

# SPWI JOURNAL FOR SOCIAL WELFARE

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*Editor*

**Dr. D. Suresh**



**SOCIETY FOR PUBLIC WELFARE AND INITIATIVES**

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## **RIGHT TO EDUCATION ACT 2009 – ACHIEVEMENTS AND SHORTCOMINGS**



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**Abstract:** *This paper examined the changes in student enrollment and test scores, as well as various school characteristics, such as student-teacher ratios and school infrastructure. Though we draw on three separate nationally representative Indian datasets (NSS, DISE, and ASER) to corroborate our findings, it is noted that the results are associated with the passage of RTE in 2009 and should not be interpreted as causal.*

**Keywords:** *Right to Education Act, Achievements, Shortcomings, Suggestions*

### **Introduction**

Almost a decade ago, the Government of India passed the Right to Education (RTE) Act, to make education a fundamental right to ensure free and compulsory schooling and education for children from the age of six to 14. The Act also mandates age-appropriate enrolment for children, infrastructure norms for schools, inclusivity, and provisions for community participation in the education process. Even in light of the Ministry of Human Resources Development's (MHRD) recently renewed focus on skilling and higher education, the RTE remains one of the most important catalysts for India to reap its much-anticipated "demographic dividend.

Since its enactment, the RTE Act has achieved success in overall enrolment rates but has faced criticism for administrative and structural lapses. Several provisions have fallen short of achieving their intended effect of significantly improving the quality of learning. While some provisions have failed due to implementation hurdles, others

struggle due to a lack of coordination and the paucity of funds or delay in allocation. Moreover, the Act has since undergone certain amendments that tend to run contrary to the law's spirit.

### **Impact of the Right to Education Act**

The four most important provisions of RTE Act are: (i) government schools must be completely free for all children aged 6–14, (ii) no student can be expelled or held back before the completion of primary school (grade 8), (iii) 25% of private school seats must be held for disadvantaged students in the local area, and (iv) infrastructure and minimum quality standards (such as the provision of libraries and girls' toilets), minimum teacher qualifications, and pupil-teacher ratios must be implemented. Based on national data, the main findings are:

1. School-going increased after the passage of RTE, though this increase is more pronounced in the "primary activity" NSS data than in official enrollment statistics (see Figure 1, A-C, below). In addition, we find that larger increases in enrollment are coming from older children (ages 13-16) and from places that had lower enrollment in 2008 (the year before RTE).
2. Test scores declined after 2010 in both math and reading according to the ASER data (see Figure 2, A-B). This is true for students who are currently enrolled and for those who have dropped out. In addition, it is observed this decline in both government and private schools, though the decline looks slightly larger in government schools.
3. School infrastructure, including pupil-teacher ratios, appears to be improving both before and after RTE, so this does not seem to be a school-infrastructure or supply-of-teachers story. It looks as though teachers are becoming more educated post-RTE, though teacher absenteeism does increase slightly.
4. The number of students who had to repeat a grade fell precipitously after RTE was enacted, in line with official provisions of the Act.

Figures A & B shows  $\hat{\alpha}$ , a vector of coefficients for each year from an OLS regression where dep vars are two measures of enrollment (NSS and ASER) and the bottom figure is raw enrollment numbers (DISE). "Attends school" is equal to one of the child lists attending school as his or her primary activity, and zero if she lists another primary activity. "Currently enrolled" is equal to one of the child reports being enrolled in school and zero if he reports having dropped out or never enrolled. "Number enrolled" is the average of the total number of students enrolled. NSS and ASER regressions contain district, age, and sex fixed effects and are clustered at the district level. Additionally, 2008 is the omitted base year. Nearly 95% of confidence intervals are shown for ASER and NSS regressions.

This figure shows  $\hat{\alpha}$  a vector of coefficients for each year from an OLS regression where dep vars are math and reading test scores, with their respective 95% confidence

intervals. Math and reading scores range from 0–4. Additionally, 2008 is the omitted base year. All regressions contain district, age, and sex fixed effects and are clustered at the district level.

The results are puzzling. The ostensible explanation for the decline in test scores would be overcrowding: more students increase classroom size and this decreases learning. However, the student-teacher ratio decreased during this period, and to the extent that it can measure infrastructure and resources per student, things seem to be getting better, not worse. There is a possibility that RTE changed the composition of students in government and private schools, which could have prompted changes in teaching style by the teacher, negative peer effects due to changing student ability, etc.

Another aspect of RTE that could be lowering test scores is the lack of testing and the universal promotion of students in primary school. The overall number of repeaters decreased significantly during this period due to the law. This could have pushed students into upper-level courses for which they were not prepared, exacerbating the problem of instructional mismatch in Indian classrooms. It is also possible that the lack of high-stakes testing decreases learning incentives for both teachers and students.

These potential explanations are neither exhaustive nor mutually exclusive. Whatever the reason, it is clear that test scores have declined in India since 2011, two years after the passage of RTE. Hopefully, future research will examine the causes of this decline and how much of it can be attributed to RTE.

