

1. INTRODUCTION

CHAPTER ONE

1.0.0 INTRODUCTION TO THE STUDY

Education has a lot to contribute in the development of both the personality of human being and nation's growth. It provides valuable developmental opportunities to children. Yet, millions of children remain deprived of educational opportunities across the world. Despite the children's right to education being internationally recognized, it is yet to be ultimately fulfilled in various parts of the world. The huge number of dropped-out school children from various parts of the world reflects a broken promise. This scenario is affecting education system, health of children, their families and the complete growth and development of the nations where they live.

In the absence of an elaborate and properly structured educational system, children's mental and physical health took a big hit. This has also affected their capacity to actively participate in the functions of their communities, subsequently, affecting their chances to be effective parents in future. Without giving children their Right to Education, countries are unable to achieve other optimum development goals.

The Right to Education is among the listed human rights whose status affects the realization of all other rights. Therefore, among social and economic rights, the Right to Education holds a central place as it provides minimum level of education to children which would also enable them to access other rights. The educational right has a solid basis in the human rights which speaks of international law. A general Education Right was directly, formulated firstly in the Universal Declaration of Human Rights (UDHR) in Article 26. Later, the it was rearticulated at the universal level by the International Covenant on Economic, Social and Cultural Rights (ICESCR) in Article 13 and Article 28 of the Convention on the Rights of the Child (CRC), which both gave an assurance to everyone the right to compulsory and free primary education.

In India, discrimination and disparities existing at the regional, economic, social and gender levels hinder children's development towards the receiving of a quality education. The children, who find it difficult to access quality education, are from excluded, marginalized groups or from otherwise vulnerable sections such as children hailing rural background and poor families, disabled children and also girls. At the primary and elementary education levels, the abovementioned categories of children face multiple challenges to get access to quality education.

India is a signatory to UN Declaration on the Rights of Child, 1959 also to the *Convention of the Rights of Child, 1989*. Accordingly, India, through its Eighty Sixth Constitutional Amendment declared that elementary education is a fundamental right in the year 2003 and has given a affectionate touch to the policy regarding Children. In the report titled "Childhood under Threat", which was released in the year 2005, by UNICEF, it is mentioned that large number of children living in India do not enjoy their health, nutrition, survival and educational rights and are deprived from having basic requirements such as food and drinking water. The year 2009 brought a huge change in the lives of large number of children in India, who were denied and deprived of their basic rights, by the enactment of the Right of Children to Free and Compulsory Education Act commonly called as RTE Act. The RTE Act puts an obligation on all the states of the India to ensure the educational right by implementing the provisions of the Act.

The right to education was incorporated as a fundamental right in the Indian constitution within the Article 21A and came into effect from April 1, 2010. This demonstrates national interest and dedication to the education of deprived children and to the future of India. The act is a building block to execute that each and every child can enjoy and uphold his or her right to get a quality education at the elementary level of our education system.

The RTE Act and its model rules have received a mixed response from education experts across the world. The reactions are divided in to two major categories. One group believes that the Right to Education Act will lead to the centralization of education thereby helping the privatization of education to enhance further. It might also result in a situation where the under-resourced and under-privileged sections, which are supposed to benefit from this Act, may not be benefited to get quality education.

Meanwhile the second group recognizes the flaws and loopholes of the Act. Yet the group strongly emphasizes on looking at its positive side. The group also believes that the positive dimension of the Act should be taken to all level and a familiarity should be given to the people in order to make the best use of it. According to this group, we should work hard to take the positive side of Act into the public and try to rectify its loopholes in a phased manner for a long period continuously.

Despite the criticism against the Act, most people will admit that the RTE has certainly brought a significant change in the field of Education. Without a proper implementing mechanism, no Act can deliver effective results. The provisions of the Right to Education Act must reach the public. To ensure good results from the provisions of any Act, it

requires large scale of creating awareness among public and cooperation from the system. Only with a synchronized cooperation and coordination between the public and the government, the RTE can achieve its objectives for sure.

It is a wide belief that the RTE has the capability of bringing a massive change in the Educational scenario in the nation. However, it requires a greater reading and understanding of the rules and provisions of the Act among its key stakeholders, such as parents, teachers, NGOs, local government bodies, civil society bodies, etc. Each stakeholder has an equal role in achieving the aims of the RTE Act.

Being a signatory to the United Nations' Convention on the Child Rights, India is mandated to follow and implement the Children's Rights in an impartial manner. The Government of India finally gave its ratification to the convention on December 10, 1992. The text of the ratification reads as:

“While fully subscribing to the objective and purpose of the convention, realizing that certain of the rights of the child. Namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international cooperation, recognizing that the child has to be protected from exploitation, nothing that for several reasons children of different ages do work in India, having prescribed minimum hours and conditions of employment, and being aware that it is not practical immediately to prescribe minimum age for admission to each and every area of employment in India the Government of India undertakes to take measures to progressively implement the provision of Article 32(a) particularly paragraph 2 (a), in accordance with the national legislation and relevant international instruments to which it is a state party.”

