

AWARENESS OF RIGHT TO EDUCATION ACT 2009 AMONG SECONDARY SCHOOL TEACHER'S: A CASE STUDY OF MANDI DISTRICT OF HIMACHAL PRADESH

Dr. Jaswant Singh

Principal, HIMCAPES College of Law Una.(H.P)

Email - singhjaswant336@gmail.com

Abstract: *In the light of the analysis and interpretation of data, there are some major findings of the study with respect to the implementation aspects of Right to Education Act 2009 in Mandi District of Himachal Pradesh. Recognizing this right and various Supreme Court judgments, the Indian Parliament brought an amendment to the Constitution by inserting Article 21-A, which provides that there should be free and compulsory education to all children of the age between 6 to 14 years in such a manner as the State may by Law determine. Besides this, in order to enforce the Right to Education as a Fundamental Right in its true legal sense the Parliament enacted the law called, Right of the Children to Free and Compulsory Education Act, 2009. Since then, a lot of efforts have been made for the implementation of this legislation.*

Methodology: *Research methodology opted is empirical and non-empirical.*

Results & Discussion: *The study also revealed that the private schools were aware of the provisions of Right to Education Act 2009.*

Keywords: *Education, Children, Teachers, Implementation.*

1. INTRODUCTION :

Right to Education Act 2009, legalizes the right to free and compulsory education for all children between the ages of 6 to 14 in India, modern India certainly had achieved a landmark. Every citizen of India within the age group has the right to education. The World Bank Education specialist for India, Sam Carlson, has observed that the Right to Education Act is the first legislation in the world that puts the responsibility of ensuring enrollment, attendance and completion of a course of study on the Government. Whereas in the U.S. and other countries it is the parent's responsibility to send their children to schools. Some of the basic principles. Which guide us in the implementation of the Act are-education shall be free, at least in the elementary and fundamental stages; elementary education shall be compulsory; technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Basic education is a fundamental necessity which can be considered at par with shelter and clothing.

Right to Education has been enshrined in various International Conventions and Treaties. Article 26 of the Universal Declaration of Human Rights (UDHR) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that every one has the right to education and education shall be free and compulsory at least in the elementary and fundamental stage. While the vast majority of countries have signed up to, and ratified, International Conventions far fewer have integrated these rights into their national Constitution or provided the legislative and administrative frameworks to ensure that these rights are realized in practice. For education to be a meaningful right it must be available, accessible, acceptable and adaptable.

In the latest survey by the National Sample Survey Office (NSSO) in June 2008, the literacy rate among the population with age 7 and above was 72% whereas the adult population (age 15 and above) had a literacy rate of 66%. Although this was greater than fivefold improvement, the level is well below the world average literacy rate of 84% and India currently has the largest illiterate population of any nation on earth.

The State Government has constituted separate Directorate for Elementary Education (Class I to Class VIII). There are 118 educational blocks functioning in the State of Himachal Pradesh. In which district Mandi has 20 educational blocks. Out of which five educational blocks selected for the present study namely, Drang-1, Drang-2, Chauntra-1, Chauntra-2 and Sadar Mandi-1.

2. RESEARCH METHODOLOGY :

The methodology adopted in present study keeping in view the research problem and research questions will be essentially empirical and warrants use of primary and secondary data. The primary data will be obtained by distributing questionnaire to respondent and also through interview scheduled and observation method.

In addition to the above the secondary sources includes the books published by different authors, research paper and articles, editorials and journal, commentaries published in various magazine, journals and newspapers and website/Internet. The research card method will be used to collect the data.

RIGHT TO EDUCATION ACT 2009

The Constitution was amended to make education a Fundamental Right, the Central Government has implemented the Right of Children to Free and Compulsory Education Act, 2009. The Act promises to empower children through mandatory education till class VIII. The law aims to bring 8.1 million school children of the total 193 million children in six and 14 age group in the ambit of quality school education. In short, the Government can be sued for not providing free education.