### **Shortcomings of the Act**

The NITI Aayog in 2015 has taken out the following drawbacks of the RTE Act, 2009 mentioned below:-

1. Looking at the age criteria of the RTE Act, which only allows children between the age of 6-14 years but not 0-18 years to get the same privilege on which India has signed the United Nation's Charter.
2. Secondly, the "Reservation" policy according to the Act mentions only about 25% seat for reservation in private/public unaided school for less privileged children. Therefore, there will be a wide gap between the cost of education per children & reimbursement by the government so then the question of deficit portion will emerge.
3. Since the Act came into enforcement in the year 2010 but still there is an inability to meet the distance criteria & also there is a problem in getting important certificates from the government authorities because of a lack of awareness among the people and poor response from them.
4. Fourthly, about the bridge courses according to the Act which specifies that the child should be assigned to the class according to the age which in a way

is a good step because wasted years of education can be saved but no bridge course is suggested that can prepare the child to adjust to the admitted class.

5. Another lacuna of this Act is that it has no provision to give education to children to children with disabilities which means more precisely for the children with special needs (CWSN). For CWSN in school, there are no drops steadily in higher standards.
6. It is also noted that there are no prescribed penalties in the RTE Act 2009 if the government authorities fail in discharging their respective duties. Most State governments avoid taking initiatives that incur huge expenditure & want to only rest on the Central assistance which arrives at unpredictable intervals.
7. Lastly, the RTE Act of 2009 fails to provide quality education to the children. This Act along with other government initiatives has very well invited children to schools but educating them is still a very distant dream for

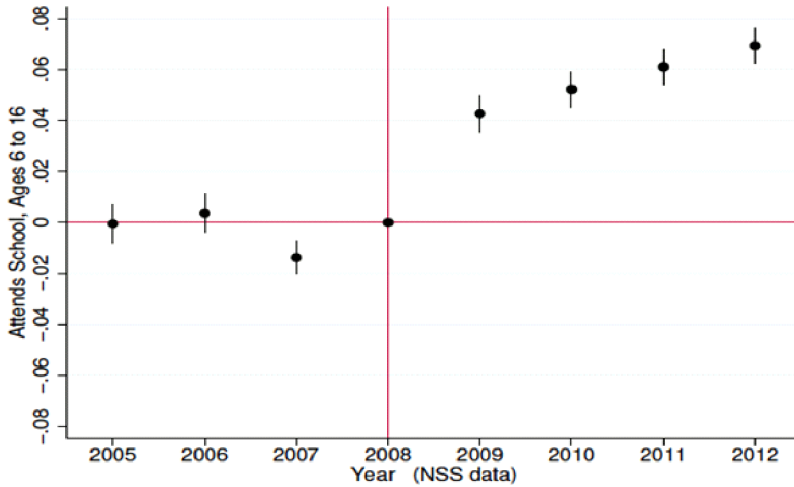
#### **Suggestion's to make more Effective-:**

The following suggestions can bring out better results of the RTE Act, 2009 which are as follows-:

1. There should be an increase in the age of children which is 6-14 years only. It should be raised to the secondary as well as vocational level courses also.
2. Most importantly, parents play a vital role in carving out a child's career through education so, they should be made familiar with the RTE Act, 2009 through counseling, media, pamphlet campaigns and rallies.
3. CSS (Common School Program) was a very important step for achieving equality decades ago but nowadays it should be modified into MSS(Model School System) based on the needs & demands of the society where education should be given free of cost & on the private institute patterns.
4. There should be a provision for strict punishment regarding the violation of this Act should be made & the responsibilities of State government, Central government, parents, teachers, administrators, owners of the school, children & society members should be fixed.
5. The quality of teachers is the backbone of any teaching program. Therefore, unskilled & unintended teachers can deface any program, no matter how pioneering it is. Creating a standard training program to train teacher's is very important for bringing out the good result of the RTE Act,2009
6. Thus, the Judiciary is expected to play a major role in enforcing the RTE Act, 2009. Therefore, the courts have been acting & b has to continue to act as the first port of call in the absence of proper statutory bodies and also grievances redressal.

7. Also, a rational fee structure should be adopted by the management which should not be entitled to charge a capitation fee.
8. Lastly, there should be a ban on the commercialization of education because the majority of people in India are socially, economically backward & illiterate also.

