

## Socio-economic Aspect of Right to Education Act

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### Introduction

Education is core to development. So far as economic development of an individual or a society is concerned, it is largely determined by the quality of educational outcomes. The quality of societal development (standard and quality of life) depends essentially on the number and quality of educated people (Trapero, 1985).

A number of researches reveal that cognitive development of a child largely occurs during the age of 3 to 8. So, pre-primary and primary schooling age has been considered to be the most crucial for overall development of any child. In the pre-school years, children understand themselves as individuals; in addition, they understand themselves as part of a social world.

### An Overview of Right to Education—Its Genesis and Evolution

Article 45 of the Constitution emphasises on both of these aspects,

i.e., “the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.” and “the state shall endeavour to provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law determine”.

86th constitutional amendment notified on 13 December 2002, seeks to make the following three changes in the Constitution.

- In Part III (Fundamental Rights) add the following new article:

**21A. Right to Education:** “the state shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the state may, by law determine.”

- In Part IV (Directive Principles of State Policy), replace the existing Article 45 “provision for early childhood care and education to children below the age of six years—

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the state shall endeavour to provide early childhood care and education for all children until they complete the age of six years.”

- In Article 51A (Fundamental Duties), after Clause (J), add a new Clause (K) as follows:

Fundamental Duties – “it shall be the duty of every citizen of India; who is a parent or guardian to provide early childhood care and education to his/her child or, as the case may be, ward between the age of six and fourteen years.”

Right to Education, which in Article 21A seeks to confer, is that the other rights are mostly in the nature of ‘protective’ rights (i.e., which guarantee certain pro-active action on the part of the state vis-a-vis every child of the country who is in the 6-14 years age group.

Provision of free and compulsory education or education of satisfactory quality to children from weaker sections is the responsibility of not merely the schools or the state, but also of schools which are not dependent on state funds. Schools of the latter kind also needs to provide education to such children at least to the extent of 25 per cent of their intake. This is not merely as part of the social responsibility of such schools, but equally so that their ‘fee- paying’ students study in socially more representative and diverse environment, and develop into socially sensitive citizens.

Dysfunctional delivery system has been considered to be the main hurdle in universalising elementary education. This has therefore

attempted to formulate a number of provisions for the proposed legislation, essentially aimed at greater decentralisation and accountability, so that the delivery system is able to rise to the challenge.

We can see the right to education act as an attempt of Indian government to create equality and enhance the skill of children. It is an attempt of government which is directly related to social welfare and economic development.

So far as the RTE act is concerned this has been described in 7 chapters and 38 sections as stated under.

- Preliminary and definition (Section 1,2)
- Free and compulsory education (Section 3,4,5)
- Duties of appropriate government, local authority and parents (Section 6,7,8,9,10,11)
- Responsibilities of school and teachers (Section 12,13,14,15,16,17,18,19,20,21,22)
- Curriculum and completion of elementary education (Section 29,30)
- Protection of right of children (Section 31, 32,33,34)
- Miscellaneous (35,36,37,38).

The proposed study aims to analyse the provisions under Section 12 that largely talks about provision of 25 per cent reservation of seats in unaided private schools for disadvantaged and weaker sections as defined in the act.

The Section 12 (1) (c) of the RTE act states that the school belonging to

specified category and unaided school not receiving any kind of aid or grant to meet its expenses from the appropriate government or the local authority shall admit in Class 1 (or in pre-school) to the extent of at least twenty five per cent of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion.

Benefits offered under this section as stated in the Gazette – The state government shall reimburse schools an amount equal to either the fees charged by the school or the per child expenditure in state schools, whichever is lower (chapter IV. 12(2) of Gazette of India).

**Reimbursement of per Child Expenditure by the State Government for the Purpose of Sub-section (2) of Section 12 of the Act**

As specified in the notified State Model Rule of the Uttarakhand state, in respect of admission of children to schools under Sub-clause (iv) of Clause (n) of Section 2 providing free and compulsory elementary education as specified in clause (c) of Sub-section (1) of Section 12, shall be reimbursed by the State Government as determined by the State level Committee headed by the Principal Secretary/Secretary, Finance, Government of Uttarakhand, constituted for the purpose by the State Government. The child shall not

be levied any other additional fee/charges or expenses by the private school. The time frame for reimbursement shall also be decided by the said committee.