The Right of Children to Free and Compulsory Education Act, 2009 has 38 Sections and 1 Schedule. It divided in to VII Chapters. This law makes it mandatory for school to have one trained teacher for minimum of thirty students, a provision aimed at improving quality of school education. The main aims and objectives of the Act are to provide free and compulsory education to all the children of the six to fourteen years.

3. DATA ANALYSIS :

School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children and teachers will be constituted. One positive aspect of the School Management Committee is in every school 75% of the committee shall comprise of the parents/guardians of children admitted to the school, moreover proportionate representation shall be given to the parents or guardians of children belonging to disadvantaged group and weaker section. Other than that, 50% members should be women. The committee is required to monitor the working of the school as well as the utilization of funds and to prepare a school development plan. The distribution of data related to School Management Committee and its functions is shown in Table 1.1 is as under:

Table 1.1
Percentages of Responses of Teachers about SMCs and its functions

Sr. No.	Items	Response	
		Yes	No
1	Binding upon the School to have School Management Committee	290 (96.7)	10 (3.3)
2	75% representation in SMCs to parents	280 (93.3)	20 (6.7)
3	Preparation of School Development Plans by School Management Committee	286 (95.3)	14 (4.7)
4	Maintenance of records of grants given the Government or local authority	278 (92.7)	22 (7.3)

Table 1.1 shows that 96.7 percent teachers were of the opinion that it is binding upon the school to have School Management Committee under Right to Education Act while 3.3 percent were of the opinion that there is no binding to school have School Management Committees. Further, 93.3 percent of the teachers have expressed that 75 percent representation is to be given to parents in School Management Committees whereas 6.7 percent of the teachers were not aware with this provision under Right to Education Act. 95.3 percent of the teachers have expressed that the School Management Committees have prepared the school development plan whereas 4.7 percent of the teachers were not aware with this. 92.7 percent teachers pointed out that School Management Committees have been maintain the records of grant given by the Government or local authority while 7.3 percent teachers were not aware with this provision under Right to Education Act. From the above analysis, it may be said that:

- i) Majority of the teachers were aware that under Right to Education Act, it is binding upon the school to have School Management Committee.
- ii) Majority of the teachers were aware with this fact that 75% representation is to be given to parents in School Management Committee.
- iii) Majority of the teachers were aware that under Right to Education Act, preparation of School Development Plan is mandatory for School Management Committee.
- iv) Majority of the teachers were aware that under Right to Education Act, the records of grants given by Government and Local Authority are maintained by School Management Committee.

1.2 Opinion of Teachers about Qualifications for Appointment and Responsibilities of Teachers under Right to Education Act

The frequencies and percentages of the teachers regarding their awareness about the teacher's qualifications for appointment under Right to Education Act are presented in Table 1.2 is as under:

Table 1.2

Percentages of Responses about Qualifications for Appointment and Responsibilities of Teachers under Right to Education Act

Sr. No.	Items	Response	
		Yes	No
1	Appointments of teachers as per the requirements of Right to Education Act	193 (64.3)	107 (35.7)
2	Maintenance of regularity and punctually in attending the schools under Right to Education Act	77 (25.7)	223 (74.3)
3	Obligation upon the teachers to educate for all round development of the child	60 (20.0)	240 (80.0)
4	Additional supplement instructions to the academically poor child	75 (25.0)	225 (75.0)
5	The teachers have to hold regular meetings with parents	258 (86.0)	42 (14.0)
6	The disciplinary action against the teachers	273 (91.0)	27 (9.0)
7	Appropriate pupil teacher ratio is to be ascertained under Right to Education Act in schools	175 (58.3)	125 (41.7)
8	Teacher can deployed for any non-academic activity by the Government	168 (56.0)	132 (44.0)

Table 1.2 presents that 64.3 percent of the teachers were of the opinion that every teacher to be appointed as per requirement of the Right to Education Act whereas 35.7 percent of the teachers have opined that every teacher has not appointed as per requirement of the Right to Education Act. 25.7 percent of the teachers have expressed that it is not

binding upon the teachers to maintain regularity and punctuality in attending the school as per Right to Education. While 74.3 percent teachers pointed out that it is binding upon the teachers to maintain regularity and punctuality in attending the schools.

