

Implications of Right to Education Act.
2009 in Secondary School

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Chapter -I

1. Title:

**Study the Impact of Right to Education
Act 2009 on Schools**

2.Introduction:

The Right of Children to Free and Compulsory Education Act, 2009, popularly known as the Right to Education Act (RTE Act), is a Central legislation that details the aspects of the right of children of age six to fourteen years to free and compulsory elementary education (Classes I to VIII). This is now a Fundamental Right under India's Constitution (Article 21A).

(2.a.) **Emergence of RTE Act 2009. :**

When India achieved freedom in 1947, Education was the primary goal of the social reformers and our leaders. In 1950 Indian Constitution was came into force Article 45 of Directive Principles of state policy it is said that the state shall endeavor to provide within a period of 10 years from the commencement of this constitution for free and compulsory education for all children until they complete age of 14 years. In 1966-68 Kothari Commissions proposed for "Common School System" for satisfying the role of elementary education. Elementary education is confirmed by an act of 1993 from Supreme Court as a Fundamental Right of Child. But after completion of 62 years of our freedom we cannot reach to our goal.

At 2002 Indian Government first recognized elementary education as Fundamental Right. At 2009 27th August through Gazette Notification RTE Act came into force.

(2.b.) **History of Right to Education Act 2009:**

In the year 1950 when our constituency was being made the leaders of our country was trying to ensure the primary education for less than 14 years old children. In 1966-68 Kothari commission recommended "Common School System" to support this noble course. In 1993 Supreme Court gave a verdict that Primary Education would be Fundamental Right for the under 14 year's old children. But in 62 years after the independence children's fundamental right to education has not been approved.

In 2002 India Government at first approved the mandatory free education for 6 to 14 year s old children as their fundamental right and in 2014 to implement this right made "Child's Fundamental Right to Mandatory Free Education "law.

Though there are many ups and downs relations to the acceptability of this law but it is evident that to ensure equal and quality education for the children as their fundamental right. This law an important step. Therefore, all the people should know the law and how to implement.

(2.c.) Objectives of the Study (RTE Act 2009)

Though the main objective is completion of eight years of schooling in the elementary level, the following objects may be jotted down:

- The objective of the act is to enable every child to get free and compulsory admission, attendance and completion of elementary education in a neighbourhood school.
- The act is to provide for a stress-free environment and anxiety-free education with prohibition of corporal punishment and any sort of mental harassment.
- The act is to acknowledge the duties and responsibilities that teachers are to follow, establishing a system of accountability and ensuring that students get maximum benefit from the teaching-learning process. On the premises of the school to bring the child up to the age appropriate level through pullout classes.
- The act makes provisions for a non-admitted within age group 6-14 years to be admitted to an age appropriate class along with getting special training.
- The act prohibits for children in 6-14 age groups --- screening procedures for admission, capitation fees, Private tuition by teachers, running of schools without recognition.
- It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Government.
- The act lays down the norms and standards relating to Pupil Teacher Ratio (PTRs) building infrastructure, school working days, teacher working hours.
- The act provides for rational deployment of teachers ensuring that there is practically no urban-rural imbalance in teacher posting. It also prohibits deployment of teachers for non-educational work, other than decennial census, elections to local authority state legislature and parliament, and disaster relief.
- The act provides for appointment of appropriately trained teachers.
- The act provides for development of curriculum in consonance with the values enshrined in the constitution and ages the learning levels of the children.
- The act contains provisions for establishing School Management Committees and ensuring management and supervision of schools with community support.

- It aims at eradicating the issue of child labour in the country. It provides for protection and monitoring of the child's right to free and compulsory education.

(2.d.) **Hypothesis**

- It was considered that RTE 2009 had been already implemented in secondary school's curriculum.
- The infrastructure of the schools is suitable for the implication of the act.
- All the teachers were sufficiently awarded about RTE 2009.