The total annual recurring expenditure incurred by government whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per child expenditure incurred by government.

Other important considerations (as mentioned in the state model rule) while reimbursing the per child expenditure are stated under

- If any school specified in Sub-clause (iv) of Clause (n) of Section 2 is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.
- Every school which receives reimbursement of fee shall maintain a separate bank account which shall be subject to audit by the State government.
- In respect of a child admitted to a private unaided school, other than a designated neighbourhood school, the child cannot

claim reimbursement of such expenditure incurred on its education in such a school.

- The Block Education Officer shall ensure that there are no fake/double admissions by schools, who wish to take advantage of the reimbursement of fee under the Act.
- The State shall ensure that all the children admitted in unaided schools under the 25 per cent quota are given all the free entitlements which the children receive in a government school such as free uniforms, mid-day meal etc.
- So far as beneficiaries of Section 12(1)(c) of the act is concerned, the children of six to fourteen years, who belong to disadvantaged group and weaker section (Chapter I(2) (d)(e) of Gazette of India) can be treated as primary beneficiary.

### **Interpreting Social and Economic Aspect of this Act:**

1. The act provisions for free and compulsory elementary education for all eligible children between 6 and 14 years of age. In particular provision of 25 per cent reservation for disadvantaged and weaker sections as defined in the act can be considered as the biggest economic incentive to economically poor families. The primary motive behind the Act was to provide access to the socially backward and economically weaker sections of society. At a micro level, this incentive will translate to a higher

level of education in the economy and hence higher Gross Enrolment Ratio (GER).

2. As revealed by a number of studies, education is core to economic sovereignty of any welfare state, the RTE act for the first time opted for a right based approach to ensure universal quality elementary education of equitable quality to each and every child between the age group of 6 and 14 years of age. Thus it not only talks about a Fundamental Right but also paves path for achieving it. As a result, the resource and financial provisions required to achieve this Fundamental Right will definitely lead to a high increase in the cash flow of any community and so it has a clear impact on economy of the country.

Being in the Concurrent List of the Constitution, the responsibility of implementation of the act lies in both the state and the centre, so both would have to allocate sufficient financial provision to ensure adequate enforcement of the act.

Education of equitable quality being the core focus of the act, almost all the sections the act advocates for a child-centred approach, i.e., every child a future citizen of India, has a Fundamental Right like right to survival, development, participation and protection to get education of equitable quality at least up to 14 years of age.

Considering the diversified socio-cultural profile of the country the act

has considered each and every child as equally important and has provisioned for reservation for the children belonging to identified oppressed sections of the society.

The above stated references clearly indicate that equity and dignity of the children remain the main consideration of the act.

### **Objectives**

As inferred above, the proposed study aspires to analyse the operational and other implications of the Section 12(1)(c) that includes stock taking of prevailing practices, perceptions and views of concerned stakeholders and economic impact on the family economy of the targeted beneficiaries. Thus, after going through the various provisions of the Act and their interlinkages, following objectives were decided:

1. To examine enrolment practices under the RTE act (Clause 12 (1)(c) in randomly identified private schools of Dehradun city.
2. To analyse impact of this provision on education expenditure on the families from weaker sections and disadvantaged community.
3. Perceptions of various stakeholders (service providers, service seekers, service organisers) about the provision of this act.

All the above mentioned objectives are interlinked with each other and cannot be met in isolation. Considering this, it was attempted to analyse almost all important provisions of the act in the purview of the children. Efforts have been made to observe and analyse

enrolment practices in private unaided schools from all three perspectives, i.e., service organiser, provider and service seeker. Similarly for 2nd and 3rd objectives also efforts have been made to evolve in depth understanding of processes and perceptions of stakeholders.

### **Methodology**

This study aspires to examine the operational implications of Section 12(1)(c) of RTE act, i.e., provision of 25 per cent reservation in private schools for eligible children of 6 to 14 years of age. The period of my study is from 1 June 2012 to 31 July 2012.

