

A Study of Implementation Aspects of Right to Education Act 2009 in Mandi District of Himachal Pradesh

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Abstract: *These days, educational backwardness has become a major problem in every society. In spite of enshrining free and compulsory education in the Article 21-A of the Indian Constitution, the educational backwardness of India even after 60 years of Independence is quite glaring. The Government has also enacted legislation to providing free and compulsory education. The proper implementation of the Act requires a systematic revamp of the entire content and process of education. The study based on a survey of field level investigations. The researcher thinks it proper to undertake a study on this subject. It will definitely contribute to device the ways to find out a solution of this problem. However there is a need to undertake micro level studies to generate dependable knowledge on the implementation of the Right to Education.*

Key Words: *Education, Awareness, Implementation, Infrastructure.*

1. Persual of Problem:

India as the world's largest democracy strictly adhered to socio-economic welfare of the people as the prime task of law makers of India. Everyone has the right to education. Education for all, health for all and food security are three essential needs of people of country. Illiteracy is one of the major problem faced by the developing world specially Africa and South-East Asia and has been identified as major cause of socio-economic and ethnic conflicts. In India where the majority of people live in rural areas without adequate access to educational opportunities. Mere having a legislation providing for right to education is not sufficient; its effective and efficient implementation is more important and necessary. Even as the education system in India seek to reach out to every child by widening access and providing school infrastructure and teachers, the issue of quality presents a daunting challenge. Under the Right to Education Act the Governments both Central Government and State Government have primary responsibility to implement the law by providing schools, trained teacher, developing the curriculum, monitoring the standards, elimination and promoting equal opportunity of access. Other stake holders such as local authorities, parents, communities and civil society organizations also have key role to play in proper implementation of the Act. However, some of the challenges posed before the Government are inadequate resources, lack of capacities to implement policies, low level of information, awareness and training which are making implementation of the law, difficult.

2. Limitations of the Study:

The present study was limited in the terms of following:

- The study was limited to only Five Educational Blocks of District Mandi of Himachal Pradesh.
- The study was confined to Government Elementary Schools only.

2.1 Sample

In the present study, sampling exercise was undertaken to select teachers. Under this exercise 300 teachers were included in the sample randomly from five educational blocks. In all 300 teachers working in the schools imparting elementary education from five educational blocks of District Mandi of State of Himachal Pradesh were included in the sample.

3. 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. The primary data will be obtained by distributing questionnaire to respondent and also through interview scheduled and observation method. While collecting primary data the researcher will prefer to personally interview. The interview will help to collect more information. However, some respondents may either evade answering or give wrong information. Therefore, the researcher will also utilize observational method; the most widely and extensively used elementary technique to gather information or data.

Present Status of Elementary Education in Himachal Pradesh

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.

So far as the universalization of elementary education is concerned, the 7th Educational Survey conducted by NCERT during the year 2002, it was found that there are 35844 habitations in Himachal Pradesh and around 25 percent of these habitations were having Primary Upper Primary facilities beyond three Kms as the average habitation population is around 150 only and it is not financially viable to provide the schooling facilities within national norms of the distance. The national norms of distance and population size are indicative in nature as the States have their own norms in view of the hilly areas, bordering districts, difficult areas and SC and ST dominant areas.¹

In order to achieve the target of 100% enrolment of children in the age group of 6-14 years, the Department of Elementary Education has made tremendous progress in expanding the schooling facilities, which has brought down the drop-out rate significantly. Access to schooling has substantially been achieved by opening Primary Schools within a walk able distance of 1.5 Kms from neighborhood. At present, there are 10886 notified Primary Schools in the State, whereas the number of primary schools in the year 1948 was only 261. In addition to these, 127 NRST (Non Residential Special Training) centers under SSA/Elementary Education have also been opened in which 2752 out of school children have been enrolled and getting education. The enrolment in Government Primary Schools has also increased manifold from a meager 8697 in 1948 to 610098 (Govt. + Others) as per DISE data 2012-13. Accordingly, the number of posts of teachers i.e. BT/ HT/ CHT, TGT and C&V has also increased from a meager 278 in the year 1948 to 58160 in year 2013. There are 2357 Notified Govt. Middle Schools in the State, out of these 2349 Govt. Middle Schools are functional and remaining 08 Schools are Non-functional. There is a enrolment of 380699 in classes Ist to Vth and 262778 in classes VI-VIII. In addition to this 2458 Primary Schools Units with enrolment of 229399 and 1840 Middle Schools/Units with enrolment of 112022 being maintained by the others (Private Schools/ Central Schools/Navodaya Vidayalya/Local Bodies etc.) are also functioning in the State.²

4. Analysis and Interpretation of Data Pertaining to Teachers :

The present chapter is devoted to the analysis and interpretation of data. Analysis of data means studying the organized material in order to discover the inherent facts. The purpose of analyzing data is to bring out information useful for decision making. The analysis and interpretation of collected data for the study is important to draw out significant conclusions as it involves breaking down existing complex factors into simple parts and putting the parts together in new arrangements for the purpose of interpretations.