Chapter –II

(3) Review of Related Sources/Govt. Orders for clarification of RTE 2009

(Orders and Notifications by the Governors of West Bengal, The High Court, Govt. Treasury, etc)

**Government of West Bengal
School Education Department**

Law Branch

Notification

- No. 09 SE(S)-SL/5S-116/10 dt. 6th January,2011—WHEREAS section 17 of the right of children to Free and Compulsory Education Act,2009 (35 of 2009)(here in after referred to as the said Act) prohibits physical punishment and mental harassment to children in school.
- No. 187 SE (LAW)/S/1A-01/09 dt. 14th Fevruary,2011--- WHEREAS sub-section(2) of section 3 of the Right of Children to Free and Compulsory Education Act ,2009(35 of 2009)(here in after referred to as the said Act),provides that o child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing his or her elementary education.
- No. 60 SE (P&B)10M-9/10 dt. 18th Fevruary,2011---WHEREAS the State Government has been considering the need for a computerized system of tracking of a child progress from the time of admission to a school at class I till she or he completes the elementary level of education at class VIII.

(4) Critical Summary of main Provisions of Right to Education Act 2009

1. The RTE Act should not be restricted to the age of 14 years it should be raised up to the secondary level or vocational level course, the Central and the State govt. should introduce diplomas/degrees with specification in ITmedia,entertainment, telecommunication mobile communication, automobile,construction,food processing

as announced by Mr. Kapil Sibbal on February 8,2012 with due reservation for the economically weaker sections of the society indifferent polytechnic and other technical institutes.

2. CSS(Common School System) was an essential step for attaining equality decades ago but now a days it should be change into MSS(Model School System) based on the needs and demands of the society where education should be given free of cost and on private institute patterns.
3. Parents need to play an important role to make RTE a major success in India. They should be motivated through counseling and made aware about the RTE act through media hoardings, pamphletes campaigns, rallies etc.Only then we can ensure our better future generation.
4. New state playing a vital role in increasing the enrollment ratio and providing the basic education to Indian children. But these national and international agencies should target weaker sections of the society, economically backward, females and highly populated states in Indian top priority to improve efficacy of this act.
5. It is very essential to involve local governing bodies so as to enroll the new babies and their records should be sent to near schools after that school authorities should follow up the child and send the information for registration and admission to his or her parents without any discrimination or biasness.
6. Provision for strict punishment regarding the violation of this act should be made and the responsibilities of state and central govt, parents, teachers and administrators, owners of the school, children and society members should be fixed. It should be made mandatory for all the Govt.Employees; whether state or central or person working under central or state sponsored agencies, to send their children in govt. or govt. aided institutes.

(5) Responsibilities of Schools and Teachers for the implementation of RTE Act 2009

- 1) Ensure unpaid basic or primary education to all the students. Besides 25% of total students should be from poor family and for them unpaid primary education should be ensured.
- 2) Any institution will not be able to ask a student to deposit capitation fee. If such incident happens it will be punishable.
- 3) School will not be able to expel or make student fail until the primary education is completed.

- 4) The school will not be able to punish a student physically or mentally. If so, legal step can be taken against the accused teacher.
- 5) To gain unpaid basic education a student must show birth certificate to the school authority though he or she does not have this the school will not make any hindrance for him take education.
- 6) Every teacher should be present in school timely and as per rules and regulations.
- 7) The teacher will complete the curriculum.
- 8) The teacher should teach student at according to their skill.
- 9) The teacher should consult with the parents about their children's attendance in school, their development in education and other related to everything else.
- 10) A teacher should not be appointed to any other work instead of his teaching profession but in case of census, election and natural calamity a teacher can be appointed as a volunteer to help the people.
- 11) Any teacher cannot perform the job of a private tutor.

(6) Responsibilities of Parents, Local Authorities, State Government and Central Government

Duty of parents and guardian:

It shall be the duty every parent or guardian to admit or course to be admitted his or her child, as the case may be, to an elementary education in the Neighbourhood School.

