

# Revisiting a Decade of Right to Education Act 2009: Is Quality Education a Reality?

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## Abstract

*The Right of Child to Free and Compulsory Education Act (RTE) was enacted by Indian parliament in 2009 and came into effect on April 1<sup>st</sup>, 2010. The Act is considered to be the realisation of a decade long demand for universal education in the country. It aims to ensure quantitative aspect as well as qualitative aspects like enrolment, school facility and standard education to improve elementary education in India. This paper tried to evaluate progress of selected aspects of the RTE Act after a decade of its implementation, using Unified District Information System for Education (U-DISE) and Annual Status of Education Report (ASER) data. It is found that there is remarkable progress with respect to Gross Enrolment Rate (GER), Net Enrolment Rate (NER), Pupil-Teacher Ratio (PTR), Annual drop-out rate, Retention rate, Gender Parity Index (GPI), and school facilities. It is suggested however, improvement be made in public expenditure on education and school facilities to realise quality universal education.*

**Keyword:** Compulsory Education, Right to Education Act, Quality Education, School Facilities

## 1. Introduction

Economic and social transformation of a nation depends on the human capital investment decision made by a country through government policies. Economists such as Amartya Sen and T.W. Schultz considered education as a tool that enlarges the 'range of choices' of people. The positive externality of education has been widely acknowledged which includes improvement of labour productivity, health, income distribution, family structure, technological adaptation and reduction of poverty. Equitable distribution of education along with a competitive and large market that absorbs the educated and skilled labour force is considered to be an engine of economic development. The experience of East-Asian Tigers reveals how human capital investment can lead to economic growth and development (Lee, J.-W. 1996; Godo, Y. 2006; Permani, R. 2009). The underutilisation of available human resources of a nation through unequal distribution of education, results in large social welfare loss (Thomas, Wang, & Fan, 2001). This led to a demand for a compulsory education programme.

"The remarkable neglect of elementary education in India is all the more striking given the widespread recognition, in the contemporary world, of the importance of basic education for economic development" (Dre'ze & Sen, 2002). District Primary Education Programme (1994), National Programme of Nutritional Support to Primary Education (1995) or Mid-Day-Meal programme, Sarva Shiksha Abhiyan (2001-02), and Right of Children to Free and Compulsory Education Act (2009) are the major initiatives made by government of India for improving education system. These programmes targeted different issues of education system, for example, DPEP programme aimed at improving the enrolment or universalisation of education while SSA included a quality component to the education system. In 2009, the RTE Act was introduced, which makes elementary education a fundamental right and thus reduce educational inequality and increase the educational quality in India.

The RTE Act 2009 has made free elementary education a fundamental right of every citizen in India. The Act provided certain guidelines to be followed in order to improve the access and quality of elementary education. This include easing admission to school, improving school facilities, providing qualified teachers, improving pupil-teacher ratio, and promoting community participation in school management. This study looks into the impact of RTE Act on elementary education in India using the data available from Unified District Information System (U-DISE) and Annual Statistics of Education Report (Rural) (ASER).

## 2. Review of Literatures

The synergy of human capital along with right economic environment is the driving force of economic growth (Becker, 1998). Drawing examples from the fast-growing economies of Asian Tigers, the author points out the role of human capital especially education, which played a significant role in their growth. The demand for more educated and better trained exists in the market as technology progresses. A greater educational inequality is always accompanied by greater income inequality in countries. On the contrary, a heavy investment in education did not result in an equitable economic growth of Southeast Asia in 1960's (Booth, 1999). It is argued that the educational development of Taiwan and South Korea are different from other High Performing Asian Economies (HPAE's) such as Singapore, Malaysia, Thailand and Vietnam.

Nirmala Rao, Kai-Ming Cheng and Kirti Narain (2003) claim that the socio-contextual factors contribute a significant part in the effectiveness of state education policy and school enrolment ratios. Comparing the experience of China and India, they point out that a policy level failure happened in India as she focused on higher education in the initial phase after independence while china focused on elementary education. Using data from ASER, National Family Health Survey phase 1 and 2, Census 1991 and 2001, World Bank (secondary education in India: investing in the future), MHRD 2003 (selected educational statistics), and NSSO, Kingdon (2007) states that the quality of primary and secondary education in India is sub-standard and poor. The desirable impact of different schemes such as SSA<sup>1</sup>, MDM scheme, DPEP<sup>2</sup> and Para-Teacher Scheme on children's school attendance and learning outcomes were not achieved due to a lack of proper evaluation method (Kingdon, 2007).