The present investigation was aimed at studying the implementation aspects of the Right to Education Act 2009 in Mandi District of Himachal Pradesh. The related information was collected through different interview schedules for teachers and parents of all five educational Blocks. The information was tabulated in the form of frequencies which were converted into percentages and data were analyzed and interpreted item wise. Firstly, the details of analysis and interpretation of data pertaining to teachers are presented as follows:

4.1 Analysis of the Responses of the Teachers of the Five Educational Blocks about Strength of Students in Schools

The requisite information regarding the strength of students in the schools of all five educational Blocks as provided by the teachers is as under:

Table 1 Strengths of the students in the schools of selected blocks

No. of Students	Frequency	Percent
1-50	18	6.0
51-100	66	22.0
101-200	59	19.7
201-400	47	15.7
Above 400	110	36.6
Total	300	100.00

¹ Analytical Report 2008, Directorate of Elementary Education, Government of Himachal Pradesh, p 63.

² Directorate of Elementary Education, Himachal Pradesh, Shimla, Status Note as on 30.11.2013.

From the Table 1 it can be observed that 6.0, 22.0, 19.7, 15.7 and 36.6 percent of the teachers opined that the strength of children's in their schools was 1-50, 51-100, 101-200, 201-400 and above 400 respectively.

From the above it may be said that the strength of the children's was more than 400 in the schools as per the views of the about one-third of the teachers and less than this in remaining schools.

4.2. Mode of Appointment of selected teachers in the schools of selected blocks

The mode of appointment of teachers working in the schools of selected schools is given in Table 2 is as follows:

Table 2
Mode of Appointment of Teachers working in selected schools

Mode of appointment	Frequency	Percent
Regular	205	68.3
Contract / Vidya Upasak / Gram Vidya Upasak / PET / PTA / IT / Computer	73	24.3
Part time teacher	5	1.7
Any other (SMCs)	17	5.7
Total	300	100.00

It is clear from Table 2 that 68.3 percent teachers were appointed on regular basis whereas 24.3 percent were appointed as contract/Vidya Upasak/Gram Vidya Upasak/PET/PTA/IT/Computer teachers. Furthermore, 1.7 percent teachers were appointed as part time teachers whereas 5.7 percent teachers were appointed in any other manner (i.e. through SMCs). From this it may be said that majority of teachers appointed in the schools were on regular basis but a small number of them were also appointed as contract / Vidya Upasak / Gram Vidya Upasak / PET / PTA / IT / Computer or part time teachers or appointed through School Management Committee.

4.3. Selection Criteria

The data related to the information regarding selection of teachers is shown in Table 3 is as under:

Table 3
Responses of the Teachers on Selection Criteria

Selection Criteria	Frequency	Percent
H.P. Subordinate Selection Service Board, Hamirpur	181	60.3
Through the Department of Education	88	29.3
Any other Mode	31	10.3
Total	300	100.0

As far as the selection criteria of teacher are concerned it is clear from the above table that 60.3 percent of them were selected by the H.P. Subordinate Selection Service Board, Hamirpur. The percentage of those who were selected by the Department of Education directly was 29.3 percent whereas percentage of those selected by any other mode (i.e. through SMCs) is 10.3 percent. From the above discussion, it may be inferred that:

- i) Majority of the teachers were selected by H.P. Subordinate Selection Service Board, Hamirpur.
- ii) The number of those selected directly by Department of Education and selection by any other mode was low.

4.4. Awareness about Right to Education Act 2009

The data related to information regarding awareness of teachers about Right to Education Act is shown in Table 4 is as follows:

Table 4
Responses of Teachers on Awareness about Right to Education Act

Response	Frequency	Percent
Yes	300	100
No	0	0
Total	300	100.0

It is evident from the analysis of the above Table 4 that hundred percent teachers were aware about Right to Education Act. From the above it can be said that Hundred percent of the teachers were aware about Right to Education Act.

4.5. Sources of Awareness about Right to Education Act

The data pertaining to sources of awareness about Right to Education Act are tabulated in Table 5 is as follows:

Table 5
Responses of Teachers about source of Awareness

Source	Frequency	Percent
Newspaper	121	40.3
Television	9	3.0
Radio	1	0.3
Colleagues	10	3.3
All the above (including SSA)	159	53.0
Total	300	100.0

It is evident from the analysis of Table 5 that 53.0 percent teachers opined that all sources i.e. newspaper, television, radio, colleagues and SSA were the major sources of their awareness. 40.3 percent teacher told that they came to know about Right to Education from newspaper. Awareness through colleagues was 3.3 percent, through television 3.0 per cent and 0.3 per cent through radio.