Duty of Local Authority:

Every Local Authority shall:-

- ❖ **Provided free and compulsory elementary education to every child.**
- ❖ **Ensure that the child belonging to weaker section and disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.**
- ❖ **Maintain records of children up to the age of 14 years residing within its jurisdiction such manner as may be prescribed.**
- ❖ **Ensure and monitor admission, attendance and completion of elementary education by every child residing within its jurisdiction.**
- ❖ **Provide infrastructure including school building, teaching staff and learning material.**
- ❖ **Ensure good quality elementary education conforming to the standards and norms specified in the schedule.**
- ❖ **Ensure timely prescribing of curriculum and courses of study for elementary education.**
- ❖ **Provide training facility for teachers.**
- ❖ **Ensure admission of children of migrant families.**
- ❖ **Monitor functioning of schools within its jurisdiction.**
- ❖ **Decide the Academic Calendar.**

Duty of State Government:

- ❖ **Provide free and elementary education to every child of the age of 6 to 14 years.**
- ❖ **Ensure compulsory admission, attendance and completion of elementary education by every child of the age 6 to 14 years.**
- ❖ **Ensure availability of a neighbourhood school.**

- ❖ Ensure that the child belonging to weaker section and disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- ❖ Provide infrastructure including school building, teaching staff and learning equipment whether education spreads among all students under the age category (6-14 years) without the barrier of punishment pressure.
- ❖ Provide special training facility.
- ❖ Ensure and monitor admission attendance and completion.
- ❖ Ensure good quality elementary education conforms to the standards and norms specified in the schedule.
- ❖ Ensure timely prescribing of curriculum and courses of study for elementary education.
- ❖ Provide training facility for teacher.

Duty of Central Government:

- ❖ Develop a framework of national curriculum with the help of academic authority.
- ❖ Develop and enforce standards for training teachers.
- ❖ Provide technical support and recourses to the State Govt. for promoting innovations, planning and capacity building.

Chapter -III

(7) Methodology of the Study Area:

(7.a.) Selection of Sample- Justification

Design of Study:

Design of the study is significant as it provides clear guidelines for the research work. In the procedure for conducting the preset investigation, the following items were considered.

- **Sampling**
- **Justification of Sampling**
- **Selection of Tools & Techniques**
- **Collection of Data**
- **Analysis or Processing of data.**

Sampling:

- ✓ **Teachers of Dakshin Habra High School.**
- ✓ **The Number of Sample 20.**
- ✓ **The range of age 27-58.**
- ✓ **The area of Study Semi Urban Area.**

Sl No.	Name	Age	Sex	Qualification	Teaching Experience
1.	Arunabha Das(H.M.)	49	M	M.sc,B.Ed.	20Yrs.
2.	Rinku Bhata(A.T.)	45	F	M.A.,B.Ed.	18Yrs
3.	Tanusree Saha(A.T.)	32	F	B.S.c(H),B.Ed.	5Yrs.
4.	Arpita Adikari(A.T.)	40	F	B.S.c(H),B.Ed.	12Yrs.
5.	Sanjoy Ghosh(A.T.)	53	M	M.A.,B.Ed.	23Yrs.
6.	Rajdip Ganguly(A.T.)	56	M	B.S.c(H),B.Ed.	24Yrs
7.	Biprajit Sarkar(A.T.)	35	M	B.A.,B.Ed.	5Yrs.
8.	Pravat Kr. Ghosh(A.T.)	40	M	M.A.,B.Ed.	12Yrs.
9.	Shuvendu Pandey(A.T.)	46	M	M.A.,B.Ed.	18Yrs.
10.	Swatilekha Sorn(A.T.)	49	F	M.sc,B.Ed.	19Yrs
11.	P.S. Ghosh(A.T.)	50	M	B.S.c(H),B.Ed.	20Yrs.
12.	Jubaraj Das(A.T.)	56	M	M.A.,B.Ed.	22Yrs.
13.	Bhaskar Mistry(A.T.)	51	M	B.S.c(H),B.Ed.	18Yrs.
14.	Goutam Ghosh(A.T.)	57	M	B.Com,B.Ed	24Yrs
15.	Kingshuk Roy(A.T.)	50	M	B.S.c(H),B.Ed.	20Yrs.
16.	Kishore Kumar Sarkar(A.T.)	34	M	M.sc,B.Ed.	6Yrs.
17.	Anita Biswas(A.T.)	39	F	M.sc,B.Ed.	10Yrs.
18.	Juthika Saha(A.T.)	46	F	M.A.,B.Ed.	15Yrs
19.	Barnali Mondal(A.T.)	43	F	M.sc,B.Ed.	11Yrs.
20.	Kajal Das(A.T.)	48	F	M.A.,B.Ed.	16Yrs.
21.	Sudhin Kumar Mondal (A.T.)	59	M	M.A.,PGBT,	28Yrs.
22.	Subrata Mahato(A.T.)	32	M	M.A.,B.Ed	7 Yrs.
23.	Dr. Satyajit Mondal(A.T.)	47	M	M.A.,B.Ed,P.hd	19 Yrs.
24.	Ashim Hore(A.T.)	43	M	M.A.,B.Ed	17 Yrs.
25.	Kankana Ganguly(A.T.)	45	F	M.A.,B.Ed	10 Yrs.

