

The ABC of the RTE

Free and compulsory education of children in the 6 to 14 age group in India became a fundamental right when, in 2002, Article 21-A was inserted in the 86th Amendment to the Constitution. This right was to be governed by law, as the state may determine, and the enforcing legislation for this came eight years later, as the Right of Children to Free and Compulsory Education (RTE) Act, 2010, or the RTE Act.

With examples from over a hundred countries having various and similar pieces of legislation or regulations already in place, there were practices drawn from similar experiences. Since its enactment, the RTE Act has been lauded and disparaged. But there has been concern not only over its provisions but also about the lacunae in the school education system. However, there are clauses in the Act which have enormous catalytic potential but that have gone largely untouched and unnoticed. A focus on three of these provisions can result in an immediate and discernible impact.

The RTE Act is a game-changer in that it establishes that the onus to ensure free and compulsory education lies on the state. However, the 'compulsory' and 'state liability' part needs to be imbibed by the educational bureaucracy, which is now lacking.

Though the Act envisaged that the state, i.e. State governments and panchayats, would aggressively ensure that each child is brought into the schooling system and also "retained" for eight years, it has been business as usual. Unfortunately, tracking dropouts and preparing and mainstreaming them into age-appropriate classes has been subsumed into existing scheme activities. Even seven years after its enactment, there are still children on the streets, in fields and in homes. Therefore, the problem now is more about dropouts than children who were never enrolled. Strategies to ensure retention need to change from the earlier approach of enrolling the un-enrolled. As children out of the fold of schooling are the most hard to reach, such as girls, the disabled, orphans and those from single parent families, the solutions have to be localised and contextualised.

Though criticised as an elitist or input-driven approach, the RTE Act prescribes basic minimum standards for a school such as provision for toilets, drinking water and classrooms.

The most critical requirement, which has also got the least public attention, is the pupil-teacher ratio (PTR). It is impractical to expect quality education without this. According to the Education Department's data, under the Unified District Information System for Education (U-DISE) database 2015-16, 33% of the schools in the country did not have the requisite number of teachers, as prescribed in the RTE norms, for PTR at the school level. The percentage of schools that were PTR-compliant varied from 100% in Lakshadweep to 16.67% in Bihar. This did not factor in subject-wise teachers at the upper primary level as this is treated differently in each State. All other forward-looking provisions of the Act such as continuous assessment, a child learning at her own pace, and 'no detention' policy are contingent on a school with an adequate number of teachers. No meaningful teaching-learning is possible unless trained teachers are physically present at school. Teachers also need to avail of leave or undergo training, so that 'two teachers per school' is a basic requirement.

States shy away from recruiting or posting more teachers keeping in mind higher salaries and finances, but PTR at the school level is the most critical of all inputs. Teacher provisioning should be the first option to fund as no educationally developed country has built up a sound schooling foundation without a professionally-motivated teaching cadre in place. In States with an adequate overall number of teachers, their positioning or posting requires rationalisation according to the

number of students. However, this gets more lip service than attention as teacher transfers remain a grey area in most States.

Think decentralisation

The third provision is that the academic calendar will be decided by the local authority, which, for most States and Union Territories, is the panchayat. This provision recognises the vast cultural and regional diversities within the country such as local festivals, sowing and harvesting seasons, and even natural calamities as a result of which schools do not function academically. It is socially acceptable that priority will be given to such a local event and not schooling. Not all festivals and State holidays declared by the the State headquarters may be locally relevant. So if panchayats, perhaps at the district level, decide the working days and holidays, this would not only exponentially increase attendance and teaching-learning but also strengthen local panchayats, being closest to the field, to take ownership of their schools. They would be responsible in ensuring the functioning of the prescribed instruction days. For inexplicable reasons, the educational bureaucracy has not allowed the decentralisation of academic schedules even in districts.

A law is as good or as bad as its implementation. It is unfair to blame legislation alone for the sad state of affairs without implementing it in full measure, especially its enabling provisions. Open-minded adoption of these provisions, keeping the child in mind, can go a long way in radically transforming our school education sector.

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