Another study by Dreze and Kingdon, (1999) using data available from Public Research On Basic Education (PROBE) in 1999 which was conducted in 122 randomly selected villages of Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh, found that a female child in school with mid-day-meal facility has 30 percent point higher chance of completing primary education and the grade attainment of the students greatly depends on school quality variables which include child-teacher ratio, infrastructure, and teacher attendance. It was found that teacher absenteeism and high Pupil Teacher Ratio (PTR) were prevalent in schools.

Focusing on the direct cost of schooling and using NNSO 52<sup>nd</sup> round, Chandrasekhar and Mukhopadhyay (2006) found that free primary education cannot ensure 100 percent attendance. The study also found that a child from poorest household has 10-12 percentage point lower probability of going to school compared to the richest household due to the difference in opportunity cost of schooling, gender, and parental motivation. The direct cost of schooling and low quality of school facilities along with poverty and inadequate parental motivation act as a hindrance for school deprivation (Bhatty, 1998).

The RTE norms are not seriously implemented in the tribal areas of Orissa (Pradhan, 2015). The issues include inadequate infrastructure facility, teacher workload, lack of regular teacher training and orientation facilities, and lack of a mechanism for evaluating teacher performance.

## 3. History of Compulsory Education

The developed economies of the world enacted compulsory education laws way back before Geneva Declaration on the Rights of the Child in 1924. Education was made compulsory in Germany (Prussia) by 1717 but even before this, German territory named Palatinate-Zweirucken introduced compulsory education in 1592. Other European countries that enacted compulsory education law at an early period are Norway (in 1739), Italy (in 1859), Great Britain (in 1870 for England and Wales, in 1872 for Scotland), France (in 1882), and Russia (in 1918). Millions of orphan children left by the First World War led to adoption of Geneva Declaration on Right of Child in 1924 by League of Nations. later in 1948, the United Nations considered Education of Child as a right leading to Universal Declaration of Human Rights (UDHR) of 10<sup>th</sup> December 1948 which proposed free and compulsory elementary education for children. Later, UN General Assembly unanimously adopted the Convention on the Rights of the Child in November 1989 which is a legally bound document that enforces the signatories to recognise the Right of Child to Education and to make primary education free and compulsory.

<sup>1</sup> SarvaShikshaAbhiyan (SSA), a centre-state partnership programme, was launched on January 2001 with a goal of achieving Universal Elementary Education (UEE) along with useful and relevant elementary education for all children of age group of 6-14 within a time period of 2010.

<sup>2</sup> District Primary Education Programme (DPEP) is a centrally sponsored programme launched in 1994 to revitalise primary education in India and thus achieve Universalisation of Elementary Education.

It was Mahatma Jyotirao Phule, in his memorial addressed to the Education Commission, 1882, demanded compulsory education for the poor and lower caste people of India. He was the first one to recommend free and compulsory education as well as for an increment in teacher's salary in India. The Post-Plan of Educational Development in India, 1944 known as Sargent Plan recommended free and compulsory education to all children of age group of 6-14 within 40 years. The Kher Committee, 1948 also followed this recommendation but reducing the time period to 16 years. Thus it became the base of Article 45 of the Directive Principles of State Policy. The National Policy on Education, 1968 declared the necessity of implementing Article 45 of Indian Constitution along with measures to improve teacher education. A significant step towards universal elementary education came with the 42<sup>nd</sup> amendment (1976) of the constitution that moved 'education' from the state list to the concurrent list. Thus education became the responsibility of centre as well as the state. The National Policy on Education, 1986 was another call for implementing free and compulsory education. The NPE, 1986 recognised that not only universal enrolment but also universal retention need to be considered. To achieve universal education, the NPE 1986 approved an alternative model of non-formal schooling system<sup>3</sup> to reach out the drop-outs, children in remote habitats. The year 2003-04 witnessed drafting and revision of The Free and Compulsory Education Bill, and the Right to Education Bill was passed in Lok Sabha and Rajya Sabha in 2009 and came into effect from 1<sup>st</sup> April 2010.

