CHAPTER V

Suggestions for better recognition and enforcement of Right to Education
Education is the most potent mechanism for the advancement of human beings. It enlarges, enriches and improves the individual's image of the future. As has been observed by Bartruhari long ago, a man without education is a strange beast. It is pertinent to quote our Prime Minister Dr. Manmohan Singh, a qualified economist. “I read under the dim light a kerosene lamp. I am what I am, totally because of education. So I want that the right of education should reach to all”.

There are certain lacunae in the Act, which are to be overcome successfully for the children in the age group 6 to 14 years to have access to free and compulsory education for the enlightenment of their lives. They are (1) 25% reservation of seats for poor people and etc., (2) Paucity of funds, (3) Co-operation between State and Central Government, (4) Medium of instruction in Mother tongue, (5) Various state laws giving effect to right to education and implementation.

The following suggestions and conclusions have been given for better recognition and enforcement of Right to Education Act, 2009.
5.1 SUGGESTIONS

1. **Specific Standards:** The Act continues the current practice to require private schools to meet the specified standards but exempts all schools established by the Government from those standards. Ideally all schools, government as well as private, must meet the same standards.\textsuperscript{106}

2. **Lack of sufficient resources:** The States lack sufficient resources to implement the Right to Education Act and it is the responsibility of the Centre to meet cent percent expenditure on this head, “The Centre should increase its proposed share from 55% to 75% and even 90%. “Some States want the centre to provide 100% funds. The union government at present had mooted a Centre-State fund sharing pattern of 55:45 which was earlier in the ratio of 75:25. The States lack sufficient resources to implement the Act and it was the responsibility of the Centre to meet cent percent expenditure on this head.

3. **Compulsion on the Government under the Act to build many new schools:**
The Act compels the Government to build many new schools, the neighborhood schools, which it may or may not be able to do so. It is also clear that this right is not clearly justifiable, i.e. there is no penalty for Government failing to build new schools as required. Therefore, Government should provide financial support,

\textsuperscript{106} The Right of children to Free and Compulsory Education Bill, 2008.
where it can't provide a neighborhood school, to children to attend an equivalent quality schools.\textsuperscript{107}

4. Support to unrecognized schools from closure: Since unrecognized schools could face closure in view of prescribed recognition standards within three years, we could find ways to support such schools to improve their facilities by resource support and providing linkages with financial institutions. Moreover, by instituting proper rating mechanisms wherein schools can be rated on the basis of infrastructure, learning achievements and other quality indicators, constructive competition can ensure.

5. Reimbursement of Private un aided school for 25% quota: The reimbursement of private unaided school for the 25% quota should be in the line with any government school but the government school of equivalent quality of education and the cost calculations should include fixed or capital as well as the variable expenditures with due allowance for depreciation of assets and interest costs.\textsuperscript{108}

6. Special drive for street, domestic children and children in hazardous occupation: Special drive should be launched to bring the street children and those employed in domestic as well as hazardous occupation to schools. Awareness among illiterates and semi-literates should be created for the

\textsuperscript{107} Ibid.
\textsuperscript{108} Ibid.
successful implementation of the Act. Most well meaning legislations fail to make significant changes without proper awareness and grassroots pressure. Schools need to be made aware of provisions of the 25% reservations, the role of School Management Committees and the requirements under the Schedule. This can be undertaken through mass awareness programs as well as ensuring proper understanding by stakeholders responsible for its implementation.

7. Reliable estimate of funds: Required for successful implementation of the Act to be made

8. Latest Data: Right To Education should be based upon the latest available data.

9. Attempt at National as well as State level: Right To Education should be attempted at the National as well as for the individual state/union territories.

10. 6th to 14 years Population: To begin with 6 to 14 years child population in the current year may be the starting point which should either be linked to current enrolment in elementary classes (I to VIII) or be divided by the pupil-teacher ratio as specified in the Right to Education Act to work out number of classrooms that would be required.