After ratifying the convention, Indian Government introduced laws, adopted measures, implemented programmes and schemes to confirm that the rights of children within the country are fulfilled, promoted in all aspects and protected from violations. The Constitution of India provides enough rights to children who are also citizens of the country.

The Indian Constitution has incorporated most of the rights mentioned by UNCRC as Fundamental Rights or Directive Principles of the State Policy. The Fundamental Rights are given a judicial protection and victims can approach the Supreme Court and the High Court's when their fundamental rights are violated. But the Directive Principles are mere affirmative directions to the State parties and they are not justifiable in

the Court of Law. However, based on some of the Directives the Judiciary has delivered wonderful landmark judgments to promote the rights of the children which were hailed as safeguards in protecting the rights of the children, which also paved the way for necessary constitutional amendments. The Indian laws and several policies highlight the needs and rights with a holistic approach while keeping different age groups and categories of different types of children in mind.

Education enlightens even the ignorant and innocent human beings and is capable of changing the face of under-developed countries with rapid social and economic development. Education brings change in individuals and gives freedom and empowerment, thereby making an individual self-reliant. More than anything, the education is considered as a fundamental right throughout the globe. For understanding and practicing other human rights education becomes essential. People who understand human rights properly through education attain the capacity to lead their lives skillfully and also develop self confidence to defend their human rights. Education, like human rights become more universal in nature. Everyone is eager to get education without any discrimination on the basis of race, religion and other factors relevant to society and economy. In course of time, education also became a human right by itself.

- Without any discrimination everyone should be guaranteed with the right to education.
- It is the responsibility and accountability of the States to promote, develop, protect, the right to education. States have the obligation to protect, respect and fulfill the right to education
- Violations of right to education should be prevented by the States and for such violations ways and means should be developed to make the State accountable.

Rights-based approaches to education have become a focus area which has become a highlight among academicians and researchers. The rights based approach to education has a simple goal. The goal is to guarantee each and every child to receive quality oriented education which enhances his or her personal dignity and overall development. The biggest challenge faced is the achievement of simple goal.

The right to education encourages having both freedoms and entitlements including:

- Right to have free and compulsory primary education.

- Right to access to secondary education , focusing on the vocational education as well as training and also technical based education as well as training
- Right to get access to higher education equally on the foundation of capacity orientation.
- Providing freedom to parents of the children to choose the type of education they need for their children according to their family, religious and cultural interests
- Providing Freedom to individuals and organizations to start and run educational institutions with the control exercised by the State and provision of academic freedom to teachers and learners.

The State has responsibility and accountability when it enters into an agreement to provide quality education and it should protect and promote that right. If it does so, then, other rights are developed automatically.

Obligation to respect, protect and fulfill

- Respect: the enjoyment of right by any individual should not be refrained by the States (e.g., freedom of choosing the school by the parents of the children)
- Protect: prevent anyone who interferes in the exercising of this right by enacting suitable laws and legislations and secure the rights properly(e.g., legal guarantees should be granted that no boy or girl is denied of this rights by others or even by their parents)
- Fulfill: The State should take adequate measures to make the right to education fully realized (e.g. measures should be taken to guarantee education with quality to all irrespective of their level of minority, whether it is cultural, linguistic or religious)

Immediate and Progressive Obligations

Due to non-availability of resources like other rights which are economic, cultural or social in nature, the right to education may also suffer. Giving and getting quality education may take a long time due to resource constraints. It becomes necessary to face this challenge with limited resources. Provision of free elementary education is possible in some States and many States feel it difficult to provide quality and free secondary education or higher education.

Even, when the resources for the achievement of right to education are so limited or not available, the States have priority obligation to execute the following aspects of Right to Education

- **Ensure minimum core obligations to meet out the essential levels of the right to education**, which includes preventing and prohibiting discrimination in access to education, confirming free and compulsory primary education for all, respecting the freedom of parents to choose the necessary schools for their children other than those established by government authorities, protecting the liberty and dignity of individuals and institutions to establish and direct educational institutions.
- **Take the most appropriate steps towards** the complete realization of the right to education taken to the maximum level irrespective of its available resources. Limitation of resources or non availability of resources cannot justify inaction or indefinite postponement of measures to execute the right to education. States must ensure that they make every effort to improve the execution of the right to education, even when resources are less.
- **Not to adopt retrogressive measures.** This refers that the State should not take backward steps or adopts measures that will repeal existing guarantees of the right to education. For instance, introducing school fees in secondary education when it had formerly been free of charge would constitute a retrogressive measure.