Justification of Sampling:

In Educational policy school & students plays a very important role without the effort school & teachers no educational policy can be implemented. So, the teachers of a secondary Govt. sponsored school were selected for our research work.

(7.b.) Selection of tools & Techniques:

By Survey through questioner.

(7.c.) Techniques Used for Data Collection:

The Techniques was he interview through questioner method. An interview questioner were prepared on the basis of the effect of the implementation of RTE-2009

This scheduled was consisted of two parts:

Section-I: General Information of teachers such as-

- i. Name
- ii. Sex
- iii. Designation
- iv. Mother tongue
- v. Religion
- vi. Educational Qualification
- vii. Teaching Experience

Section-II:

This portion consists of the study about the implementation and impact of various provision of RTE 2009.

(7.d.) Method of Analysis:

- The data was analyzed through tally chart.
- Percentage calculations of analyzed data were made.

Chapter –IV

(8) Result and Discussion:

1. **Statement-I :**

No admission test or interview either for child or parents will fulfill the goal of free and compulsory 8 year's elementary education as mentioned in RTE 2009.

Total Respondents = 25

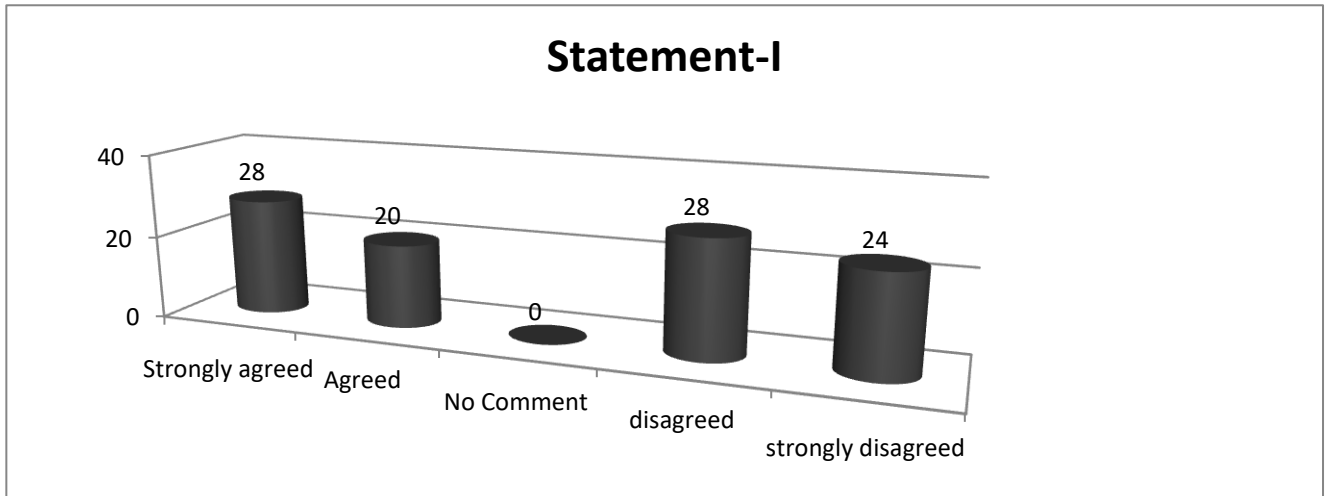
Table-I

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	7	5	0	7	6
Percentage	28%	20	0	28%	24%