11. Unrecognized schools: Needless to mention that there are a large number of unrecognized schools across the Country, all those schools need be strictly directed to cope with the rules laid down by the Government. Keeping in view, the fact that there being a large number of children in unrecognized schools
which are imparting elementary education, special efforts would be required to ensure that all these school going children transit from unrecognized to recognized schools; new schools can be planned in all such locations. It is generally observed that the schools are planning all the facilities needed as per government directives only to attract the number of students and the need of the time. It is also previewed that some unrecognized schools are providing better facilities and attract the guardians due to better education. They are run but by the form of business.

12. Number of Class rooms: Number of classrooms based on 30:1 Pupil-Teacher Ratio is estimated, the same would take care of all children of age 6 to 14 year irrespective of whether they are enrolled in recognized or unrecognized schools. The ratio of the surveyed schools shows better ratio but due to better managements, the number exceeds in the private schools.

13. Number of teachers required: Not only the number of teachers but with quality are required to equip the child with necessary skills and talents. In this connection it is pertinent to quote Ganadasa about the skill of a teacher “the skill of a teacher imparted to a worthy student attains greater excellence as the water of cloud is turned into a perel in a “sea-shell”. Since the number of teachers in schools under Right to Education Act is linked to number of students, which vary from Primary to Upper Primary School, careful analysis of distribution of teachers
in the existing schools would be of great help in correctly estimating the additional requirement of teachers on account of Right to Education. In a number of States, a good number of teachers positions are lying vacant which should be filled-up (by the States) before the enactment of Right to Education Act else they be subtracted from the estimated number of total additional teachers.

14. Number of Para Teachers: Like number of schools and enrolment, number of para-teachers has also grown significantly. The estimated number of additional teachers should be adjusted to the number of para-teachers a State has. Para-teachers with adequate academic and professional qualifications may be considered as teachers, other those who do not fulfill the criteria can be trained with certain trainings assigned to under government guidelines.

15. Under Age and over-age children enrolment: Right to Education estimation may be based on 6-14 age years’ child population. Though Government’s commitment is of 6-14 years children but a good number of under age and over-age children are getting enrolled each year in both Primary as well as Upper Primary classes provisions for which would also be required to be made in the Right to Education-estimation. The Government has brought about a policy recently (March 2012) i.e ECCE (Early Childhood Care and Education) so as to cover the children who are under age i.e. 0-6 age group. This policy focuses on restructuring the Integrated Child Development Services scheme (ICDS). And
integrating this with to Right To Education Act, ensuring a smooth transition into formal schooling. This is a welcoming move for the benefit of children who are underage(0-6) if carried successfully. Hence it is suggested the policy should be implemented without failure.

16. Need to make all schools aided: All schools need to be made as aided to afford and continue admission just to cope with the needs, in consonance with provisions made in the Right To Education Act with regard to teachers and infrastructure.

17. Minimum Qualifications: Minimum academic and professional qualifications of teachers under Right to Education Act may also be specified. A careful analysis of information would reveal that a good number of teachers do not fulfill minimum requirements.

18. Closure of Schools: The schools which are lacking infrastructure should be closed down.

19. Constitution of an Apex Body required: It needs establishment of some governmental agency or authority or any apex body to look over all requirements as suggested above, as to whether these infrastructure and other requirements are being complied with or not.
20. **Stopping of Commercialization of education:** commercialization of education should be stopped because majority of people of India are socially and economically backward and illiterate.

21. **Expenditure on Higher Education:** The Government should increase expenditure on higher education, because the budget allocations made by Government are very less. Though an increase made in every year in the budget

22. **Self financing unaided private schools/colleges:** More strict measures should be adopted with regard to unaided self-financing private schools /colleges so as to be brought within the purview of Government regulations.

23. **Rational fee structure:** A rational fee structure should be adopted by the management, which should not be entitled to charge a capitation fee.

24. **Global Practice:** Adoption of the global practice that those “who seek professional education must pay for it” reflects the hard reality, cannot be applied in the Indian scenario.

25. **Linking theoretical discussions:** Linking theoretical discussions to Constitutional interpretation provides clarity in approach, Value-orientation in legal analysis and deeper insight is needed for resolution of sensitive and contentious problems.

26. **Lack of clear guidelines to implement:** Policy implementation may also suffer because of lack of clear guidelines without the directions of the Government.
May it be specified that the private schools have also played very significant role to raise education at the primary and higher level. They are two kinds, one is commercial and other is general private schools, having different announcements, fame and standards.

