

**RTE ACT AND THE ROAD AHEAD**

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**ABSTRACT**

*“Education is the most powerful weapon which you can use to change the world.”*

**-Nelson Mandela**

Indian primary education system, as practiced under RTE Act, 2009 is blemished by gross inequalities in the light of access, completion, and quality. Social status, linguistic background, sex, ethnicity, place of birth and race, all have impact on the educational involvement children have in India. These, in turn, contribute to gross inequalities in imparting knowledge to children.

Educational inequality, in the present Indian context is the unjustified distribution and allocation of academic resources, in many areas including adequate school funding, qualified and experienced teachers, books and study materials to socially excluded communities. These communities are the ones who are historically disadvantaged and oppressed. This paper seeks to suggest some measures to fill this gap by (1) identifying the ways in which inequality and discrimination can be wiped away from the path of accessing education; and (2) exploring ways in which laws may be used to tackle this problem.

It is high time for an important balance to be struck between accessibility of education and it being impartial so as to serve the best interests of the children. Accessibility in this paper majorly aims at removing discriminatory practices which act as barriers to attain a proper education under RTE Act,2009. One of the pivotal steps in making education accessible to all children is that of ‘acceptance’. It implies that education that will be of use to the children when they grow up and themselves do not indulge in practicing the evils of discrimination and prejudice. Adequate educational opportunities for girls is the first step forward. The aims of education in human rights law include ‘the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes.

### **Introduction**

In the year 2000, The World Education Forum set an ambitious goal - '*universal primary education by the year 2015*'. It was in the year 2002 when The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. Under the Right of Children to Free and Compulsory Education Act 2009, education for children between the age of six to fourteen years or up to Class 8 has been made free by the government.

The Right to Education Act, 2009 is the premier central act which governs the school education nationwide. Two decades into twenty first century and still we need to work out ways to reverse the ill effects of Hindu division of society on the bases of caste. It is sad to know that primary school children face caste-based discrimination. The teachers themselves practice some illegal acts and divide the students on these bases. Educating the children is important to reduce the child labour but ironically it is often presented as an excuse to not attend the school! Taking a step forward and talking about the quality of education, it is to be considered that what it essentially means to educate children. 'Actual Education' is supposed to go beyond nursing students with facts and should aim to empower them for a life of active social responsibility. Therefore, the process of education must be taken as a series of transformation and children must be considered as students with massive capabilities and potentials yet to be unleashed. Children should not be treated as empty vessels, but as golden vase.<sup>1</sup>The suggestions which can prove to be beneficial, especially in the Indian context considering the issues in hand are-

- Decentralizing the education

Decentralization simply implies a shift in responsibilities for well-organized resource management and education quality enhancements at stages below the central level. Nevertheless, decentralization also includes massive responsibilities for policy making at the central level by the Ministry of education. The transformation of schooling sector administration is a challenging task for the Ministry of Education as well as for lower level of education authorities. Some challenges which can be elucidated at this point of time are-

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<sup>1</sup>UNESCO on 21<sup>st</sup> century education, *Learning: The Treasure Within*.

- (i) Establishment of a professional and technical sophistication in the area of knowledge of staff at both levels, i.e., at center and state level is an essential condition for this idea to be a success story.
- (ii) Management staff needs to be specially trained to enable shaping the new functions.

Decentralizing of education is to be done basically to ensure that realistic targets are set as per the need of the region and are implemented effectively in order to achieve the nation goal. Decentralization will also help in mobilizing private sector and community contribution, particularly for education sub-sectors that are not compulsory and not free (e.g., Secondary Education and Pre-school).

Decentralisation will also turn out to reduce the chaos created by indulgence of 'Too Many Government Agencies' in the primary education sector. The agencies involved are usually the Labour Ministry, Child Rights commission under Women and Child Development Department, Human Resource Development Ministry and many more. As we know it is the task of the Labour Ministry and the police to rescue the child laborers and to get those children enrolled to schools is the charge of the Human Resource Development Ministry. The duty of intensive overlooking and implementation of the RTE Act is the duty of the children rights commission in the states under the Women and Child Development Department.

The introduction of vocational studies in primary schools can be realised hand in hand with decentralisation. Vocational studies, which are specific to a group of people or are relevant to a particular geographic area can be encouraged when the curriculum is to be decided by the local authorities rather than the centre. Imparting vocational studies at the primary levels can prove to be of great advantage for the children as they can always find a career option and a minimum means to earn daily bread by evolving skills in any area of interest.

- Celebrating differences

A crucial benchmark that the primary school in India needs to establish is the cultures and ethos that imitates and reflects the status of feeling loved, valued, safety and being part of a supportive community. For this to be achieved, the staff that is appointed should follow a carefully fabricated set of rules. The teachers should acknowledge that discrimination exists

in our society and it should be their duty to prevent such discriminatory bullying in school place.

Creating a talking-when-hurt culture in primary schools should be encouraged to discuss any hurtful behaviour by bringing it out in the open so that it can be discussed and delt hand to hand. Build thoughtful minds at young agecan be done by teaching. For example, the students can be introduced to different races, cultures and religions while making them have role models and positive descriptions of disabled people-physically and mentally, gay and transgender people, individuals from different faiths and minority communities across school. Ensuringthat all primary school staff feel comfortable talking about all kinds of difference is something to strive for.

### **How different countries cope with gender inequality in primary schools**

#### 1. Consent classes – Kenya

An organisation called No Means No Worldwide has been conducting classes since 2009 and they primarily focus on girls who are taught to say “No” whenever they feel uncomfortable and are provided with training in self-defence. It is encouraging to know that the young boys are trained to alter their outlooks on gender and are given lessons on ‘positive masculinity’. This majorly teaches the boys to intervene when they find a girl in trouble. There has been reported success of this initiative in the form of reduction of incidences of sexual harassment by 50%.<sup>2</sup>

#### 2. Gender-aware curricula – Turkey

In a project, funded by the European Union and the Government of Turkey known as “Promoting Gender Equality in Education”, which aimed at promoting gender equality throughout the schools of Turkey by aiding the educational ministry and primary schools to assess the schools’ dimensions to create a safer atmosphere necessitated a lot of efforts to make primary schools gender-neutral. This initiative developed tools to make the primary educational system sensitive to gender inequality by the means of reviewing educational policies and textbooks and sketching

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<sup>2</sup>No Means No Worldwide data as found on the website- <https://www.nomeansnoworldwide.org/our-story>

commendations, steering sessions on gender equality to bring gender awareness in the society.

3. Policies forbidding gender discrimination in textbooks – Thailand

Thailand is among those few countries which have instituted practices forbidding gender-based discrimination which occur in textbooks and curriculum – commands are enlisted to eradicate the gender-based stereotypes. All textbooks are taken under reviews all over the country. The major aim is to go beyond equal contact to schools to achieve equality within schools.

### **Conclusion**

Although at any point of time there are no quick fix solution to the problems of managing of good quality primary school, but the concept of a decentralized participative management of the primary school system which involves stakeholders and is accountable to the society definitely has its own merit. It is hopeful to know that there are several possibilities available for refining the primary education system in the country, some of which have been tried and seem to be working. However, the important question of implementation of them on national scale presents a challenge of extraordinary extent. Like every other plan, this too has to pass the test of time and it is only after that we can achieve the goal of universal primary education!

*The purpose of primary education is the development of your weak characteristics; the purpose of university education, the development of your strong*

— Nevin Fenneman