Further 20.0 percent of the teachers have expressed that there is no obligation upon the teachers to educate for all round development of the child whereas 80.0 percent teachers were of the view that there is obligation upon the teachers to educate all round development of the child under Right to Education Act. 25.0 percent of the teacher of the total population were of the opinion that there is no obligation upon the teachers to give additional supplement instructions to the academically poor child whereas 75.0 percent teachers were of the opinion that additional supplement instructions to academically poor child is obligatory under Right to Education Act. Further 86.0 percent of the teachers have expressed that it is binding upon the teachers have to hold regular meetings with parents and guardians regarding the progress of their child/ ward whereas 14.0 percent were not aware this provision under Right to Education Act.

Further it is evident from the above table that 91.0 percent teachers have expressed that disciplinary action can be taken against them under Right to Education Act whereas 9.0 percent of the teachers were not aware with this provision under Right to Education Act.

Further, 58.3 percent of the teachers have expressed that under Right to Education Act appropriate pupil teacher's ratio is ascertained in the schools while 41.7 percent teachers were of the opinion that the appropriate pupil teacher's ratio is not ascertained in the schools. 44.0 percent of the teachers of the total sample were of the opinion that under Right to Education Act the Government cannot deployed the teachers for any non-academicals activities while 56.0 percent of the teachers have expressed that teachers can be deployed for non-academicals activities by the Government. From the above analysis, it may be inferred that:

- i) Majority of the teacher were aware that every teacher should be appointed as per the requirements of Right to Education Act.
- ii) Majority of the teachers were aware that under Right to Education Act there is binding upon the teachers to maintain regularity and punctuality in attending in the schools.
- iii) Majority of the teachers were aware that under Right to Education Act there is obligation upon the teachers to educate for all round development of the child.
- iv) Majority of the teachers were aware that under Right to Education Act there is obligation upon the teachers to give additional supplement instructions to the academically poor child.
- v) Majority of the teachers were aware that under Right to Education Act it is obligation upon the teachers to hold regular meetings with the parents and guardians regarding the progress of their child/ward.
- vi) Majority of the teachers were aware that under Right to Education Act the disciplinary action can be taken against the teachers in case of the information is not given to parents.
- vii) About half of the teachers were aware that as per Right to Education Act appropriate pupil teacher ratio is to be ascertained in schools.
- viii) A small group of the teachers were aware with the fact that under Right to Education Act the teacher cannot be deployed for any non-academic activity by the Government

1.3 National Commission for Protection of Child Rights and performance of its functions under Right to Education Act and effectiveness of Right to Education Act 2009

The National Commission for Protection of Child Rights together with commissions to be set up by the State will Act as autonomous agencies to examine and review the safe guard for rights provided under the Right to Education Act and also recommend measures for its proper implementation. The frequencies and percentages of the teachers regarding their awareness about the National Commission for Protection of Child Rights and effectiveness of Right to Education Act are given in Table 1.3 is as under:

Table 1.3

Responses of Teachers regarding protection of child rights and effectiveness of Right to Education Act 2009

Sr. No	Items	Response	
		Yes	No
1	NCPCR	235 (78.3)	65 (21.7)
2	Guidelines for banning corporal punishment in schools by NCPCR	242 (80.7)	58 (19.3)
3	Grievances related to child rights under Right to Education Act	288 (96.0)	12 (4.0)
4	Effectiveness of Right to Education Act 2009	233 (77.7)	67 (22.3)

It is pertinent from the analysis of Table 1.3 that 78.3 percent of the teachers were aware about National Commission for Protection of Child Rights whereas 21.7 percent of the teachers were not aware with this.