**Type of Study** – It is a qualitative research and the framework used is that of a case-study on the proposed subject matter. Though different types of researches could be chosen to address our question, we chose to carry out case-study mainly because, we started this study in the month of May when the school was likely to close for summer vacation so we could not explore it in a big geographical area since time was a constraint for data collection from schools. Moreover, we thought it advantageous and pertinent to understand in detail, processes taking place in particular schools and experiences of school authorities and parents associated with those schools. We are pursuing this research in some private schools in urban areas of Dehradun.

**Respondents** – Since we have decided to carry out a qualitative study, and thus, collect primary data

through observations and discussions, we have identified the groups of people with whom we will have these discussions. These are the respondents for the study. We have divided the respondents in three categories:

1. Service seekers - The service seekers are the parents whose children are eligible to get admission to private schools under this act.
2. Service providers - The service providers are principals of some private schools who are taking admission of eligible children under this act.
3. Service organisers - The service organisers are the government officials who are responsible or got appointed from government to implement and monitor the implementation of the provision of this act. In this study we have identified *Nagar Shiksha Adhikari*, BEO and DPO as respondents.

**Issues** – Having identified the objectives, type of research as well as the respondents, now to provide further focus to the study we have enlisted specific issues to be probed for each objective. The objectives are broad and open to some extent and can be addressed in different ways. It was felt important to provide some specificity to the study also keeping in mind the limited availability of time. Following are the issues selected for each objective:

*Issue for objective 1*

- (i) Whether the enrolment is going on or not under this act? Whether the

enrolment is going on or not as per the norms of this act? What is the full procedure of admission under this act? What are the problems occurring in implementation of provisions of this act?

*Issue for objective 2*

- (ii) What is the difference of expenditure per child education between private school and government school? The detail area of expenditure on child.

*Issues for objective 3*

- (iii) What is the perception of service seekers? To analyse the perception of service seekers, we divide it into three parts: What is the perception of service seekers when the act came into practice? What is the perception of service seekers at the end of one year from the act came into practice? Are they thinking the act as an opportunity for their children?
- (iv) What is the perception of service providers? To analyse the perception of service providers, we divide it into three parts: What is the perception of service providers when the act came into practice? What is the perception of service providers at the end of one year from the act came into process? Are they thinking act an opportunity for children education?
- (v) What is the perception of service organisers? To analyse the perception of service organisers, we divide it into three parts: What is the perception of service organisers when the act came into practice?

What is the perception of service organisers at the end of one year from the act came into process? What do they think about their role in implementation of the provision of this act?

We have studied the Gazette of India (Part II, section I), Uttarakhand notified RTE rules. In addition to providing basic understanding and background information about the RTE act, this literature review was used to cull out the issues to be probed, as well as compare practices to actual provisions in the Act.

**Data collection:** In collecting the data we used following steps –

*Selection of schools:* We decided to visit schools from the list provided by District Education Office. Ten schools were selected from areas of Dehradun, Raipur and Nagar Chhetra. However, data was collected from five schools only.

*Development of interview schedule:* A set of questions was prepared for each type of respondent, to guide the interviews, though the interviews were not based just on these questions. Developing these questions helped to ensure that all issues get probed in a specific way. Interviews were kept flexible enough to get details of particular experiences.

*Conducting interviews:* Principals or vice principals of schools were interviewed. In some schools we were asked to take appointment and in some schools prior appointment was not needed for meeting them. We did not record our conversations. Specific schedule or set of questions was not

strictly followed for the interviews to keep discussion open. Efforts were made to listen to the particular experiences of each interviewee, keeping conversations focused on the topic and directly related to the selected issues.

Interviewing parents of the children who belong to disadvantaged group and weaker section, we met with the parents at their homes, who got admission last year. We got information of the parents from the DEO, they gave us list of parents whose ward got admission last year, their name (mother and father), ward's name, ward's date of birth, name of school in which they got admission, class in which they got admission, the criteria to which they belong to, their brief address. We also met the parents who were trying to get admission this year. We met them at *Nagar Sikhsha Adhikari Karyalaya* with the permission of officials, when we had gone there to interview the *Nagar Shiksha Adhikari*.

Interviewing parents of children who do not belong to disadvantaged group and weaker section, we visited schools in the morning at the time when children come to school. We randomly selected some parents who had come to drop their children to school, and talked to them.

Interviewing some government officials, we spoke to government officials after seeking prior appointment with them.