Table-I:

- It Shows that 28% of teachers strongly agreed the Statement-I.

- 20% were agreed on the Statement-I.
- No one gave any comment on this statement.
- 28% disagreed the view of the statement.
- 24% teachers were completely disagreed of the statement.



2. Statement-II:

No Child can be held back or expelled and required to pass the board examination till the completion of elementary education as mentioned in RTE-2009.

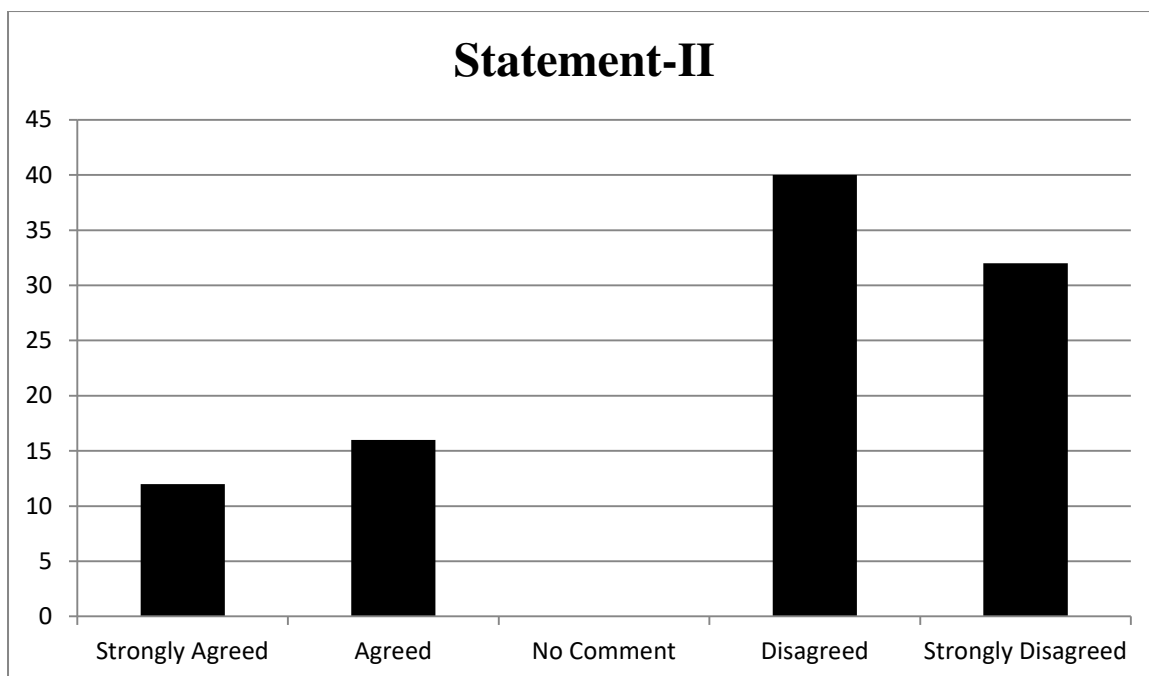
Total Respondents = 25

Table-II

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	3	4	0	10	8
Percentage	12%	16%	0	40%	32%

Table-II:

- It Shows that 12% of teachers strongly agreed the Statement-II.
- 16% were agreed on the Statement-II.
- No one gave any comment on this statement.
- 40% disagreed the view of the statement.
- 32% teachers were completely disagreed of the statement.



3. Statement-III :

All Schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function. Have the school followed?