80.0 percent of the teachers have opined that the National Commission for Protection of Child Rights has given guidelines for banning corporal punishment in the schools whereas 19.3 percent of the teachers were not aware with this provision under Right to Education Act. Further 96.0 percent of the teachers were of the opinion that grievances related to child can be reported to the designated authorities whereas 4.0 percent of the teachers were not aware this provision under Right to Education Act. On the other hand, 77.7 percent of the teachers were of the opinion that Right to Education Act is effective to educate all children up to the age of fourteen whereas 22.3 percent teachers responded in negative. From the above discussion, it may be inferred that:

- i) Majority of the teachers were aware that there is a National Commission for Protection of Child Rights.
- ii) Majority of the teachers were aware with this fact that National Commission for Protection of Child Rights has given guidelines for banning corporal punishment in schools.
- iii) Majority of the teachers were aware that any grievances related to child rights under Right to Education Act can be reported to designated authority.
- iv) Majority of the teachers were aware that Right to Education Act 2009 is effective to provide free and compulsory education to all children up to the age of fourteen years.

4. Conclusion of the Survey :

In the light of the analysis and interpretation of data, there are some major findings of the study with respect to the implementation aspects of Right to Education Act 2009 in Mandi District of Himachal Pradesh. It is worthwhile to mention here that before Right to Education Act came into existence no serious efforts were taken in providing legal status to Right to Education.

Besides this, in order to enforce the Right to Education as a Fundamental Right in its true legal sense the Parliament enacted the law called, Right of the Children to Free and Compulsory Education Act, 2009. It ensured the elementary education with essential norms and standards for the children from the age group of 6 to 14 years.

Since then, a lot of efforts have been made for the implementation of this legislation. The study revealed that in Mandi District of Himachal Pradesh, the appointments of teachers in elementary schools have not made as per the requirements of Right to Education Act 2009.

From the survey of elementary schools' majority of the teachers reported that every school had School Management Committee. Further they were aware that 75 percent representation is to be given to parents in School

Management Committees was made mandatory as per the provisions of Right to Education Act, 2009. Further, respondents were also aware about the obligation upon the parents and teachers to prepare the schools development plan and maintain the records of grants given by the State Governments and local authorities under the provisions of Right to Education Act, 2009. During survey the investigator found that formation of School Management Committee was only on paper, practically the school teachers were performing all the functions of School Management Committees.

So far as awareness of National Commission for Protection of Child Rights is concerned majority of the teachers were aware about the guidelines given by the National Commission for Protection of Child Rights specially regarding corporal punishment in schools. The teachers and parents expressed the view that the Right to Education Act 2009 is an effective legislation to educate, all children up to the age of 14 years. In the light of analysis and interpretation of data, it can be concluded that provisions of Right to Education Act 2009 have not been properly implemented in the Government schools and hence, it is denying the society for the benefits of this legislation.

NOTES & REFERENCES:

1. UDHR, Art 26 reads: “(1) Everyone has the rights to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basic merit. (2) Education shall be directed to the full development of the human personality and to the strengthening only of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.”
2. ICESCR, Art. 13 recognizes the right of everyone to education. This is to be directed towards “the full development of the human personality and the sense of its dignity”, and enable all persons to participate effectively in society. Education is seen both as a human right and as “an indispensable means of realizing other human rights”, and so this is one of the longest and most important Articles of the Covenant.
3. “The Right of Children to Free and Compulsory Education”, http://wikipedia.org/wiki/visited_on_10th_June_2010
4. The World Conference on Education for All, assembled in Jomtien, Thailand, from 5 to 9 March 1990.
5. See http://en.wikipedia.org/wiki/literacy_in_India visited on 1st January 2010.
6. Chadah, Sapna, “Operationalising Right to Education Act: Issues and Challenges,” *Indian Journal of Public Administration*, Vol., LVI, No 3, July- September 2010. p. 621.
7. Singh, Jai S., “Expanding Horizons of Human Right to Education: Perspective of Indian and International Vision,” *JILL*, Vol, 52:1 2010, p. 53
8. The Act received the assent of the president on August 26, 2009. It was published in the Gazette of India on August 27, 2009. It came in to force on April 1, 2010