### **Observations**

We visited different schools in urban areas of Dehradun, *Nagar Shiksha*

*Adhikari* office, district education office. We interviewed some school principals, government officials, parents whose ward got admission last year and who are trying to get admission of their wards this year. We were trying to find from government officers whether the schools are admitting children under this act or not, whether they are taking the admissions in accordance with the norms of this act, what is the whole procedure they gave us in admission under this act and what are the problems they have faced or what are the challenges in the implementation of this provision of the RTE act. After collecting information from there we discussed similar issues with school principals and parents. We collected following observations from there:

### **Admission Procedure**

- From the office of DEO we got the information that 1838 wards got admission under this Act last year. We also got a list of schools which admitted children under this act last year.
- Meeting with the parents whose children were admitted last year revealed that the parents (chapter I. (2)(k) of the Gazette of India) of children who belonged to disadvantage group and weaker section (chapter I.(2)(d)(e) of the Gazette of India, part I.4(2)(g)(h) Uttarakhand notified RTE rules) effortlessly got admission in schools that come under their school limit (chapter II.3.(I), chapter III. 6, chapter VII. 38 (2)(b), part

I.4(1) (a) Uttarakhand notified RTE rules). Some parents were assured by the government officials and schools have helped them in admission procedure last year. On the other hand, this time, from discussion with parents, it was felt that such help was not received. Some of the parents (chapter I. (2) (k) of the Gazette of India) told us, they got information about this act by the teachers or principals of schools.

- The schools were interested in admitting children under this act because the act is helping them to increase their strength and they also fear that if they do not follow this rule they may lose their recognition (chapter IV 19 (3) of the Gazette of India).
- A meeting with government officers and talking to parents on the same issue, helped us to understand that the government officer (from *Nagar Shiksha Adhikari Karyalaya*) has helped the parents in admission procedure. Parents have been advised about the documents that they need for admission, and also given suggestions about which schools may be applied to for admissions. Some of the parents told that the government was cooperative with them.

**After one year:** We interviewed parents and school authority after one year of admission.

- Meeting with parents, who were trying for admission under this act this year revealed that some parents

got their wards admitted effortlessly but some parents were facing problems in admission. Some parents were running for weeks but they were not getting admission under this act and some parents' admission application was not accepted by the school.

- Meeting with principals of schools which admitted children last year under this act revealed that some schools are admitting children under this act but other schools are refusing admissions under this act. Schools run by minority communities refused admission to children from ESW sections saying that things are not within the purview of this act. There are some schools who cancelled the admission with the excuse that they (children) do not fulfil the criteria of admission under this act.
- Government officers and principals of some schools informed us that the government officers are performing their job, but they have not monitored the performance of the schools, whether schools have provision of admitting 25 per cent children from ESW sections. The schools complained that the government officers have not instructed them how to implement the provision of this act.

Some schools were admitting children in Class I while others were admitting in LKG. Very few schools were admitting children in nursery and UKG. According to the act, children should be admitted to age appropriate

class as per chapter IV.14 (1) of the Gazette of India. The age required for admission in LKG is 3-4 years and for Class I, 5-6 years.

We got following information from two days observation at *Nagar Siksha Adhikari* office and by interrogating parents who were trying to get admission for their wards:

- The children who are 4-5 years old are not eligible for admission. They have to wait one year to become eligible under this act. So there are two options for parents either they educate their child for one year (UKG) with their own expenditure and apply for admission next year for Class I or they apply for admission to LKG when the child is 3 years old.
- Some schools are admitting children in LKG. The parents cannot apply for admission if their ward's age is more than 4 years because the eligibility of admission in LKG is 3-4 years.
- Some schools are taking admission only in Class I. A child who is 3-4 years old and comes under this school limit (chapter II.3.(I), chapter III. 6, chapter VII. 38 (2)(b) of the Gazette of India, part I.4(1)(a) Uttarakhand notified RTE rules), cannot take admission. He/she has to wait for two years to take admission in same school.
  - According to act, the government will bear the expenses for school dress, mid-day meal, school books and notebooks of students. The

schools who are providing these to children have not received payment from the government.

- We got information from the schools that they did not get any instruction for implementation of provisions of this act from government and they never get inspected by the government whether they are implementing the provisions of this act or not.