Thus it can be said that Majority of teachers were aware about Right to Education Act through newspaper, television, radio, colleagues and including SSA are the major source of their awareness.

4.6. Level of age for providing free and compulsory education

The frequency and percentages of responses of the teachers about the age level for providing free and compulsory education under Right to Education Act are given in Table 6 is as under:

Table 6
Responses of Teachers about Age Level for Free and Compulsory Education under Right to Education Act

Age Group	Frequency	Percent
6 to 11	7	2.3
6 to 12	6	2.0
6 to 14	273	91.0
6 to 15	13	4.3
Don't know	1	0.3
Total	300	100.0

In the Table 6, 2.3, 2.0, 91.0 and 4.3 percent of the teachers were of the view that the age specified for providing free and compulsory education under Right to Education Act is 6-11,6-12,6-14 and 6-15 respectively whereas 0.3 percent were not aware about the specified age.

From the above, it may be interpreted that Majority of the teachers are aware about the age specified for providing free and compulsory education under Right to Education Act.

4.7. Opinion of teacher about duties of appropriate Government and local authority for free and compulsory education

The opinions of the teachers about the duties of appropriate Government and local authority for free and compulsory education are presented in Table 7 is as under:

Table 7
Percentages of Responses of Teachers about Duties of Government and Local Authority

Sr. No.	Items	Response	
		Yes	No
1	Special provisions for non enrolled children	274 (91.3)	26 (8.7)

2	Provisions for the children who cannot complete elementary education	279 (93.0)	21 (7.0)
3	Seeking transfer to another school in case of no provision for completion of elementary education	230 (76.7)	70 (23.3)
4	Establishment of primary schools within a distance of 1.5 kms. and upper primary within 3 kms. by the Government	280 (93.3)	20 (6.7)

Table 7 shows that 91.3 percent teachers were of the opinion that Right to Education Act makes it mandatory for the schools to make special provisions for the admission of the students in the age specific class whereas 8.7 percent were not aware with this provision under Right to Education Act. 93.0 percent teacher were aware that under Right to Education Act the students who could not complete their elementary education to be at par with other and shall be provided special training in such a manner and time limit prescribed whereas 7.0 percent were not aware with this. 7 percent teachers of the total sample were of the opinion that in case of non completion of elementary education by a student he/she seek transfer to any other school can in case of provisions for completion of elementary education whereas 23.3 percent were not aware with this provision under Right to Education Act. Further 93.3 percent teachers have expressed that the Government has to establish primary school within a walkable distance of 1.5 kms. and upper primary within distance of 3 kms. from the habitation of the students whereas 6.7 percent were not aware with this provision under Right to Education Act.

From the above it may be said that majority of the teachers were aware that under Right to Education Act:

- i) It is mandatory for the school to admit students in age specific classes.
- ii) The students who are admitted directly in age specific classes to be at par with other shall be provided special training in such a manner and time limit prescribed.
- iii) The students can seek transfer to another school in case of no provision for completion of elementary education in school.
- iv) The Government has to provide elementary school within a walkable distance of 1.5 kms. and upper primary within 3 kms.

4.8. The financial responsibilities of Centre and State Government

The frequency and percentages of the responses of the teachers about the financial responsibilities of the Governments are given in Table 8 is as follows:

Table 8
Percentages of Responses of the Teachers in respect of the financial responsibilities under Right to Education Act

Sr. No.	Items	Response	
		Yes	No
1	Centre and State Governments	233 (77.7)	67 (22.3)
2	Centre and State Governments share is 50:50	125 (41.7)	175 (58.3)

Table 8 shows that 77.7 percent of the teachers have opined that the financial responsibilities of elementary education lie with the Centre and State Governments whereas 22.3 percent teachers were not aware with the Centre and State Government share for elementary education under Right to Education Act.

Further, 41.7 percent teachers were of the opinion that the share of centre and State Government is 50:50 whereas 58.2 percent responded in negative. From the above, it can be said that:

- i) Majority of the teachers were aware that the financial responsibilities for elementary education under Right to Education Act lie with Centre and State Governments.
- ii) About half of the teachers are not aware with the Centre and State Government share for elementary education under Right to Education Act.

