the menace of over-charging of fee by private schools.

Conclusion:

Looking at the long and short of it, the foregoing discussion reveals that the State Govt. of Haryana had put in all out efforts to meet all requirements stipulated in the RTE Act during the breathing period of three years ending on March 31, 2013. The school education system in Haryana presents encouraging scenario as things seem to move in right direction. The author vehemently differs with Professor Arvind Panagaria²² who, in his Article "What Right to Education", describes a gloomy picture with reference to RTE Act implementation. However, Panagariya's worry regarding doing away of Board Exams has some justification. But then, it is under active reconsideration of appropriate authority for reintroducing Board exams at the level of fifth and eighth grades with desirable safeguards in the system. The Class Readiness Programme will go a long way in reducing drop out rate and will create learning interest in children. The State Govt. order to close 1372 unrecognized private schools en masse was presumably not a step in right direction: Its consequences would have been devastating resulting into thousands of children either out of school or crowding govt. schools. Justice R.K.Jain of The Panjab and Haryana High Court²⁵ has stayed the closure of 1372 schools. The issue of the percentage of economically weaker section (EWS) students to be entitled to free education in private schools has been clinched finally by the Panjab and Haryana High Court in CWP no. 7447 of 2010. The High Court, while accepting Article 134A of School Education Rules-2009, allowed the State Govt. plea of implementing

10% quota for free education to students belonging to economically weaker sections of society. The High Court also rejected the plea of private schools to seek financial compensation from the State Govt. against the 10% quota. However, the Delhi High Court²⁶ had earlier adjudicated differently. While quashing an order of the Directorate of Education, New Delhi, The Delhi High Court held that the 25% quota for economically weaker sections in private schools is only vis-à-vis actual admissions made in the general category and not based on sanctioned strength of a class. It, however, added an important caveat to verify that a private school made all attempts to fill the sanctioned general category seats. The lack of infrastructure e.g. classroom and benches and supply of books is not a policy failure on the part of State Govt., but a failure at implementation level which could be cured by adopting stick-and-carrot policy for the administrators who are responsible for implementing State Govt. policies on school education. The ASER Rural) 2011 by pratham Foundation had shown that the government schools are lagging far behind the private schools in enrolment of students. But a study conducted by Michigan State University (MSU) Researchers, who used Indian Development Survey, 2005, analysed the student performance data on reading writing, and Mathematics of 10,000 children in the age-group of 8-11 and found insufficient evidence to claim that children in private schools outperform those in govt. schools in India. The Lead-author of the study and Assistant Professor at MSU, Amita Chudgar²⁷ says it is not possible to conclude that a student is doing well only because of his/her school.

In fact, we need urgently an Education Revolution as emphasized by Kanti Bajpai²⁸ saying that no country has transited from being poor and backward to being rich and developed without an education revolution. Bajpai has said, while portraying the dismal picture of education in our country, that we shut our eyes to international surveys by dubbing the Researchers as Anti-India having a hidden agenda. Citing hopeless (PISA) (Programme for International Student Assessment-2009), Bajpai insists that, instead of finding faults with such surveys, we should think of recruiting quality teachers and make them accountable. Another scholar, Dev Lahiri,²⁹ talking about PISA shaker, describes that we, in India, are still, by and large, trapped in the paradigm of teaching "content" whereas a giant shift is required towards teaching "skills," that are necessary for making a truly global twenty first century citizen. Enumerating the necessary skills, Lahiri says that the first and foremost skill is "ability to ask questions," which develops innate curiosity in students to fit in the new-age work environment. The second skill is to develop independent thinkers and learners who have the ability to research, reference, analyse and draw their own conclusions. He insists on new classroom pedagogy to break the stagnation in the education system. According to Lahiri, the new global order also demands that children learn how to "collaborate" as team-players because the new-age work environment demands that they will be working perhaps on projects with global partners. Hence, Co-operative Learning methods need to be introduced in classrooms. Instead of glorifying individualism and "topper-

culture", We should teach the virtues of teamwork and inculcate abiding respect for cultural pluralism. These values could easily be taught to children through co-operative Learning methods so that our students could get rid of the old prejudices of caste, religion, region and gender. The State of Haryana, could take the lead by introducing co-operative Learning System to enable the societies/communities in Haryana to get rid of such prejudices, to prepare the citizens to appreciate and respect the virtues of teamwork, and to uphold abiding respect for cultural pluralism.

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