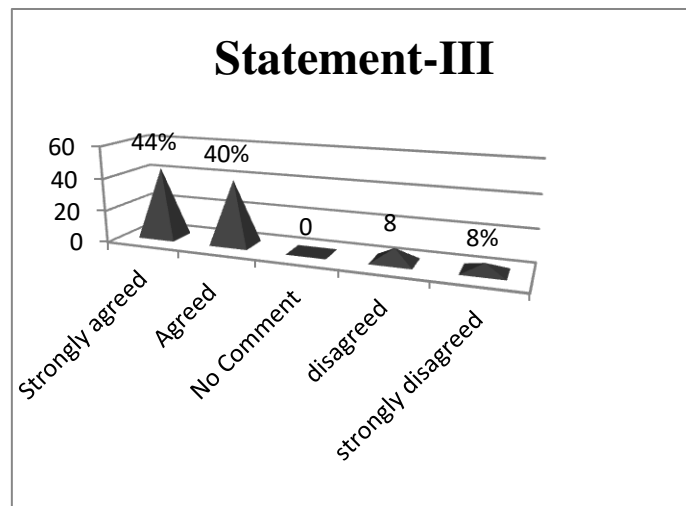
Total Respondents = 25

Table-III

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	11	10	0	2	2
Percentage	44%	40%	0	8%	8%

Table-III:

- It Shows that 44% of teachers strongly agreed the Statement-III.
- 40% were agreed on the Statement-III.
- No one gave any comment on this statement.
- 8% disagreed the view of the statement.
- 8% teachers were completely disagreed of the statement.



4. Statement-IV:

The Act Recommended ‘No Corporal Punishment’. It will lead a healthy school environment.

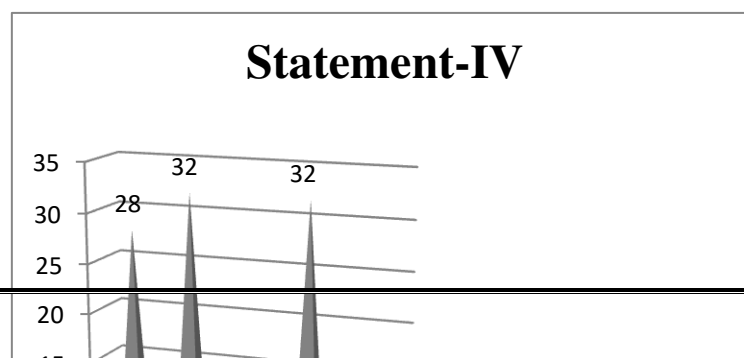
Total Respondents = 25

Table-IV

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	7	8	0	8	2
Percentage	28%	32%	0	32%	8%

Table-IV:

- **It shows that 28% of teachers strongly agreed the Statement-IV.**
- **32% were agreed on the Statement-IV.**
- **No One gave any comment on this statement.**
- **32% disagreed the view of the statement.**
- **8% teachers were completely disagreed of the statement.**



5. Statement-V:

All schools except private unaided schools are to be managed by school management committees with 75% of parents and guardians as members. This will hamper smooth functioning of schools.

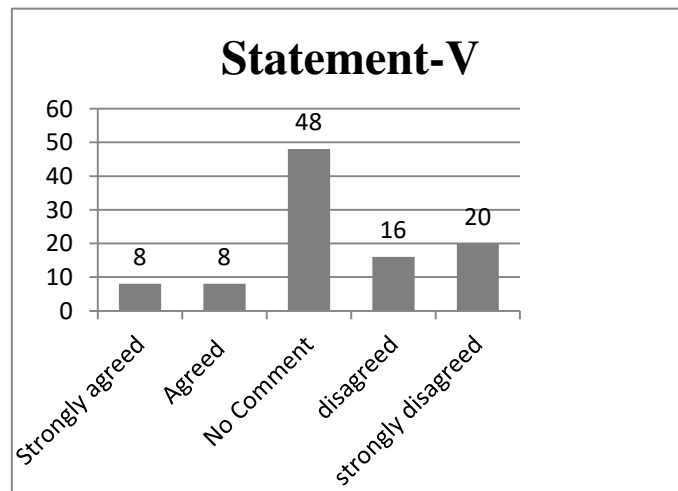
Total Respondents = 25

Table-V

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	2	2	12	4	5
Percentage	8%	8%	48%	16%	20%