27. Clarity: The government, with its machinery, has to go into the depths of their system and bring parity in all the schools as per Constitution.

28. 25% Reservation for children from disadvantaged and weaker sections: schools will have disclosure the list of children taken in this category as well as ensure the diversity is maintained. Model rules already say that the State Governments will undertake house surveys and neighborhood school mapping to ensure that all children are sent to school.

29. Free transportation and residential facilities: In the origins of a school in small hamlets, the State Government shall made adequate arrangement like free transportation and residential facilities.

30. Dropouts: The School management committee or local authority will identify the dropouts above six years and admit them in class appropriate to their age after special training.

31. Reinforcement of NCTE: National Council for Teacher Education has reinforced RTE demands a higher entry level qualification for elementary teachers training.
32. **NC for PCR:** National Commission for Protection of Children Rights has a responsibility to monitor RTE and the RTE future depends on the initiative and resolve of State Governments as well as Central Government. Hence it is suggested that above should work for the successful implementation of Right To Education.

33. **Freedom of religion:** The State is secular in India it does not adopt any religion. In the schools setup by the Government no religious instruction be imparted. But in case of the private schools setup by different communities adopting different religion, they may impart religious instruction and they may allow prayers. Though they have fundamental right in the constitution i.e. right to religion to propagate the place, they should exercise their right within the boundaries of secularism of the state.

34. **Physical or Mental punishment:** RTE demands that any physical or mental punishment should not be inflicted on the student for his wrongs. He should be persuaded to be convinced of his wrong and repent. Punishment is necessary incase of certain students who are stubborn, negligent and careless or else they cannot be corrected. So, total prohibition of punishment is not justified.

35. **Dress:** The State may maintain any uniform in all its schools that it thinks fit. But it is not so incase of private schools. They may adopt different uniforms as they like. It creates a different feeling amongst students who are in private as
well as government schools. Generally, the students in private schools they may wear costly dress whereas the students in government schools wear the dress which is less expensive. A uniformity of dress between Government schools and private schools is suggested to be brought about for removing a feeling to which school they belong.

36. Admission tests: An admission test is suggested to be required for an entry of a student into a school. Because there may be a pressure of many students to have admission in good schools.

37. Methods of Testing: The knowledge and perception of a student may be measured by the conduction of weekly, monthly, half yearly and yearly tests and also by conducting of interview and enabling them to participate in group discussion and essay writing on certain important National, or State level topics.

38. Education in Mother Tongue: RTE demands free and compulsory education be carried in the mother tongue of the child. It poses a problem to a child. In the place where his mother tongues is not spoken of by reason of transfer of his father to another place from the place of his mother tongue. Hence, it is suggested that a child should not be compelled to learn in his Mother tongue but in any other language.
5.2 CONCLUSIONS

1. Accountability: The RTE has many provisions for ensuring accountability through decentralization, including the creation of schools management committees empowered to make plans and monitor school-level expenditures. But as is well known in India, the devil lies in the implementation. How effectively these accountability provisions will work on the ground depends on getting the 'right' design that will ensure accountability and transparency in implementation process. Despite the flaws in the Act, it is equally important for us to simultaneously ensure its proper implementation. Besides bringing about design changes, we as responsible civil society members need to make the Government accountable through social audits, filing right to information applications and demanding our children’s right to quality elementary education.

2. Right to receive eight years education: Now that India’s children have a right to receive at least eight years of education, the gnawing question is whether it will remain on paper or become a reality. One hardly needs a reminder that this right is different from the others enshrined in the Constitution, in that the beneficiary – a six year old child – cannot demand it, nor can she or he fight a legal battle when the right is denied or violated. In all cases, it is the adult society which must act on behalf of the child.
3. **Violation of Right and Compensation:** In another peculiarity, where a child’s right to education is denied, no compensation offered later can be adequate or relevant. This is so because childhood does not last. If a legal battle fought on behalf of a child is eventually won, it may be of little use to the boy or girl because the opportunity missed at school during childhood cannot serve the same purpose later in life. This may be painfully true for girls because our society permits them only a short childhood, if at all. The Right to Education (RTE) has become law at a point in India’s history when the ghastly practice of female infanticide has resurfaced in the form of feticide. This is symptomatic of a deeper turmoil in society which is compounding traditional obstacles to girls’ education.