#### 4. Objective

- To examine the impact of RTE Act, 2009 on elementary schooling.

#### 5. Implementation level of RTE Act

##### 5.1 Public Expenditure on Education

Table 1 shows that the Centre government expenditure on elementary education has increased by 139% during 2009-10 and 2013-14. The public expenditure on elementary education has increased after 2009 by 107%. The Centre government expenditure on elementary education increased by 139% during 2009-10 to 2013-14 against 72% increment during the period 2005-06 to 2008-09. The expenditure on elementary education as the percentage of GDP also shows a positive trend with an increase from 1.64% in 2009-10 to 1.98% in 2013-14<sup>4</sup>. The State act as the major source of financing elementary education (education comes under state list) and contribute about 75% of the total expenditure. But unfortunately, the total expenditure on education stands at 3.40% of GDP in 2019-20 budget estimates (Government of India Budget Documents) which is shorter to the recommendation of Kothari Commission (6% of GDP).

Table 1: Public Expenditure on Elementary Education in India

Year	Expenditure (Rs. in Crore)			Expenditure as % of GDP		
	States/ UTs	Centre	Total	States/ UTs	Centre	Total
2005-06	40241.17	12481.20	52722.41	1.23	0.38	1.61
2006-07	47956.33	17758.20	65714.56	1.24	0.46	1.69
2007-08	53596.41	21302.50	74898.94	1.24	0.49	1.73
2008-09	64833.28	21942.80	86776.12	1.23	0.42	1.64
2009-10	78597.73	21484.10	100081.83	1.29	0.35	1.64
2010-11	92337.49	31213.32	123550.81	1.27	0.43	1.70

<sup>3</sup> School system which is flexible, learner-centred, contextualised and use participatory approach to educate drop-outs and other illiterates.

<sup>4</sup> <https://www.indiastat.com/showstat/ExportExcel>

2011-12	113170.83	35993.94	149164.77	1.35	0.43	1.78
2012-13	140145.92	44504.71	184650.63	1.49	0.47	1.97
2013-14	156165.65	51262.97	207428.63	1.49	0.49	1.98

Source: Ministry of Human Resource Development, Govt. of India. (ON295), (ON632) & (ON1106)

### 5.2 Enrolment in Elementary Schools

The enrolment rate in elementary schools has increased since the enactment of RTE Act, 2009. The Gross Enrolment Rate (GER) is 97.8 and Net Enrolment Rate (NER)<sup>5</sup> 90.4 in 2019-20 (DISE, 2019-20). The NER has shown a remarkable progress since 2010-11 period. The enrolment of girl students has also increased in subsequent years of RTE Act. The Gender Parity Index (GPI) has improved from 0.93 in 2008-09 to 1.02 by 2019-20.

Table 2: Gross Enrolment Rate, Net Enrolment Rate, and Gender Parity Index in Elementary School

Year	Gross Enrolment Rate			Net Enrolment Rate			Gender Parity Index <sup>6</sup>
	Boys	Girls	Total	Boys	Girls	Total	
2008-09	NA	NA	94.53	NA	NA	77.41	0.93
2009-10	NA	NA	95.72	NA	NA	78.29	0.94
2010-11	NA	NA	99.89	NA	NA	80.86	0.94
2011-12	NA	NA	NA	NA	NA	NA	0.95
2012-13	NA	NA	94.24	NA	NA	77.51	0.95
2013-14	NA	NA	95.35	NA	NA	79.14	0.94
2014-15	94.55	98.45	96.39	89.82	93.50	91.56	1.04*
2015-16	94.30	98.79	96.42	89.87	94.22	91.92	1.05*
2016-17	91.42	95.94	93.55	87.15	91.58	89.24	1.05*
2017-18	96.71	97.78	97.22	88.47	89.61	89.02	1.01*
2019-20	97.0	98.7	97.8	89.7	91.3	90.4	1.02*

Source: various U-DISE Flash Statistics, and U-DISE Reports, National Institute of Educational Planning and Administration

\*Provisional data

### 5.3 Drop-Out and Retention Rate

The Section 8(a) of the RTE Act made free elementary education as the fundamental right of every child in India. The Act aimed for reducing drop-out rate and increment in retention rate at elementary stages. Table 3 shows that the average annual dropout rate has declined since 2009-10. Though the RTE Act, 2009 was notified by the year 2010, most of the states took an additional year to implement the same. The average annual drop-out rate which was 25.1% in lower primary level and 42.7% in upper primary level during 2007-08 is reduced to 1.5% for LP and 2.6% for UP by 2019-20 (Table 3). The Retention

<sup>5</sup> Enrolment of the official age-group for a given level of education expressed as a percentage of the corresponding population.