Table-V:

- It Shows that 8% of teachers strongly agreed the Statement-V.
- 8% were agreed on the Statement-V.
- 48% gave no comment on this statement.
- 16% disagreed the view of the statement.
- 20% teachers were completely disagreed of the statement.



6. Statement-VI:

Prohibition of private tuition by the school teachers is an effective step in this connection.

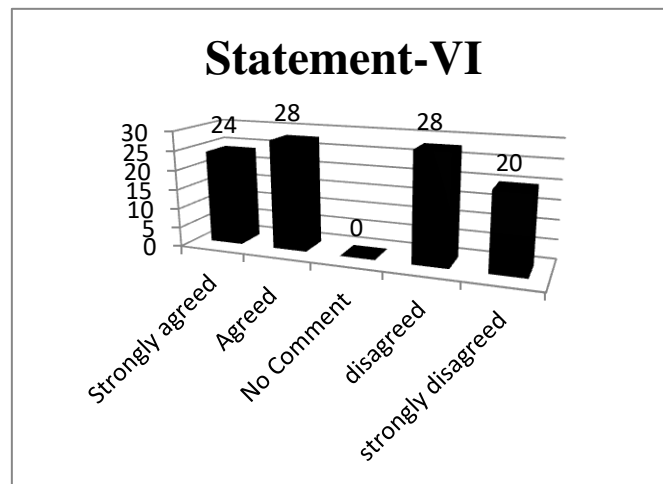
Total Respondents = 25

Table-VI

	Strongly Agreed	Agreed	No Comment	Disagreed	Strongly Disagreed
Raw Data	6	7	0	7	5
Percentage	24%	28%	0	28%	20%

Table-VI:

- **It shows that 24% of teachers strongly agreed the Statement-VI.**
- **28% were agreed on the Statement-VI.**
- **No One gave any comment on this statement.**
- **28% disagreed the view of the statement.**
- **20% teachers were completely disagreed of the statement.**



(9) Findings & Conclusion:

At the end of the research work and after data analyzed I can reach the conclusions that all the rules under RTE 2009 act are not justified in today's situation to some extent.

The following conclusions were made on the basis preset study.

- 1. The Statement-I 'No admission test/interview of students/parents' was agreed by almost 48% teachers and disagreed by almost 52% teachers.**
- 2. The Statement-II 'Demolition of pass & fail' was disagreed by almost 72% teachers.**
- 3. 84% teachers supported the statement –III-- "All Schools have to adhere to rules and regulations laid down in this act, failing which the school will not be allowed to function".**
- 4. Almost 60% teachers agreed the Statement-IV.**
- 5. Almost 48% teachers kept silence on Statement-V.**
- 6. Almost 52% teachers agreed the Statement-VI.**

With some limitations RTE 2009 played a very important role. The responsibilities of schools are increased day by day to fulfill the goal of RTE - 2009.

(10) Suggestions:

- 1. Govt. should focus on the upliftment of quality of education to create human resources to reach the ultimate goal of RTE 2009.**
- 2. Underage and overage children enrollment can help to fulfill the goal of RTE 2009.**
- 3. All schools are needed to be aided for success of RTE 2009.**
- 4. Lack of sufficient resources is a big problem for RTE 2009.**
- 5. No. of classroom, no. of teachers required for the actual success of RTE 2009.**
- 6. Reimbursement of private unaided schools of 25% quota for RTE 2009.**
- 7. Govt. should take strong initiative to active the role of NCPCR in ground level.**
- 8. Education in mother tongue is essential for students.**
- 9. Free transportation and residential facilities for student is make more powerful RTE 2009.**

Chapter –V

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