4. **Need of education embracing ethical and moral standards.** Tenacious prejudice against the intellectual potential of girls runs across our cultural diversity, and the system of education has not been able to address it. Hence we need a type of education that would embrace high ethical and moral standards. It was the Athenians who believed that a free man should have liberal education in order to perform his civic duties and for his own personal development. Education should nurture and preserve the innate innocence of every child. At this juncture we need to keep in mind the imperative goal of education, that is, the moral development of each child. A good character always rests on knowledge while misconduct result from an inadequate education. A quality
education enables one to give due attention to self-preservation such as health, diet, and exercise. We need education to perform our occupation so that we can earn a living, including the basic skills of reading, writing, computation and knowledge of this science.

5. **Right to Education is a window to progress:** While the education builds up the potentials of every child, it also uplifts the society and the principles of religion, for an orderly living. To this end the Right To Education Act by the Government of India would be an appropriate channel before our nation produces complete literacy. Certainly the Right To Education is a window to progress.

6. **Need a supportive hand:** To implement Right to Education Act in an effective and successful manner needs a supportive hand from every corner of India.

**5.3 SUGGESTIONS FOR BETTERMENT OF HIGHER EDUCATION**

Higher education is important tool to enhance Indian economy with faster speed. The success of Higher Education is dependent on the edifice of Primary Education. Following suggestions will be proved beneficial for overall development of the economy of the country.

1. **Raising of Funds:** It is very essential to raise the funds for higher education, U.S.A. spends 6.5% of the G.D.P. on higher education. In India we were spending 1% of its G.D.P. on higher education during 2001. We are spending lesser amount
on higher education when compared to U.S.A., France, Germany, Thailand and Kenya.

2. **Student enrolment**: Student enrolment in higher education pertaining to Canada is 88% of the total population age group of 17 to 23 while in India enrolment of students of age group 17 to 23 in only six. This is sufficient to prove that more efforts are essential.

3. **Lack of higher qualified students**: Lack of higher qualified students is also one of the causes of low G.D.P. rate. It is not difficult to enhance G.D.P. by providing education to youths. Higher education is not sole factor of low G.D.P. growth but it is one of the causes of low rate of growth of G.D.P.

4. **Foreign Technology**: 95% of the Indian industries are solely depending upon, directly and indirectly on foreign technology. This is not good.

5. **Technology and Development**: Technology is the key of faster development. Skill can be developed through higher education concrete direction is essential to develop our higher education. A master plan is essential to consider the requirements of skills and courses should be designed to create skills as per the requirement of the Indian industries and foreign industries. If this type of educations is provided to our youths then skilled manpower can contribute their knowledge in foreign countries which will useful to enhance supply of foreign currency from abroad. The rules must be framed in such way that our skilled man
power should pay their contribution in the national exchequer. Plan must be made in such a way that the problem of unemployment of skilled manpower should not arise in the economy, otherwise their will be loss to our economy.

6. Employment oriented: The higher education should be employment oriented. There should not frustration among the students after acquiring degree of higher education.

7. Expert committees: Expert committees should be made on National State, District and Taluk level to study the needs of people of India and needs of other countries and skill formation process should be implemented in such a way that the skilled manpower should use their talents provide such goods which have soiled markets. This is useful to control demand and supply management. There should be job guarantee to every highly educated student. Government has to implement such policy by which it is possible to provide job to every qualified student.

8. Manpower planning: Manpower planning is dire need of the country. The Indian student must get sure job after obtaining degree of higher education. Forget the philosophy of education for knowledge.

9. Brightening the Life of youths: The degree must have power to brighten the life of the qualified youths. Our education policy should be research oriented and
job-oriented. Honest efforts are essential to brighten the life of the youths. Modern technology and experts can do this job.

10. **Percentage of Female students less when compared to male students:** The percentage of female students in India is lower than the percentage of male students in regard to higher education in India. It is necessary to raise the respect of women in true terms, it is necessary to provide more incentives to women students for entry in higher education free hostel facility, quality food at subsidized rate and loan facility are the clues to solve the problem. Loan should be given to the students on their own risk. There should not be any guarantor. Interest and principal should be recovered through the salary of the persons.