**Figure 1. A:** RTE and enrollment: A snapshot from three datasets



**Figure 1: B**

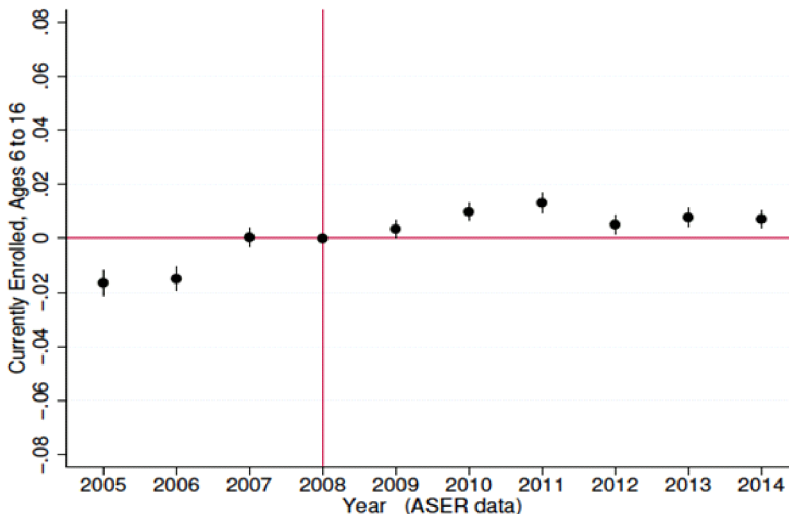


Figure 1: C

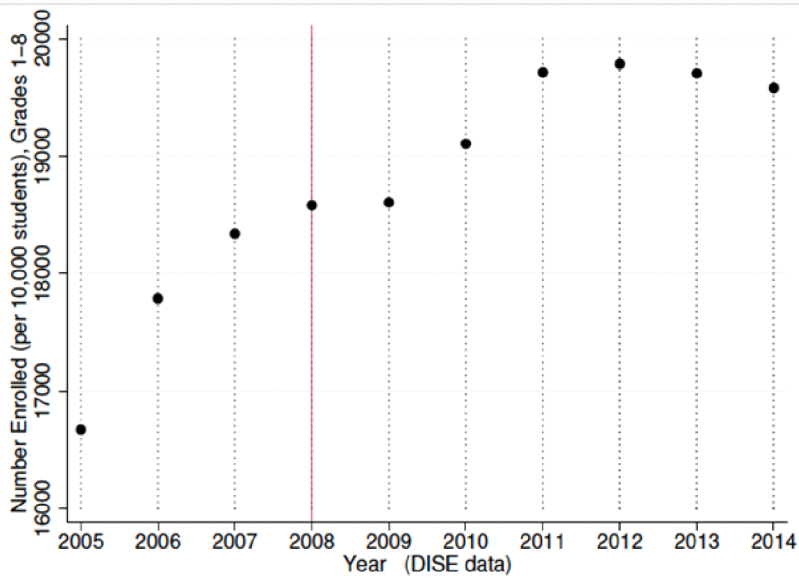


Figure 2.A: RTE and test scores of the currently enrolled

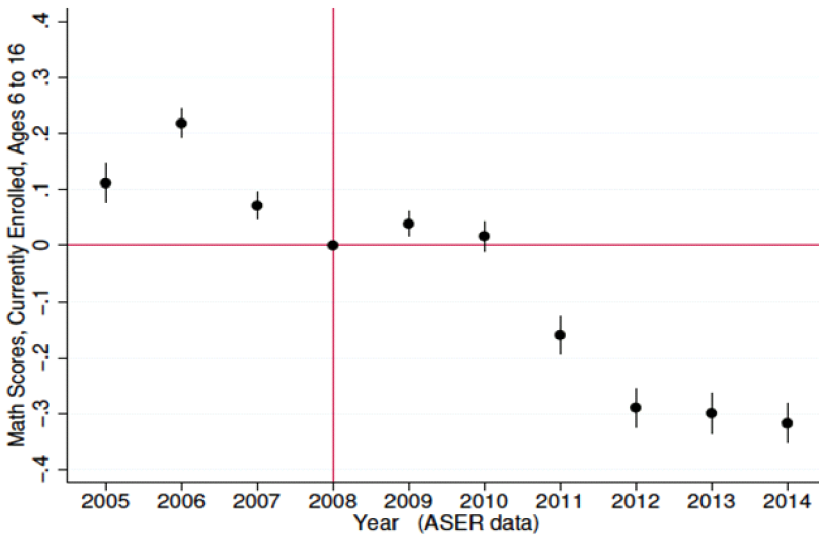
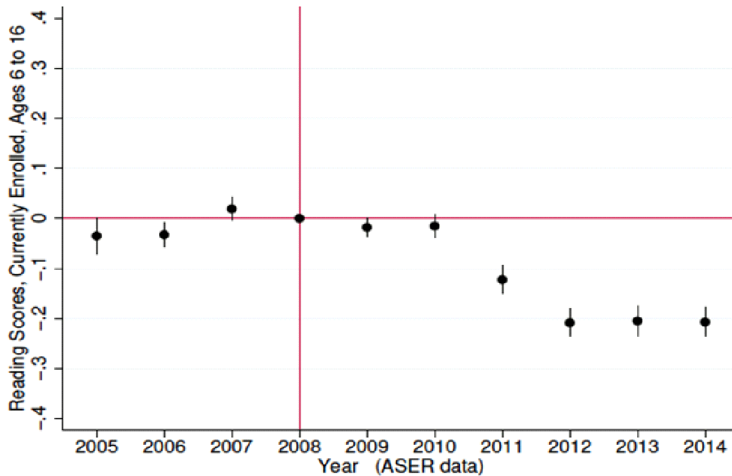




Figure 2.B:



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