Section 12(1)(c) of the Right to Education Act, 2009, mandates that non-minority private unaided schools should reserve at least 25% of seats in entry-level grades for children from economically weaker and disadvantaged backgrounds. This column analyses the current status of implementation of this provision, and suggests ways to overcome hindrances in effective implementation and make the education system more inclusive.

The increasing role of the private sector in elementary education in India is now well recognised. As per the 71st round of the National Sample Survey (NSS), over 27% kids at the elementary level (grades 1 to 8) were in private unaided schools in 2014. While the debate on the efficacy of private versus public schools continues (Muralidharan and Sundararaman 2015, Singh 2015), there is little to dispute the fact that this trend threatens to exacerbate the pre-existing segregation in schooling (Little 2010). Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act of 2009 (RTE), is often touted as the State's response to this increasing segregation. It mandates that unaided non-minority¹ private schools reserve at least 25% of seats in their entry-level grades for students from Economically Weaker Sections (EWS) and Disadvantaged Groups (DG). The schools are to be reimbursed by the state governments at the rate of

per child expenditure incurred in government schools or the school fees, whichever is lower. If implemented successfully, the mandate could touch the lives of nearly 20 million² children from EWS and disadvantaged categories and begin to contest an increasingly segregated educational system. Based on DISE (District Information System for Education) data, rules and notifications issued by various states, and field visits in Ahmadabad (Gujarat), Pune (Maharashtra) and Jaipur (Rajasthan) this column analyses the academic achievement of the students under these provisions.

There are various stages to the implementation of the **25 per cent reservation clause**:

1. Identification: Identifying the weaker sections and disadvantaged groups of the society
2. Awareness: Creating awareness about the 25 per cent reservation clause among parents, children by government and schools.
3. Admission Process: School admissions should be done through lottery system
4. Reimbursement: Schools will be reimbursed the amount by the concerned state government
5. Maintaining records: Local authorities shall maintain records of all children in their neighborhood from birth to 14 years of age. According to the act every school should reserve 25 per cent of the seats for the 'weaker' sections and 'disadvantaged' groups of the society. The state government will then reimburse the school the amount equivalent to the per child cost determined by government schools or the fees of the private school whichever is less. Section 12 of the Act was added with good intentions but it had various problems when it came to the implementation stage.

The problems can be identified at 2 stages:

1. Centre- state level: Funding pattern has been a point of contention between Centre and states for a long time now.
2. State- school level: As state governments are facing difficulties with the central governments, this translates into schools receiving insufficient amounts for reimbursement Moreover there is lack of clarity among schools and state officials pertaining to documentation required for providing these reimbursements.

1.1.0 OBJECTIVES OF RTE ACT, 2009

- 1) To provide the right of free and compulsory education to children until the completion of elementary education in a nearby neighborhood school.
- 2) It clears the fact that by “compulsory education”, it means to obligate the associated government to provide free elementary education, compulsion in attendance and ensure that no child is liable to pay any kind of fee or admission charges that prevent them to pursue their education.
- 3) To provision any un-admitted child into an age-appropriate class.
- 4) It ensures to maintain a balanced teacher-pupil ratio and looks after the rational deployment of teachers.
- 5) It prohibits any kind of physical punishments, mental harassment, capitation fees, private tutoring by teachers and running schools without proper recognition.
- 6) It ensures to provide a curriculum that is developed with the values provided by our Constitution, to bring in an overall development of the children.

1.1.1 GUIDELINES FOR RTE ACT 2009:

- Elementary education is compulsory and free as per the act.
- Every school must have clean and separate toilets for boys and girls.
- Schools must provide drinking water for free.
- Teacher to Pupil ratios in the classroom is standardized.
- Children must be admitted to a class as per their age and must be provided assistance in catching up with the curriculum if they are left behind.
- The Act makes sure that the teachers appointed are appropriately trained. Norms and standards of qualification of teachers are laid down in the Act.
- Admissions for children are guaranteed as per the Act.
- There are stringent laws and monitors in place to ensure that children are not discriminated or harassed in schools.
- Children cannot be held back without parental consent and cannot be expelled.
- 25% of the students in every class in private schools must be part of the RTE mandate for disadvantaged members of society.

1.1.2 PROVISIONS OF RTE ACT 2009:

1. Every child between the ages of six to fourteen years shall have the right to free and compulsory education in a neighborhood school, till completion of elementary education - External website that opens in a new window.
2. No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
3. Where a child above six years of age has not been admitted to any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.
4. The appropriate government and local authority shall establish a school, if it is not established, within the given area in a period of three years from the commencement of this Act.
5. The Central and the State Governments shall have concurrent responsibility for providing funds for carrying out the provisions of this Act.