11. **Need to develop our technology:** More efforts are essential to develop our own technology. This can be possible if changes are made in our syllabus. The world level update syllabus is essential, out dated syllabus should be removed from our education system. Constant training programmes are essential to update the knowledge of our teacher community. One month training programme should be there once in year. Training programme shouldn’t be disturbances for students. Every state government has to launch teacher training programme in certain months. Teacher should avail prevailing holidays. Teacher should be given one month D.L. to attend the training programmes. The schedule
of teaching in colleges should not be disturbed. Certain changes are essential to
make this arrangement.

12. Percentage of Students in Arts, science, commerce and management
courses: 83.88% of the total students of higher education are taking higher
education in faculty of arts, science and commerce/management courses what is
future of these students. Students have no direction, no planning, they are only
taking higher education without having any concrete idea about future. Higher
education should have power to fulfill the dreams of our students. The low
attendance of the students in colleges is cause of the uncertainly in future of
their life.

13. Percentage of Students in technical knowledge: The percentage of students
taking higher education in technical knowledge is very low. Efforts are needed to
enhance the strength of students having technical knowledge. The demand
supply of qualified technical persons should be maintained. Technician should
not remain unemployed.

14. Special Education: Special Education should be linked to employment-
oriented and should base on fulfillment of needs of the country.

15. Services abroad: Education should be given to the students if it is useful to
provide services abroad.
16. Avenues for excellence: With the advent of globalization the character of higher education is set of change. Higher education to be meaningful and productive must have avenues for excellence to flourish and develop.

17. Bench making programmes: There will be a premium on quality with bench making of programmes assuming importance. The impact of technologies will progressively increase. So Indian universities need to look and go ahead and prepare themselves for far reaching changes. Unless the quality aspect is not taken care of the malady that exists in higher education will never be eliminated.

18. Dynamic Syllabus: The syllabi that Indian universities and management institutes are teaching at present are old and not suitable for foreign students and global industry standards. Our Hon’ble Ex. President A.P.J. Abdul Kalam suggests that Universities should come up with dynamic syllabus. In other words, the syllabus can be quickly upgraded or modified in keeping with the global trends and in line with the requirements of the global industry.

19. Political intervention should be avoided: Political intervention in the matters of promotion, selection and appointment of teachers/V-Cs is a matter of serious concern which often causes dissatisfaction among teachers resulting into inefficient expression of their caliber and vitiates the atmosphere in educational institutions;
20. **Coverage and quality of higher education**: Coverage and quality of higher education to all levels need to be enhanced and made responsive to meeting the requirement of the knowledge society. Higher education both general and technical must have links with the industrial and social organization. To this end, a large number of centers of excellence may be established on a partnership basis between academic bodies, governments and industry.

21. **Quality of teachers**: To improve the quality of teachers there is a need for open-door policy of recruitment; lateral entry by open competition, short tenures with periodic evaluation of their performance. Repeated emphasis has also been given on the evaluation of teachers by the students wherever necessary and possible. Teacher should also be encouraged to undertake research project and to develop teaching tools for effective teaching. Higher education must be value-based and must encompass fundamental values, e.g. Cooperation, freedom, happiness, honesty, humility, love, respect, tolerance and responsibility, etc.

22. **Privatization of higher education**: Privatization of higher education due to the inability of governments in meeting the rising costs of growing higher education systems.

23. **Access to Higher Education**: increasing enrolment, improving quality of school education and reducing dropout rates are the prerequisites for increasing
access to higher education. Even ensuring teacher efficiency and accountability act as vital factors for improving the quality of education.

24. “Education is not preparation for examination, but preparation for life”: Taking this into consideration, there should be a paradigm shift in curriculum design, teaching techniques and assessment process, by redesigning pedagogy, encouraging faculty to have a link with the real world through research, which would add authenticity and authority to their teaching, so that the students are intellectually prepared to take up college education.

25. Public and private partnership: A healthy public and private partnership need to be encouraged in building up and management of Indian economy to meet the challenges of globalization with a view to improve the competitiveness of Indian Education system and contribute to the promotion of diversified.