<sup>6</sup> The Gender Parity Index based on Gross Enrolment Rate (GPI- based on GER), is the ratio of Gross Enrolment Rate of female students enrolled at Primary, Secondary and Tertiary levels of education to the corresponding ratio of male students at that level

Rate<sup>7</sup> which fluctuated between the region of 73 and 75 percent during the period 2005-06 and 2010-11 showed a positive trend and increased to 83.74% in 2014-15. This indicates that the more students are completing their primary education from the same school without dropping out or seeking transfer to another school. But in 2019-20, the retention rate came down to 74.6%.

Table 3: Average annual drop-out rate and Retention rate

Year	Average Annual Drop-Out Rate (in %)						Retention Rate (in %)
	Lower Primary			Upper Primary			
	Boys	Girls	Total	Boys	Girls	Total	
2006-07	9.63	9.08	9.36	NA	NA	NA	NA
2007-08	8.37	7.65	8.02	NA	NA	NA	74.9
2008-09	NA	NA	9.11	NA	NA	NA	74
2009-10	7.13	6.37	6.76	NA	NA	NA	73.4
2010-11	6.92	6.07	6.50	7.01	6.08	6.56	75
2011-12*	5.89	5.34	5.62	2.13	3.20	2.65	75.94**
2012-13*	4.68	4.66	4.67	2.3	4.01	3.13	80.07**
2013-14*	4.53	4.14	4.34	3.09	4.49	3.77	82.38**
2014-15*	4.36	3.88	4.13	3.49	4.6	4.03	83.74**
2016-17	6.40	6.30	6.35	4.97	6.42	5.67	NA
2019-20	1.7	1.2	1.5	2.2	3.0	2.6	74.6

Source: U-DISE

\*Figure are provisional

\*\*for primary level only

#### 5.4 Pupil-Teacher Ratio

The RTE Act has fixed the Pupil-Teacher Ratio (PTR) at 30:1 for LP school and 35:1 for UP schools<sup>8</sup>. By setting the PTR, the RTE Act aimed at improving the quality of education by providing more attention to each student at elementary stages and reducing the number of single teacher schools.

Table 4: Pupil-Teacher Ratio in Elementary School in India

Year	PTR		Schools meeting PTR Norms (%)
	LP	UP	
2005-06	46	34	NA
2006-07	44	34	NA
2007-08	47	35	NA
2008-09	45	34	NA
2009-10	41	33	NA
2010-11	43	33	38.9
2011-12	41	34	40.8
2012-13*	28	25	42.9

<sup>7</sup> Enrolment in Grade V (minus repeaters) in a year as a proportion to enrolment in Grade I four years back is termed as retention rate at the primary level (DISE, 2013-14).

<sup>8</sup> The Right of Children to Free and Compulsory Education Act, 2009, Schedule 1 (a) and (b).

2013-14*	25	17	45.3
2014-15*	24	17	49.3
2015-16	23	17	NA
2016-17	NA	NA	53.1
2018-19	NA	NA	57.8
2019-20	26.5	18.5	NA

Source: (i) For figure from 2005-06 to 2011-12: Ministry of Human Resource Development, Government of India (website: <http://mhrd.gov.in/statist>)

(ii) For figures from 2012-13 to 2014-15: National University of Educational Planning & Administration, New Delhi (website: <http://U-DISE.in/>)

(iii) Figures for schools meeting PTR norms: Annual Status of Educational Report (Rural) 2014, page 90.