### Details of Child Expenditure

We met parents of children who belonged to disadvantaged group and weaker sections of the society at their residence. We got their addresses from DEO, which the parents had given at the time of their ward's admission under this act last year. As told by the parents, the breakup of expenditure on education of their children is as follows.

- School dress = ₹ 750 - 2000
- School books = ₹ 650 -1500
- Notebooks = ₹ 200- 500
- Other stationeries = ₹ 200 -400
- Extra tuition fee = ₹ 10 -450
- Identity card = ₹ 50
- Some parents told that they need to contribute for school events and cultural programmes. It costs them ₹100 to 200 for every events.
- Parent of a child reported that they spend ₹ 380 per month for their child in the same school since he is not eligible to take admission under this act. One parent said he pays ₹ 850 per month as school fee and ₹ 1200 as building

maintenance fee in the same school.

- The government officials told that they are performing their job well and trying to give the benefits to the beneficiaries through this act. They told the schools are very cooperative with them.

### Inferences

1. Lack of uniformity in admission rules followed by schools is creating hurdles in admission procedure. Different schools are admitting children in different classes. Some schools are taking admission in nursery class; some in LKG and some in Class I. Age criteria is different for different classes. It creates hurdles in admission procedure. If a parent wants to apply for admission of his 5 years child in a school, which comes in his school limit, but the school is taking admission only in nursery, then he is not eligible to apply for admission in that school.
2. 4-5 years old children are not eligible to get admission under this act:

The age eligibility for admission in LKG is 3-4 years old.

The age eligibility for admission in primary school is 5-6 years old.

The schools are not taking admission in UKG. So the children who belong to 4-5 years old age group are not eligible for admission in schools under this act.

3. Parents are using fake age certificates of their wards for

admission to school to meet the eligibility requirements. However, the act allows the school to give admission without any age proof (chapter IV.14(2) of the Gazette of India).

4. Parents are providing fake address, fake income proof for admission of their wards. Some parents are using fake address to admit child in the desired school (chapter II.3.(I), chapter III. 6, chapter VII. 38 (2)(b) of the Gazette of India, part I.4(1) (a)Uttarakhand notified RTE rules). Some parents are giving fake income proof to come under the weaker section group (chapter I.(2)(e) of the Gazette of India, part I.4(2)(h) Uttarakhand notified RTE rules) to take advantage of this act.
5. Some schools are providing school dress, school books, notebooks, mid-day meal to their students who come under this act while some schools are not providing these facilities. This is leading to different economic impacts on the families. In some cases, the schools and parents are not getting reimbursement from government for their school dress, notebooks, mid-day meal, etc.
6. As evidenced from the cases encountered, it seems that in some cases the schools are not getting their school fee as it is promised by government (chapter IV. 12(2) of Gazette of India). Since the schools are not getting their reimbursement from government, they are avoiding

admission under this act. Some schools have already closed admission under this act and some are thinking to close.

7. The parents whose wards got admission under this act are really satisfied with the improvement in their ward's performance due to the quality of education they are receiving in private schools.

### CONCLUSION

The RTE act is really advantageous for providing educational opportunities to those children who otherwise may not get such opportunities. Unfortunately, many such children are unable to avail of these benefits mainly because of lack of awareness or information about this act. Even when some information gets communicated, it is generally not clear and precise. Schools are the main source from where parents get information. School authorities themselves do not have information in many cases or find it difficult to understand the intricate nuances of the provision, leading to confusions, non-uniformity in implementation and non-communication of information to parents.

The schools are changing their perception and do not want to cooperate because they are not getting their reimbursement from government. The schools are neither getting instruction from government officials about the act's implementation nor are monitored for the implementation of the act. This raises several concerns about the implementation of the act

and ensuring that children from EWS, get the required opportunities. In the beginning, the implementation was not proper and now also some schools, which admitted children last year, are getting discouraged.

It is increasing the opportunity cost of parents to teach their children in private schools but they are ready to afford it for the quality of education of their children.

This study has highlighted some issues related to the implementation and economic effect of the provision of twentyfive per cent enrolments in private schools. This study does open up the scope for further detailed studies, such as planned and unplanned expenditures incurred by families, implementation and process of fund transfers among the involved stakeholders etc.

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