4.9. Twenty five percent of Admission from weaker sections/ disadvantaged groups in Private Schools

The frequencies and percentages of the teachers regarding their awareness about the twenty five percent admission from weaker sections/disadvantage groups in each school under Right to Education Act are given in Table 9 is as follows:

Table 9
Percentages of Responses of the Teacher in respect of 25 percent admission from weaker sections/disadvantaged groups

Response	Frequency	Percent
Yes	241	80.3
No	59	19.7
Total	300	100.0

Table 9 indicates that 80.3 percent teacher were of the opinion that every school/institution will have to admit 25 percent students from weaker section/disadvantage groups whereas 19.7 percent of the teachers were not aware within this.

From this, it may be said that majority of teachers are aware with the fact that twenty five percent of the admission in private school is to be made from the students of weaker section/ disadvantaged groups.

4.10. Infrastructure and teaching staff in the schools

The frequencies and percentages of the teachers regarding their awareness about the availability of infrastructure and teaching staff under Right to Education Act are given in Table 10 is as under:

Table 10
Percentages of Responses of Teachers in respect of Infrastructure and Teaching Staff

Sr. No.	Items	Response	
		Yes	No
1	Provision of adequate infrastructure in the schools	277 (92.3)	23 (7.7)
2	Adequate teaching staff	266 (88.7)	34 (11.3)
3	Not mandatory to fill up all teaching posts in schools	140 (46.7)	160 (53.3)
4	Provision for teaching learning material in schools	281 (93.7)	19 (6.3)

Table 10 shows that 92.3 percent teachers were of the aware that the Government has to provide adequate infrastructure in the schools whereas 7.7 percent were not aware within this. 88.7 percent of teachers have expressed that all the school must have adequate teaching staff whereas 11.3 percent of the teachers were not aware within this provision under Right to Education Act. In addition to above 46.7 percent teacher were of the opinion that it is not mandatory to fill up all teaching posts in the schools whereas 53.3 percent were of the opinion that it is mandatory to fill up all teaching post in the schools. Furthermore 93.7 percent of the teachers expressed that the Government have to provide adequate teaching learning material in the schools whereas 6.3 percent teachers were not aware within this provision under Right to Education Act.

From the above analysis it may be said that majority of teachers are aware that under Right to Education Act, Government will have to provide adequate infrastructure in the schools, adequate teaching staff, no post vacant of teachers and adequate teaching learning material in the schools.

5. 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.

Article 21 of the Constitution guarantees right to life, that include Right to Education. Recognising 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. 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. The study also concludes that the teachers appointed in elementary school were also on Contract basis / Vidya Upasak / Gram Vidya Upasak / PET / PTA / IT / Computer or part-time teachers. But under Right to Education Act only regular appointment have to made. Therefore, the study revealed that the Right to Education Act, 2009 is violated by the State Government.

The study further revealed that elementary schools are deficient of regular teaching staff to some extent, which is a big hindrance in the smooth functioning of elementary schools. The study also revealed that maximum teachers were selected through Himachal Pradesh Subordinate Selection Service Board, Hamirpur and a few of them were selected directly by Department of Education.

It was further revealed from the investigation that hundred percent of the teachers were aware of the Right to Education Act 2009. Therefore, the awareness level was satisfactory. The newspapers, television, radio, colleagues and SSA were the major source of their awareness about Right to Education Act 2009. The majority of teachers were aware about level of age being 6 to 14 years for compulsory education.

The awareness of parents about Right to Education Act 2009 was satisfactory. The school teachers were the major source of their awareness, so far as the age level for providing free and compulsory education was concerned. But during the investigation it is found that some parents of children were not aware about the level of age for free and compulsory education.

It was further revealed from the investigation that majority of the teachers were aware of the fact that it was mandatory for the schools to admit students in age specified classes. They were also aware of the fact that the students who are admitted directly in age specific classes were to be at par with other and these children shall be provided special training in such a manner and time limit prescribed under Right to Education Act. So far as training aspect was concerned, no efforts seem to be made. Children were certainly admitted to their respective classes on the basis of their age as per the requirements of Right to Education Act 2009. It was also found that such students were difficult to handle by the working teachers.

On having to provide elementary schools within a walkable distance of 1.5 kms and upper primary within 3 kms, the provisions were complied with, as per to the requirement of Right to Education Act 2009, mostly. The study also revealed that the private schools were aware of the provisions of Right to Education Act 2009. So far as, 25 percent reservation was concerned they were not sure about the guidelines in this regard. The management of private schools was flouting rules with impunity. Similarly these guidelines were not in notice of the owners and principals of the private schools. During visit to each school, the investigator found that every school has its own separate building. It was also found that each school was having sufficient numbers of rooms to accommodate students and hold classes properly. As far as infrastructure requirements, as per Right to Education Act 2009 is concerned, it was found that existing elementary schools were not established as per the provisions of the Right to Education Act. It was also found that some of schools were lacking of drinking water facilities, lack of functional common toilets and an equal number do not have separate toilets for girls.