1.2.0 NEED AND IMPORTANCE OF THE STUDY

The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools (except the minority institutions) to reserve 25% of seats for the poor and other categories of children. Children are admitted in to private schools based on caste-based reservations. It also prohibits all unrecognized schools from practice, and makes provisions for no donation or capitation fees and no interview of the child or parent for admission. The Act also provides that no child shall be held back, expelled, or required to pass a board examination until the completion of elementary education. There is also a provision for special training of school drop-outs to bring them up to par with students of the same age. The RTE act requires surveys that will monitor all neighborhoods, identify children requiring education, and set up facilities for providing it. The RTE Act is the first legislation in the world that puts the responsibility of ensuring enrolment, attendance and completion on the Government. It is the parents' responsibility to send the children to schools.

For this reason following question arise:

- Do the children have the facilities for the better academic achievement in the schools?
- Are the students able to maximize their academic achievement progression under the RTE Act 2009?
- Is there any gender based factors that influence the admission of the students under Free and Compulsory Education Act.
- How actively the students are able to attain the academic achievement progression of various schools?

1.3.0 SIGNIFICANCE OF THE STUDY

- Knowing the academic achievement progression of students of RTE Act.
- Reviewing the processes/procedures about effective academic achievement progression of RTE Act 2009 under 25% quota reserved for EWS.
- Finding the progress of student's admission in the private schools of Ujjain district under RTE provision.

1.4.0 IDENTIFICATION OF THE PROBLEM

Probably no step in developing and conducting a research project is as important, yet difficult, as selecting a topic / problem. We are all familiar with the adage "A house built on a weak foundation will not stand". In a very real sense, the research topic serves as a foundation for the entire effort. A proper statement of the research problem is the primary step in any research design.

The selection of a topic/ problem for research is only half a step forward. The problem defines the goal of the researcher in clear terms. It is obvious that without a clear-cut idea of the goal to be reached, research activities would only become a meaningless exercise. A research like any other human activity is goal directed. If the goal itself is unknown or ill-defined, the whole rigmarole of research operations will lead us nowhere. Thus, without a problem research cannot proceed. The formulation of the topic into a research problem is, really speaking the first step in a scientific enquiry.

The selection of the research topic for the study has been undertaken after a brief review of literature available on the Free and Compulsory Education Act i.e. Right to Education Act 2009. Some of the past researchers have worked on RTE Act 2009 in other disciplines. Other researchers have worked on the implementation, challenges and issues of the act. After reading, reflecting and pondering over the subject and after further consultation and discussion with the guide I finalized the topic.

1.5.0 Statement of the Problem

A Study of Academic Achievement Progression of Students of Right to Education Act 2009 in Private Schools of Ujjain District.

1.5.1 MEANING OF THE PROBLEM

ACADEMIC ACHIEVEMENT:

Academic performance or "academic achievement" is the extent to which a student, teacher or institution has attained their short or long-term educational goals. Completion of educational benchmarks such as secondary school diplomas and bachelor's degrees represent academic achievement.

RIGHT TO EDUCATION ACT 2009:

The **Right of Children to Free and Compulsory Education Act** or **Right to Education Act (RTE)** is an Act of the Parliament of India enacted on 4 August 2009, which describes the modalities of the importance of free and compulsory education for children between the ages of 6 to 14 years (which is been changed into the age group of 3 to 18 years of children) in India under Article 21A of the Indian Constitution. India became one of 135 countries to make education a fundamental right of every child when the act came into force on 1 April 2010.

1.6.0 OBJECTIVES OF THE STUDY:

The objectives of the research study are:

- 1) To understand the students achievement progression under RTE Act 2009.
- 2) To find out the academic progression among the students with 25% reserved quota of RTE Act 2009.

1.7.0 RESEARCH QUESTION

1. What is the academic achievement progression of student's admission under RTE Act 2009 of 25% reserved quota in private schools of Ujjain district?

1.8.0 Delimitations of the Study

- This study is only applicable for 2 private schools of Ujjain District.
- It is taking only one aspect of rte act, student's academic achievement progression of 25 % reserved quota up till 2019.
- The study is delimited to the economically weaker section children under RTE Act 2009, section 29, and section 21(A) i.e. Free and compulsory education to all the children from 6 to the age of 14.
- As the study of selected title has been confined to a period of 8 months, the picture prior to and after this period of time may not be available.
- As the study is based on secondary data taken from academic annual reports of the schools, the findings of the study depend on the accuracy of such data.
- The study is based on various accounting and statistical tools which suffer from certain limitations which may be reflected in the findings of the study.
- The scope of the study is limited only to the analysis, to know the position and policies, other aspects of the academic administration have not been touched upon under the study.