The Table 4 shows that the PTR in lower primary school has declined substantially in India after 2011-12. Before making any conclusions based on a positive increment in PTR, the figures provided by the ASER reports needs to be taken into account. The report points out that in 2018-19, only 57.8% of the elementary schools in India has complied with the PTR fixed by the RTE Act. Though a positive increment in PTR is seen after 2010-11, 40% of elementary schools in India are yet to achieve preferred PTR. And moreover the RTE Act, 2009 insisted on school-wise PTR rather than State or Nation wise PTR, thus making PTR provided by MHRD inconclusive. At the same time, the RTE Forum report 2014-15 point out that while the teacher post sanctioned increased from 19.14 lakh in 2011-12 to 19.83 lakh in 2013-14, 5.68 lakh of this posts remained vacant.

### 5.5 Facilities in Elementary Schools

Schedule 2 and 6 of the RTE Act, 2009 states the facilities that needs to be available in every Elementary school. Failure in meeting these norms and standards by any schools was supposed to result in cancellation of school recognition (RTE Act, 2009, Section 19), without which they are ineligible to function. The Schedule 2 demands an all-weather building with separate toilet for boys and girls, safe and adequate drinking water facility, a kitchen for Mid-Day-Meal, a playground and boundary wall or fencing. Meanwhile, the Schedule 6 demands establishment of a library.

Table 5: Performance of schools on selected indicators of RTE Act

Year	Schools with facility of (in %) :						
	Drinking Water	Separate Girls Toilet (Usable)	Boundary Wall	Kitchen Shed for MDM	Playground	Library Books	Office/ Store/ office cum store
2010	72.7	32.9	51.0	82.1	62.0	62.6	74.1
2014	75.6	55.7	58.8	88.1	65.3	78.1	76.6
2016	74.0	61.9	60.3	89.7	64.5	75.4	77.4
2018	74.8	66.4	64.4	91.0	66.5	74.2	77.2

Source: Annual Status of Education Report (Rural) 2018

The facilities in elementary schools have improved over the years since the implementation of RTE Act. But, apart from setting up of kitchen for Mid-Day-Meal (MDM), remaining facilities required as per RTE act is yet to be realised at the fullest level. Out of the improved facilities, the availability of separate usable toilet for girls is noteworthy.

## 6. Conclusion

The Right of Child to Free and Compulsory Education Act, 2009 is considered to be one of the major step towards fulfilling the demand for universal education in India. The Act has made elementary education as the fundamental right of any child in India. The act was viewed to be having multi-facet benefits accruing from both qualitative as well as quantitative aspect of policy level. The Act, while focusing on the quantitative aspect through promoting enrolments of children to school, also ensures to provide quality education through better facilities and standard in school.

From the data sources, it is clear that the nominal expenditure on education as well as elementary education has increased after 2009-10. Though the public expenditure on elementary education as the proportion of GDP has improved over the years, a mere 3.4% budgetary expenditure on total education is still far away from the recommended level (that is, 6% of GDP). Meanwhile, the GER, NER, PTR, drop-out rate, retention rate, Gender Parity Index, and school facilities show a positive improvement after 2009 period. The improvement in enrolment rate, drop-out rate, and retention rate may be the outcome of Section 16 of the Act, which states that no child shall be held back in any class (*The Right of Children to Free and Compulsory Education Act, 2009*). There still exists room for improvement in school facilities as a considerable number of schools are yet to comply with RTE Act norms except setting up shed for Mid-Day-Meal facility.

National Commission for Protection of Child Rights (NCPCR) was established in 2005 as a statutory body free from MHRD to look at issues related to Child Rights and later at the implementation of the RTE Act. A State Commission of the same, SCPCR, exist in states to look after the matter related to Child Rights<sup>9</sup>. Various reports of Annual Statistics of Education Report (ASER) points out certain flaws in the implementation of RTE Act. The deadline of implementing all the norms of the Act (March 2013 as the Act says within three years) did not materialise (ASER 2013). Even the deadline for meeting the teacher eligibility standards which were to be achieved by 2015 could not be achieved. The Right to Free and Compulsory Education (Amendment) Act, 2017 extended the deadline to acquire minimum qualification of teachers for additional four years<sup>10</sup>.

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<sup>9</sup> By 2013-14, 21 states had constituted SCPCR or REPA (Status and Implementation of the Right of Child to Free and Compulsory Education Act, 2009: Year Five (2014-15), 2015)

<sup>10</sup> "Provided further that every teacher appointed or in position as on th31st March, 2015, who does not possess minimum qualifications as laid down under years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017.".

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